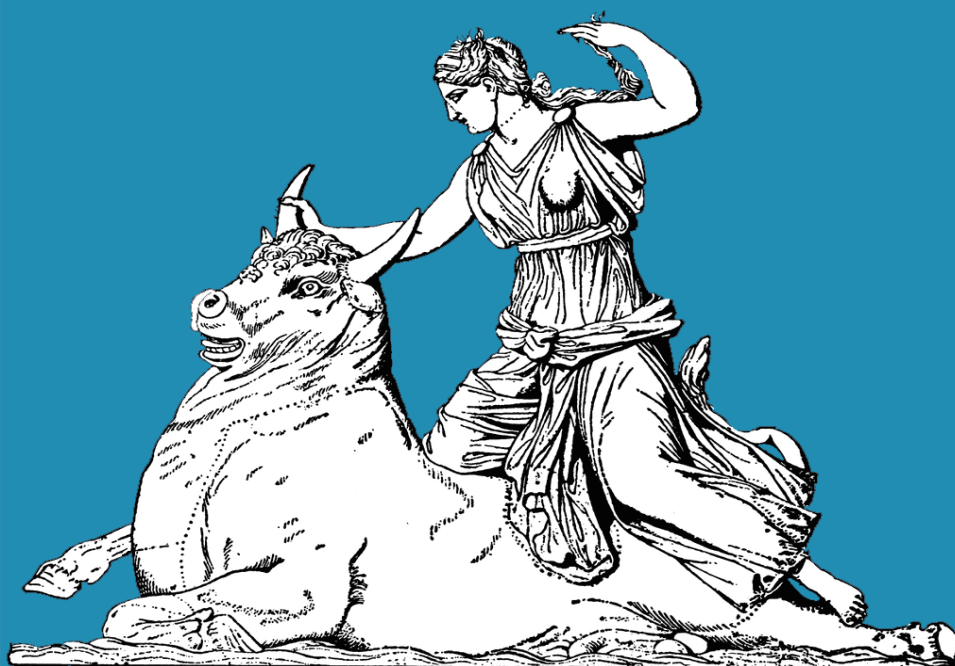


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THE MARITIME DELIMITATION BETWEEN TURKEY AND THE LIBYA’S GOVERNMENT OF NATIONAL ACCORD: ANOTHER CONCERN FOR THE EUROPEAN UNION?

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I. INTRODUCTION – II. DELIMITING THE EAST MEDITERRANEAN SEA: AN UNCERTAIN MISSION – III. LIBYA AND TURKEY MOU – IV. THE EUROPEAN UNION REACTION – V. CONCLUSIONS.

ABSTRACT: The complicated physical and political geography of the Eastern Mediterranean makes it a region in which conflicts between parties are always ready to escalate. In this context, the adoption of a Memorandum of Understanding between Turkey and the Libya’s Government of National Accord seem to add fuel to the fire. Apart from the impact on the energy geopolitics of the Eastern Mediterranean, this agreement has raised the concerns of the European Union which considers that it infringes upon the sovereign rights of Greece and cannot produce any legal consequences for an EU member State.

KEY WORDS: Eastern Mediterranean; Delimitation; MoU; European Union; European Union-Turkey relations.

LA DELIMITACIÓN MARÍTIMA ENTRE TURQUÍA Y EL GOBIERNO DE ACUERDO NACIONAL DE LIBIA: ¿OTRA PREOCUPACIÓN PARA LA UNIÓN EUROPEA?

RESUMEN: La complicada geografía física y política del Mediterráneo Oriental lo convierte en una región en la que los conflictos entre las partes siempre están listos para escalar. En este contexto, la adopción de un Memorando de Entendimiento entre Turquía y el Gobierno de Acuerdo Nacional de Libia parece que añadir leña al fuego. Aparte del impacto en la geopolítica energética del Mediterráneo Oriental, este acuerdo preocupa a la Unión Europea, que considera que vulnera los derechos soberanos de Grecia y que no puede tener efecto jurídico alguno para un Estado miembro de la UE.

PALABRAS CLAVE: Mediterráneo Oriental; Delimitación; MoU; Unión Europea; Relaciones Unión Europea-Turquía.

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LA DELIMITATION MARITIME ENTRE LA TURQUIE ET LE GOUVERNEMENT LIBYEN D'UNION NATIONAL: UNE AUTRE PREOCCUPATION POUR L'UNION EUROPEENNE ?

RÉSUMÉ: La géographie physique et politique compliquée de la Méditerranée orientale en fait une région où les conflits entre les parties sont toujours prêts à dégénérer. Dans ce contexte, l'adoption d'un mémorandum d'accord entre la Turquie et le gouvernement libyen d'union nationale semble mettre de l'huile sur le feu. Outre l'impact sur la géopolitique énergétique de la Méditerranée orientale, cet accord a suscité l'inquiétude de l'Union européenne qui considère qu'il porte atteinte aux droits souverains de la Grèce et ne saurait avoir de conséquences juridiques pour un Etat membre de l'UE.

MOTS CLES: Méditerranée orientale; Délimitation; MoU; Union Européenne; Relations Union Européenne-Turquie.

I. INTRODUCTION

Generally, pending delimitation issues may remain dormant until coastal States compete for offshore resources in the same maritime region, or new navigational or strategic interests arise. Currently, this is the case in the Eastern Mediterranean.

With the evolution of the law of the sea in the direction of extended jurisdictions of coastal States, strategic locations became an asset for the projection of power in a wider regional context. The Eastern Mediterranean, which encompasses Greece, Turkey, Cyprus, Syria, Lebanon, Israel, the State of Palestine, Egypt and Libya,² is still fraught with challenges. In the light of the United Nations Convention on the Law of the Sea (UNCLOS),³ Greece has concluded maritime delimitation treaties with some neighbouring States. However, Turkey, which has not signed UNCLOS, refused for decades to claim an exclusive economic zone (EEZ) in the Mediterranean under international law. In this game board, the European Union (EU) has been involved in the Mediterranean Sea as a major diplomatic player.⁴

² The United Kingdom is also present through UK Sovereign Base Areas of Akrotiri and Dhekelia on the island of Cyprus.

³ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) UNTS 31363.

⁴ KÖCHLER, H., "Kastellorizo: The Geopolitics of Maritime Boundaries and the Dysfunctionality of the Law of the Sea", *International Progress Organization*, 2020, p. 33.

At the outset of the new century, large gas reserves were discovered in the territorial waters of several coastal States in the East Mediterranean Sea.⁵ This discovery reactivated conflicts in the region concerning the delimitation of maritime boundaries. Discovery of gas fields off the coast of Cyprus also aggravated the tensions between the Republic of Cyprus and Turkey that had existed since the 1974 Turkish invasion of Cyprus and subsequent division of the island.⁶

The Memorandum of Understanding (MoU) on the delimitation of the maritime jurisdiction areas in the Mediterranean concluded between Turkey and the Libya's Government of National Accord (GNA)⁷ exacerbates the problem, and together with the agreement between Greece and Egypt,⁸ may have created a situation of *fait accompli* concerning any future agreement between Turkey and Greece.⁹ Concurrently, Ankara is hampering the efforts of Cyprus, Greece, Israel and Egypt to develop East Mediterranean gas exploitation, putting a barrier across the gas pipeline project that would run from Israeli and Greek-Cypriot waters to the Greek island of Crete, on to the Greek mainland and into Europe's gas network via Italy.¹⁰

⁵ The United States Geological Survey estimates the waters of Cyprus, Egypt, Israel, Lebanon, and Palestine contains 122.4 trillion cubic feet of technically recoverable gas. To date, Cyprus, Egypt, Israel, and Palestine have discovered gas. BOWLUS, J., "Eastern Mediterranean gas: Testing the field", *European Council on Foreign Relations*, https://ecfr.eu/special/eastern_med/gas_fields (accessed on 28 July 2021).

⁶ STANICEK, B., "Turkey: Remodelling the Eastern Mediterranean", *European Parliament Brief*, 2020, p. 2.

⁷ 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 (adopted 27 November 2019, entered into force 8 December 2019).

⁸ Agreement between the Government of the Hellenic Republic and the Government of the Arab Republic of Egypt on the delimitation of the exclusive economic zone between the two countries (adopted 6 August 2020, entered into force 2 September 2020).

⁹ KÖCHLER, H., *op. cit.*; BAYAR, G., "Turkey, Libya deal prevents fait accompli in E. Mediterranean", *Anadolu Ajansı*, 3 December 2019, <https://www.aa.com.tr/en/africa/turkey-libya-deal-prevents-fait-accompli-in-e-mediterranean/1661929> (accessed on 1 July 2021).

¹⁰ Baker, L., Gumrukcu, T., Kambas, M., "Turkey-Libya maritime deal rattles East Mediterranean". *Reuters*, 25 December 2019, <https://www.reuters.com/article/us-turkey-libya-eastmed-tensions-explain-idUSKBN1YT0JK> (accessed on 25 June 2021).

The conflict in the Eastern Mediterranean brings together intertwined disputes over energy resources, overlapping claims regarding maritime boundaries, and geopolitical dominance.¹¹ This paper will focus on the clash between Turkey, on one side, and Greece (supported by the EU), on the other side following the MoU between Turkey and Libya. Special emphasis will be placed on the reaction of the EU, who has reaffirmed its full solidarity with its member State,¹² as the crisis in the Eastern Mediterranean comes at a low point in EU-Turkey relations.

II. DELIMITING THE EAST MEDITERRANEAN SEA: AN UNCERTAIN MISSION

Disputes in the Eastern Mediterranean are animated by a host of underlying conflicts. In a proximate sense, they are caused largely by disagreements over access to and ownership of energy resources, particularly gas.¹³ These disputes can be traced back to the early 1970s, when Turkey granted petroleum exploration permits in the Aegean Sea over areas of seabed that Greece claimed belongs to its islands.¹⁴ Furthermore, the unresolved nature of the sovereignty over Cyprus persists to torment the neighbouring relationships.¹⁵

1. A general overview of applicable delimitation rules

Given the geographic proximity in the Eastern Mediterranean, the delimitation of the maritime zones is challenging. UNCLOS sets out the principles for delimitation of the territorial sea, the continental shelf and the EEZ between States with opposite or adjacent coasts, namely, that they must reach agreement on the basis of international law, in order to achieve

¹¹ Bloch, A., Saber, I., "What's Driving the Conflict in the Eastern Mediterranean?", *Lawfare*, 25 January 2021, <https://www.lawfareblog.com/whats-driving-conflict-eastern-mediterranean> (accessed on 24 June 2021).

¹² European Council, Conclusions, 12 December 2019, EUCO 29/19 CO EUR 31 CONCL 9.

¹³ Bloch, A., Saber, I., *loc. cit.*

¹⁴ GEORGOPOULOS, A., "Delimitation of the Continental Shelf in the Aegean Sea", *Fordham International Law Journal*, Vol. 12, Issue 1, 1988, pp. 90-126, p. 91.

¹⁵ During the past century, two political currents were promoted in Cyprus based on ethnic foundation: the annexation (*enosis*) of the whole island of Cyprus to Greece and the partition (*taksim*) of the island into Turkish and Greek portions. After the coup d'état which overthrew the government of Greek Cypriot leader Makarios in 1974, Turkey occupied the northern third of the island.

an “equitable solution”. However, the pure implementation of UNCLOS principles runs into limitations in such a crowded sea.

Turkey claims rights based on the natural prolongation of its continental shelf,¹⁶ an approach that severely limits the rights of its neighbours. Turkey insists that the delimitation should be effected on the basis of equity, taking into account relevant circumstances, including that it possesses the longest coast in the Eastern Mediterranean, with the aim of achieving an equitable solution.¹⁷ Considering the presence of islands as a relevant circumstance, Ankara emphatically states that islands cannot have a cut-off effect on the coastal projection of Turkey, as islands that lie on the “wrong side of the median line between two mainlands cannot create maritime jurisdiction beyond their territorial waters”¹⁸, because “their presence distorts equitable delimitation”.¹⁹

However, according to Article 121 of UNCLOS, islands “enjoy the same status, and thus generate the same maritime rights, as other land territory.”²⁰ Furthermore, as recognised by decided cases, the legal definition of an island and the maritime entitlements of an island are part of customary international law: “the legal regime of islands set out in UNCLOS Article 121 forms an indivisible regime, all of which [...] has the status of customary international law.”²¹

Thus, even though Turkey is not a State Party to the Convention, these customary law principles, which establish that Greek islands are entitled to own

¹⁶ Turkey argues that the Aegean seabed is geographically a natural prolongation of the Anatolian landmass.

¹⁷ BAŞEREN, S.H., *Dispute Over Eastern Mediterranean Maritime Jurisdiction Areas*, TÜDAV, Istanbul, 2010, p. 92.

¹⁸ Letter dated 18 March 2020 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General.

¹⁹ Erciyes, C., “Eastern Mediterranean Turkey’s Legal and Political Views”, Presentation delivered on 5 February 2020, Brussels, https://www.mfa.gov.tr/site_media/html/Eastern-Mediterranean-Turkey-s-Legal-and-Political-Views-5-February-2020.pdf (accessed on 24 June 2021).

²⁰ *Case Concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)*, Judgement, [2001] ICJ Reports 2001, p. 40, para. 185.

²¹ *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, Judgement, [2012] ICJ Reports 2012, p. 624, para. 139.

maritime zones to the same degree as any other land territory, are applicable,²² unless it could be shown that Turkey qualifies as persistent objector to the rule that islands are entitled to an EEZ and continental shelf.

Not only the legal regime of islands, but also the principles for delimiting the territorial sea and continental shelf boundaries of States with opposite or adjacent coasts, reflect and include customary international law.²³ These principles rely on the three-stage delimitation method, namely, the drawing of a provisional equidistance line, the adjustment or shifting of that line based on the presence of relevant circumstances, and the (dis)proportionality test.²⁴ The application of this method would likely limit the scope of the Turkish EEZ and continental shelf.²⁵

2. Maritime claims in the Eastern Mediterranean

Despite developments in international jurisprudence and State practice on maritime delimitation, the delimitation of maritime zones in the Eastern Mediterranean Sea has not been accomplished.²⁶ Out of the 15 maritime boundaries to be drawn in the region, only five²⁷ have been agreed upon through bilateral treaties, namely, Cyprus-Egypt, Cyprus- Lebanon, Cyprus-Israel, Turkey-Libya, and Greece-Egypt.²⁸

The Republic of Cyprus, as an internationally recognized independent State and Party to UNCLOS, possesses the maritime zones projected by its

²² NORRIS, A., "Troubled Waters in the Eastern Mediterranean", *EJIL: Talk*, <https://www.ejiltalk.org/troubled-waters-in-the-eastern-mediterranean/> (accessed on 24 June 2021).

²³ *Territorial and Maritime Dispute (Nicaragua v. Colombia)*... *cit.*, p. 624, para. 139.

²⁴ *Maritime Delimitation in the Black Sea (Romania v. Ukraine)*, Judgement, [2009] ICJ Reports 2009, p. 61, para. 119-122.

²⁵ LINDENSTRAUSS, G., FEUER, S., WINTER, O., "The Perils of the Turkey-Libya Maritime Delimitation Deal", *INSS Insight*, No. 1238, 2019, p.1.

²⁶ YIALLOURIDES, C., "Maritime Boundary Delimitation in the Eastern Mediterranean Sea: Progress and Outstanding Legal Issues", *Eastern Mediterranean Affairs Magazine*, Issue 2, 2021, pp. 29-28, p. 32.

²⁷ Interestingly, Turkey considers its continental shelf boundary with the Turkish Republic of Northern Cyprus to be delimited as per the Continental Shelf Delimitation Agreement of 21 September 2011. Letter dated 25 April 2014 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General.

²⁸ YIALLOURIDES, C., "Maritime Boundary Delimitation"... *cit.*

648 kilometres of coastline. Cyprus proclaimed its EEZ in 2004²⁹ and has negotiated maritime boundary delimitation agreements with Egypt,³⁰ Lebanon (non-ratified yet)³¹ and Israel³², principally based on the equidistance method.

It remains for Cyprus to delimit its maritime zones with Greece as well as with Turkey. However, the latter is unlikely in the current setting, given that Turkey does not recognize the Republic of Cyprus.³³ For this reason, Cyprus enshrined in its law of 2014³⁴ that in the absence of an agreement with a State whose coasts lie opposite - that is to say Turkey - the equidistance method would apply until an agreement is reached. To this end, in 2019 Cyprus published the coordinates of the limits of its continental shelf and of its EEZ to the north and northwest.³⁵

²⁹ Law to provide for the Proclamation of the Exclusive Economic Zone by the Republic of Cyprus, 2 April 2004.

³⁰ Agreement between the Republic of Cyprus and the Arab Republic of Egypt on the Delimitation of the Exclusive Economic Zone, 17 February 2003 (entry into force 7 March 2004).

³¹ Agreement between the Government of the Republic of Cyprus and the Government of the Republic of Lebanon on the Delimitation of the Exclusive Economic Zone (signed 17 January 2007, not yet in force). Cyprus and Lebanon signed the agreement for the delimitation of their EEZ in January 2007. This agreement was ratified by Cyprus, but not by Lebanon, which objected to the agreement on the delimitation of the EEZ between Israel and Cyprus signed in December 2010. GOWLLAND-DEBBAS, V., "The Legal Framework of Lebanon's Maritime Boundaries: The Exclusive Economic Zone and Offshore Hydrocarbon Resources", *Association Suisse pour le Dialogue Euro-Arabo-Musulman*, 2012; JIMÉNEZ GARCÍA-CARRIAZO, Á., "Prospecciones turcas en aguas chipriotas, una nueva dimensión del enfrentamiento", *Revista Española de Derecho Internacional*, Vol 72, no 1, 2020, pp. 117-136; Letter dated 20 June 2011 from the Minister for Foreign Affairs and Emigrants of Lebanon addressed to the Secretary-General of the United Nations concerning the Agreement between the Government of the State of Israel and the Government of the Republic of Cyprus on the Delimitation of the Exclusive Economic Zone, signed in Nicosia on 17 December 2010.

³² Agreement between the Government of the State of Israel and the Government of the Republic of Cyprus on the Delimitation of the Exclusive Economic Zone, signed in Nicosia on 17 December 2010 (entry into force 25 February 2011).

³³ MARGHÉLIS, A., "Les délimitations maritimes Turquie-gouvernement d'entente nationale libyen et Grèce-Égypte dans leur contexte régional", *Neptunus*, Vol. 27, 2021/2.

³⁴ The Exclusive Economic Zone and the Continental Shelf Laws 2004 and 2014.

³⁵ Deposit by Cyprus of a list of geographical coordinates of points, accompanied by an illustrative map, concerning the northern and north-western outer limits of the exclusive economic zone and the continental shelf, as contained in the Notification of the Minister for

The Turkish Republic of Northern Cyprus (TRNC), which is recognised as a State only by Turkey, claims rights and authority over the maritime areas around the island of Cyprus. TRNC and Turkey negotiated a maritime boundary delimitation agreement between the island of Cyprus and Turkey.³⁶ The delimitation line, which refers exclusively to the continental shelf, is closer to Cyprus than to Turkey. In the wake of the delimitation agreement, Turkey signed an 'agreement' with the TRNC with the latter 'awarding' concessions to the former for the waters lying adjacent to the northern, eastern and southern coasts of Cyprus.³⁷ During 2019 and 2020, Turkey has carried out drilling operations in contested waters.

Turkey's coastlines are 8,333 km long and touch the Black, Marmara, Aegean, and Mediterranean seas. Turkey shares maritime boundaries with Cyprus, Egypt, Greece, Syria, and now Libya as a result of the MoU between Turkey and Libya. Its maritime border with Greece is complicated by the existence of thousands of islands. Meanwhile, the Turkish Government's recognition of the breakaway TRNC complicates the use of Cypriot waters under international law since reached agreements are unlikely to be opposable to third States.³⁸

Turkey has negotiated maritime boundary delimitation agreements with Libya, which ignores the Greek islands, as well as with the TRNC. There has already been rampant speculation regarding the potential for a maritime delimitation agreement between Egypt and Turkey.³⁹

Foreign Affairs of the Republic of Cyprus made pursuant to article 3, paragraph 3, of the Exclusive Economic Zone and the Continental Shelf Laws.

³⁶ Letter dated 25 April 2014 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General.

³⁷ IOANNIDES, N., "Turkish Maritime Claims Offshore Cyprus", *Eastern Mediterranean Policy Note*, No. 18, Cyprus Center for European and International Affairs, University of Nicosia, 2017, p. 6.

³⁸ BAROUDI, R., "Unlocking Peace and Prosperity: How to Resolve Maritime Border Disputes in the Eastern Mediterranean Sea?", *Issam Fares Institute for Public Policy*, 2020, p. 33.

³⁹ Hacaoglu, S., "Turkey Signals Push for Deal on Maritime Boundary with Egypt", *Bloomberg*, 3 March 2021, <https://www.bloomberg.com/news/articles/2021-03-03/turkey-signals-push-for-deal-on-maritime-boundary-with-egypt> (accessed on 28 June 2021); Pedersen, G.F., "The Implications of a Maritime Delimitation Agreement between Turkey and Egypt", *iGlobeNews*, 12 May 2021, <https://www.iglobenews.org/the-implications-of-a-maritime-delimitation-agreement-between-turkey-and-egypt/> (accessed on 28 June 2021).

Greece's coastlines stretch 13,676 km along the Aegean and Mediterranean seas. Greece possesses thousands of islands scattered across these seas. The proximity of some of these smaller isolated islands to the Turkish coast leads to possible complications and conflicts in drawing maritime boundaries.⁴⁰ Greece and Egypt signed an agreement for the delimitation of the two countries' maritime boundaries in the Eastern Mediterranean Sea on 6 August 2020.⁴¹ The Greece-Egypt agreement is geographically limited as it exclusively addresses part of the full length of the potential maritime boundary between both countries.⁴² Article 1(e) of the agreement provides that any subsequent delimitation beyond the stipulated boundary in the agreement will be completed 'in consultation with the neighbouring States concerned'.⁴³ This move has been rejected by Turkey⁴⁴ since, in Turkey's assessment, the agreement infringes on its continental shelf and EEZ.⁴⁵

⁴⁰ BAROUDI, R., *op. cit.*, p. 29.

⁴¹ Agreement between the Government of the Hellenic Republic and the Government of the Arab Republic of Egypt on the delimitation of the exclusive economic zone between the two countries (adopted on 6 August 2020, entered into force 2 September 2020).

⁴² YIALLOURIDES, C., "Part I: Some Observations on the Agreement between Greece and Egypt on the Delimitation of the Exclusive Economic Zone", 2020, EJIL Talk!, <https://www.ejiltalk.org/18969-2/> (accessed on 30 September 2021).

⁴³ This approach conforms with international case law. The tribunal in the *Eritrea/Yemen Arbitration* considered, in light of the presence of third States in the relevant area that: 'It will, therefore, be necessary to terminate either end of the boundary line in such a way as to avoid trespassing upon an area where other claims might fall to be considered. It is, however, clearly necessary to consider the choices of the base points controlling the median line first, and then to look at the cautionary termination matter when the line to be thus terminated at its northern and southern ends has been produced'. *Eritrea v Yemen, Award on maritime delimitation*, (1999) XXII RIAA 335, (2001) 17 December 1999, PCA, para 136.

⁴⁴ Note verbale dated 14 August 2020 from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General.

⁴⁵ Furthermore, Athens and Rome signed an agreement on 9 June 2020 regarding the delimitation of the EEZ in the Ionian Sea. The agreement effectively extends the limit of the continental shelf established in 1977 to the water column. Agreement between the Hellenic Republic and the Italian Republic on the Delimitation of the Respective Continental Shelf Areas of the two States (adopted 24 May 1977, entered into force 12 November 1980); "Greece, Italy sign accord on maritime zones in Ionian Sea", *Reuters*, 9 June 2020, <https://www.reuters.com/article/us-greece-italy-foreign-idUSKBN23G0X5> (accessed on 6 July 2021); MARGHÉLIS, A., "The maritime delimitation agreement between Greece and Italy

Egypt has 2,450 km of coastlines split between the Mediterranean and Red seas. Egypt shares borders with Israel, Cyprus, Turkey, and Greece. Egypt also shares a maritime border with Gaza under an agreement negotiated with Israel and the Palestine Liberation Organization in 1994.⁴⁶

Libya is not a party to UNCLOS. However, Libya has not been reluctant to resort to the International Court of Justice and has obtained two favourable delimitation decisions: in 1982 against Tunisia⁴⁷ and in 1985 against Malta.⁴⁸

Starting in 2004, Libya held four rounds of negotiations with Greece involving experts from both countries. Those negotiations failed to produce any result because of the different interpretation of the legal status of islands. Correspondence between the two sides continued until 2014.⁴⁹

In the post-Gaddafi era, the Libyan maritime delimitation agenda was *de facto* frozen, until the GNA signed the controversial MoU with Turkey in 2019 which shook up the regional delimitation agenda after a decade of deadlock in this area.⁵⁰

III. LIBYA AND TURKEY MOU

On 27 November 2019, the Governments of Turkey and the GNA signed a MoU to delimit their continental shelves and the EEZs in the Eastern Mediterranean Sea. The MoU establishes an 18.6 nautical mile maritime boundary between Turkey and Libya, creating a maritime corridor between both countries.⁵¹

of 9 June 2020: An analysis in the light of International Law, national interest and regional politics”, *Marine Policy* 126, 2021.

⁴⁶ BAROUDI, R., *op. cit.*, p. 53.

⁴⁷ *Case Concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*, Judgement, [1982] ICJ Reports 1982, p. 18.

⁴⁸ *Case Concerning the Continental Shelf (Libyan Arab Jamahiriya/Malta)*, Judgement, [1985] ICJ Reports 1985, p. 13.

⁴⁹ Letter dated 26 December 2019 from the Chargé d'affaires a.i. of the Permanent Mission of Libya to the United Nations addressed to the Secretary-General.

⁵⁰ MARGHÉLIS, A., *op. cit.*

⁵¹ KANSU, Z. N., “An Assessment of Eastern Mediterranean Maritime Boundary Delimitation Agreement Between Turkey and Libya”, *Science Journal of Turkish Military Academy*, 2020, Volume 30, Issue 1, pp. 51-84, p. 66.

Figure 1: Competing claims over the Eastern Mediterranean



Source: Turkey's Ministry of Foreign Affairs; Anadolu Ajansı; Greek Government; Flanders Marine Institute.

The Memorandum consists of a preamble and six articles. Article 1 defines the boundaries of the continental shelf and exclusive economic zone between the two States “in accordance with applicable internationally recognized standards.”⁵² The Memorandum has two annexes. Annex 1 is a map that shows the maritime boundary between the two countries. Annex 2 gives base coordinates for delimiting the continental shelf and the EEZ between Libya and Turkey. On 1 October 2020, the Secretary-General of the United Nations registered the Turkey-Libya MoU.⁵³

As a consequence of the MoU, Greek islands in the Eastern Mediterranean (including the large islands of Crete and Rhodes) are denied any continental

⁵² Letter dated 26 December 2019 from the Chargé d'affaires a.i. of the Permanent Mission of Libya to the United Nations addressed to the Secretary-General.

⁵³ Gunerigok, S., “UN registers Turkey-Libya maritime deal”, *Anadolu Ajansı*, 1 October 2020, <https://www.aa.com.tr/en/middle-east/un-registers-turkey-libya-maritime-deal/1992682> (accessed on 7 July 2021).

shelf or EEZ and restricts their maritime entitlements to a 12 nautical mile territorial sea.⁵⁴

The drive towards this bilateral agreement strategy is responsive to different incentives.⁵⁵ For Libya, the motivation is mostly security. The agreement was reached with Fayeze al-Serraj, Head of the Tripoli-based Government, who is in conflict with a rival military force in eastern Libya under General Khalifa Haftar. Turkey has promised to step up military and other assistance to Serraj. Libya's eastern-based parliament, which is aligned with Haftar, has rejected the MoU.⁵⁶

For Turkey, the MoU was concluded in a context in which Ankara considers itself to be aggrieved by the delimitation of boundaries taking place in the Eastern Mediterranean as well as of the exploitation and transit of the gas through the region.⁵⁷ On the one hand, Ankara is resentful about the agreements ratified by its neighbours as they are detrimental to its interests. The evolving cooperation between Israel, Egypt, Greece, and Cyprus – as reflected, for example, in their recent establishment of an Eastern Mediterranean Gas Forum (EMGF)⁵⁸ – is seen by Turkey as an effort of isolation.⁵⁹ As President Erdoğan has stated: “Egypt, Greek Cyprus, Greece, and Israel all try at different times to impose their sovereignty over the region in isolation from

⁵⁴ TALMON, S., LOBO, M., “The Intricacies of Maritime Boundary Delimitation: Germany's One-Sided Response to the Turkey-Libya MoU on Delimitation of the Maritime Jurisdiction Areas in the Mediterranean”, *GPIL-German Practice on International Law*, <https://gpil.jura.uni-bonn.de/2020/03/the-intricacies-of-maritime-boundary-delimitation-germanys-one-sided-response-to-the-turkey-libya-mou-on-delimitation-of-the-maritime-jurisdiction-areas-in-the-mediterranean/> (accessed on 1 July 2021).

⁵⁵ LINDENSTRAUSS, G., FEUER, S., WINTER, O., n 25 *supra*; BAKER, L., GUMRUKCU, T., KAMBAS, M., n 10 *supra*.

⁵⁶ Baker, L., Gumrukcu, T., Kambas, M., *loc. cit.*

⁵⁷ MARGHÉLIS, A., *op. cit.*

⁵⁸ The EMGF was announced in 2019 in Cairo. In 2020, it transformed into an international intergovernmental organization based in Cairo that includes Cyprus, Egypt, Greece, Israel, Italy, Jordan and Palestine. The establishment of the EMGF responds to the need for a regionally coordinated effort to unlock the full potential of Eastern Mediterranean offshore gas wealth. Forum members aim to involve the private sector and financial institutions to improve the prospects for profitable exploitation of the gas reserves. SUKKARIEH, M., “The East Mediterranean Gas Forum: Regional Cooperation Amid Conflicting Interests”, *NRGI*, 2020.

⁵⁹ LINDENSTRAUSS, G., FEUER, S., WINTER, O., n 25 *supra*.

Turkey”, and added that the memorandum “has foiled certain conspiracies against Turkey.”⁶⁰

On the other hand, the delimitation line drawn by Ankara and Tripoli crosses the area through which the East Med gas pipeline is planned to run.⁶¹ Turkey has fiercely opposed to this project which has led Ankara to believe that it is being isolated and encircled in the Eastern Mediterranean.⁶² With this MoU, Turkey gives legal status to its jurisdiction in the area. Consequently, Turkish authorization for the construction of the East Med gas pipeline would be necessary.⁶³

Signing such an agreement seems a strategic move for Turkey, as it gives it the superficial legitimacy it lacks in order to move in on the area.⁶⁴ It would confirm what Ankara has been arguing for years: that the islands are not entitled to a continental shelf under law.⁶⁵

Despite its designation as MoU, the deal constitutes a binding international treaty,⁶⁶ in terms of the Vienna Convention on the Law of Treaties.⁶⁷ The document meets the requirements of a treaty in terms of Article 2(1)(a) of said Convention.⁶⁸ This becomes clear from the text of the MoU, which speaks of “Parties”, “entry into force”, and “agreement” as well as the fact that the

⁶⁰ ARAB CENTER FOR RESEARCH AND POLICY STUDIES, “The Libya-Turkey Memorandum of Understanding: Local and Regional Repercussions”, *Arab Center Washington DC*, http://arabcenterdc.org/policy_analyses/the-libya-turkey-memorandum-of-understanding-local-and-regional-repercussions/ (accessed on 7 July 2021).

⁶¹ HACAÖGLÜ, S., n 39 *supra*.

⁶² ERCİYES, N., n 19 *supra*.

⁶³ MARGHÉLIS, A., *op. cit.*

⁶⁴ Syrigos, A., “Turkey-Libya agreement: A move with consequences”, *Ekathimerini*, 30 November 2019, <https://www.ekathimerini.com/opinion/246999/turkey-libya-agreement-a-move-with-consequences/> (accessed on 7 July 2021).

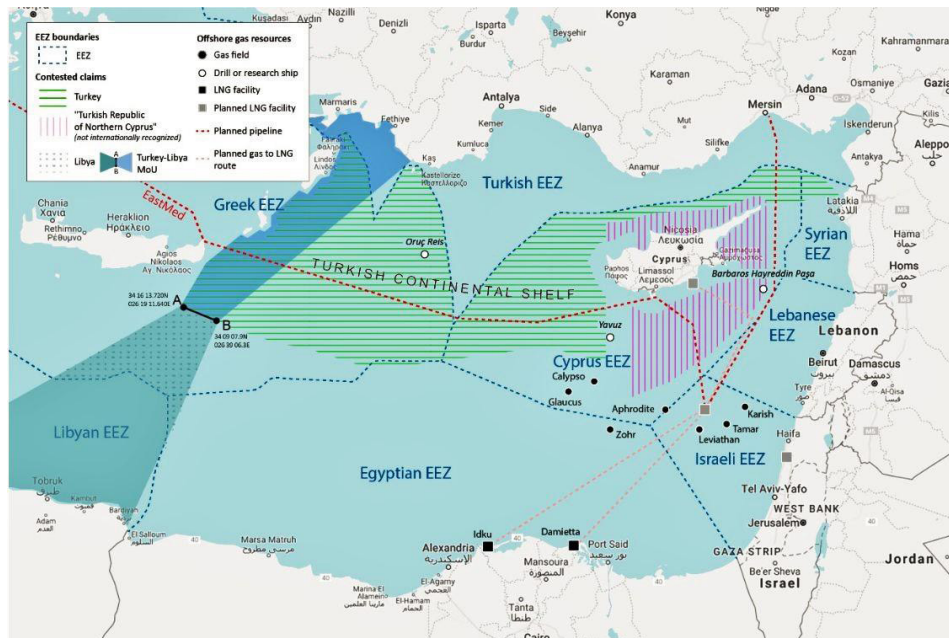
⁶⁵ *Ibid.*

⁶⁶ *Vid.* contrary views in GUNAVAN, Y. *et al.*: “The validity of Turkey-Libya’s Agreement on maritime boundaries in International Law”, *Jurnal Hukum Dan Peradilan*, 9 (2), pp. 170 – 185.

⁶⁷ Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) UNTS vol. 1155, p. 331.

⁶⁸ According to Article 2(1)(a) “treaty” means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.

Figure 2: Delimitation of the EEZs in the Eastern Mediterranean, the East Med pipeline, the Turkish claims and the Turkey-Libya Memorandum of Understanding



Source: Philippe Morgan de Rivery, based on data from International Energy Agency, Wood Mackenzie, CSIS.

MoU is to be registered with Secretariat of the United Nations pursuant to Article 102 of the UN Charter.⁶⁹

The MoU has been described as a game-changer in the Eastern Mediterranean as it rewrites the boundary lines and gives Turkey a significant say in transnational gas exploration and pipeline construction.⁷⁰

As stated by President Erdoğan, this new relation between Ankara and Tripoli “would allow Turkey to legally carry out drilling on Libya’s continental shelf with Tripoli’s approval [...]. With this new agreement between Turkey and

⁶⁹ TALMON, S., LOBO, M., *op. cit.*

⁷⁰ Cohen, A. “Turkey-Libya Maritime Deal Upsets Mediterranean Energy Plan”, *Forbes*, 8 January 2020, <https://www.forbes.com/sites/arielcohen/2020/01/08/turkey-libya-maritime-deal-upsets-mediterranean-energy-plan/#6209c3ff6bee> (accessed on 12 July 2021).

Libya, we can hold joint exploration operations in these exclusive economic zones that we determined.”⁷¹

Furthermore, in the light of the new agreements, other regional countries could not conduct exploration for gas reserves or laying pipelines without first getting permission from Turkey.⁷² After the agreement with Tripoli, Erdoğan emphasized: “We will use our rights under international law and maritime law until the end in the Eastern Mediterranean.”⁷³

The Turkey-GNA deal is part of the Turkish new maritime strategy: the “Blue Homeland” or *Mavi Vatan* in Turkish, which is based on the claim of a vast maritime domain.⁷⁴ By strengthening Turkish-Libyan military cooperation and encroaching on Greece’s claimed maritime zones, Turkey has shown it is not afraid of confrontation with those who would limit its maritime ambitions.⁷⁵

Ultimately, the MoU was presented as an initiative which attempted to counter Greece’s “maximalist” EEZ and continental shelf claims.⁷⁶ The MoU gave expression to Ankara’s maximalist strategy, which, in case of disputed maritime jurisdiction areas, denies islands any EEZ and continental shelf until an agreement on delimitation has been reached between the claimant States.⁷⁷

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ Dalloui, M.A., “Turkey’s efforts to delimit its maritime boundaries have prompted a colonial response”, *Middle East Monitor*, 17 December 2019, <https://www.middleeastmonitor.com/20191217-turkeys-effort-to-delimit-its-maritime-boundaries-have-prompted-a-colonial-response/> (accessed on 12 July 2021).

⁷⁴ The origin of Blue Homeland doctrine can be dated back to 2006 when it is first used by Rear Admiral Cem Gürdeniz. Today, the use of Blue Homeland term has exponentially proliferated in Turkish politics to refer to Turkey’s maritime stakes in Eastern Mediterranean. It is most often used as a shorthand expression for Ankara’s maritime claims in the Eastern Mediterranean. Gingeras, R. “Blue Homeland: the Heated Politics behind Turkey’s New Maritime Strategy”, *War on the Rocks*, 2 June 2020, <https://warontherocks.com/2020/06/bluehomeland-the-heated-politics-behind-turkeys-new-maritime-strategy/> (accessed on 13 July 2021).

⁷⁵ DENIZEAU, A., “Mavi Vatan, the “Blue Homeland”: the Origins, Influences and Limits of an Ambitious Doctrine for Turkey”, *Etudes de l’Ifri*, Ifri, 2021, p. 7.

⁷⁶ Based on the assumption that islands, irrespective of their location or geographical circumstances, automatically generate full maritime zones.

⁷⁷ TALMON, S., LOBO, M., *op. cit.*

IV. THE EUROPEAN UNION REACTION

The public disclosure of the MoU prompted protests from several States,⁷⁸ especially Greece, as the agreement ignores the presence of the Greek islands of Crete, Rhodes and Kastellorizo, which lie between the coasts of Turkey and Libya, undermining Greek sovereignty and sovereign rights in the Eastern Mediterranean.

The latest events have heightened the tensions in the region. The MoU pushed Greece to expel the Libyan Ambassador from Athens and to finalise quickly an agreement with Egypt. Greece put its navy on high alert and has been conducting military exercises at sea, accompanied by French vessels. Joint military exercises have also been conducted by France, Italy, Cyprus, and Greece.⁷⁹

A challenge to the Greek maritime borders is essentially a challenge to the EU's external borders. Lack of final delimitations, as well as conflicting claims,

⁷⁸ France, Greece, Egypt and Cyprus declared “null and void” the agreement between Turkey and Libya assigning Turkey rights over a vast area of the eastern Mediterranean. Statement issued by the four Ministers for Foreign Affairs. “Turkey-Libya deals ‘void’: Egypt, France, Greece, Cyprus”, *France24*, 8 January 2020, <https://www.france24.com/en/20200108-turkey-libya-deals-void-egypt-france-greece-cyprus> (accessed on 21 July 2021). The Ministers of Foreign Affairs of Cyprus, Egypt, Greece, France and the United Arab Emirates have adopted a Joint Declaration in which they reiterate that the MoU between Turkey and Mr. Fayez El Saraj is in contravention of international law and infringes upon the sovereign rights of third States, does not comply with the Law of the Sea and cannot produce any legal consequences for third States. Joint Declaration adopted by the Ministers of Foreign Affairs of Cyprus, Egypt, France, Greece and the United Arab Emirates (11 May 2020). During the Med7 meeting of September 2020 held in Ajaccio, France, Spain, Portugal, Italy, Malta, Cyprus and Greece condemned Turkish actions in the eastern Mediterranean and reaffirmed their support for a settlement of the dispute based on international law, adding that they would push for sanctions at the next EU summit if Turkey does not stop its unilateral actions. Ajaccio declaration after the 7th Summit of the Southern EU countries, MED7, 10 September 2020. The United States State Department described the maritime agreement between Ankara and Tripoli as “unhelpful” and “provocative”. Chrysopoulos, P., “US Backs Greece in Dispute Over Turkey-Libya Maritime Deal”, *Greek Reporter*, 5 June 2020, <https://greekreporter.com/2020/06/05/us-backs-greece-in-dispute-over-turkey-libya-maritime-deal/> (accessed on 19 July 2021).

⁷⁹ “Greece, Cyprus, Italy, France to Hold Military Exercises From Wednesday”, *The Defense Post*, 26 August 2020, <https://www.thedefensepost.com/2020/08/26/military-exercises-mediterranean/> (accessed on 20 July 2021).

create uncertainty over the geographical extent of the EU⁸⁰ and result in destabilisation, thereby increasing the economic risk of EU energy initiatives, in particular the planned East Med gas pipeline.⁸¹ The pipeline project as well as the EMGF have also benefitted from active EU support, particularly financial support from EU institutions.⁸² Observed by Ankara, these developments contributed to a growing conviction about the EU lack of neutrality in the evolving Eastern Mediterranean dispute.⁸³

The EU has a strategic interest in a stable and secure environment in the Eastern Mediterranean and in the development of a cooperative and mutually beneficial relationship with Turkey.⁸⁴ The EU has condemned Turkey's actions as unacceptable. Member States agree that Turkey should abstain from unilateral actions and resolve its disputes with Greece through dialogue and negotiation in good faith.⁸⁵

Few days after the adoption of the MoU, the European Council asserted that the deal infringes upon the sovereign rights of Greece, does not comply with the law of the sea and cannot produce any legal consequences for third States. It reaffirmed its solidarity with Athens regarding these actions by Turkey.⁸⁶

⁸⁰ Union Of European Federalists, "The Crisis in the Eastern Mediterranean is a European Problem which Needs a European Solution", 2020, https://www.federalists.eu/fileadmin/files_uef/Pictures/Secretariat/Easternmed.pdf (accessed on 20 July 2021).

⁸¹ Zaręba, S., "Delimitation of Maritime Areas in the Eastern Mediterranean as a Challenge for the EU", *Bulletin PISM*, 2020, https://pism.pl/publications/Delimitation_of_Maritime_Areas_in_the_Eastern_Mediterranean_as_a_Challenge_for_the_EU (accessed on 16 July 2021).

⁸² BACONI, T., "Pipelines and pipedreams. How the EU can support a regional gas hub in the Eastern Mediterranean", *European Council of Foreign Relations*, 2017, https://ecfr.eu/archive/page/-/ECFR211_-_PIPELINES_AND_PIPEDREAMS.pdf (accessed on 22 July 2021).

⁸³ DESSI, A., "Europe and the Eastern Mediterranean: Navigating Complexity, Mitigating Conflict(s) and Fishing for Compromise" in Tachum, M., *Eastern Mediterranean in Uncharted Waters: Perspectives on Emerging Geopolitical Realities*, Konrad-Adenauer-Stiftung, 27, 2020, p. 68.

⁸⁴ European Council, *Conclusions*, 1-2 October 2020, Brussels, EUCO 13/20.

⁸⁵ *Ibid*, Scazzieri, L., "The EU and the Eastern Mediterranean flashpoint", *Aspenia*, 2020, <https://aspeniaonline.it/the-eu-and-the-eastern-mediterranean-flashpoint/> (accessed on 16 July 2021).

⁸⁶ European Council, *Conclusions*, 1-2 October 2020... *cit*.

As a member of the EU, Greece has been insistently urging the EU to impose sanctions on Turkey.⁸⁷ In order to curb tensions, the Council imposed a sanction scheme targeting natural and legal persons, which includes an asset-freeze on natural persons or entities responsible for, involved in or assisting drilling activities.⁸⁸

A year later, the European Council continued to criticize Turkey for engaging in unilateral actions and provocations as well as escalating its rhetoric against the EU.⁸⁹ As a result, the Council stated that it would consider extending the scope of and adopting additional listings to, the restrictive measures adopted in November 2019. However, given the EU's strategic interest in the development of a cooperative relationship with Turkey, the Union has offered a positive EU-Turkey agenda to promote a genuine partnership with the EU and its member States and to resolve differences through dialogue and in accordance with international law.⁹⁰ The European Council also endorsed the idea of convening a multilateral conference for the Eastern Mediterranean in an attempt to ease regional tensions about gas reserves and maritime boundaries.⁹¹

Regardless of the goodwill, leaders agreed that if Turkey did not halt its unilateral actions, the EU would use all “instruments and the options at its

⁸⁷ Including embargoes against Turkey and the breaking off of EU accession talks. AXT, H. J., “Troubled Water in the Eastern Mediterranean. Turkey Challenges Greece and Cyprus Regarding Energy Resources”, *Comparative Southeast European Studies*, vol. 69, no. 1, 2021, pp. 133-152, p. 146.

⁸⁸ European Council (CFSP), *Decision 2019/1894 of 11 November 2019 concerning restrictive measures in view of Turkey's unauthorised drilling activities in the Eastern Mediterranean*.

⁸⁹ European Council, *Conclusions*, 11 December 2020, Brussels, EUCO 22/20.

⁹⁰ *Ibid.*

⁹¹ European Council, n 84 *supra*. President of the European Council Charles Michel, confirmed this position: “On the one hand, we confirm that we are willing to give political dialogue a chance to forge progress towards greater stability and predictability in the mutual interest of all concerned. On the other hand, we state our firm commitment to our principles and values. And this is the tenor of the support that we have reiterated to Greece and Cyprus. It is also the tenor of a message we are sending out: we are ready to engage in a more positive agenda with Turkey, provided that Turkey also engages in a more positive approach and puts an end to unilateral actions that are contrary to international law”. Remarks by President Charles Michel after the Special European Council meeting on 1 October 2020.

disposal”, a rather vague reference to possible future sanctions.⁹² “Restrictive measures” were announced for discussion.⁹³

Member States aim to foster a less confrontational and dysfunctional EU-Turkey relationship. However, they disagree on the best way to achieve this.⁹⁴ At the European Council on 1st and 2nd October 2020, it became evident that the EU had not made the decision regarding sanctions as one homogeneous entity.⁹⁵ Greece and Cyprus, supported by France,⁹⁶ Luxembourg, Ireland, the Czech Republic, and Austria, were emphatic about being firm with Ankara and imposing sanctions on Turkey as State.⁹⁷ On the other side, countries like Germany,⁹⁸ Italy, the Netherlands, Sweden, Finland, and Spain have taken a more cautious stance, offering diplomacy a chance and avoiding escalating the conflict.⁹⁹ In this sense, Berlin has been depicted as “lead mediator”, Paris as “agitator”, and Rome as “balancer”.¹⁰⁰

After the continuous provocative actions by Turkey towards Greece, in particular Turkish overflights of Greek inhabited areas as well as threatening naval exercises, the situation began to change towards the end of 2020.¹⁰¹ Turkey broadly welcomed the European Council conclusions of 11 December 2020 and started sending signals on the importance attached to the relationship

⁹² European Council, *Conclusions, 1-2 October 2020... cit.*; Scazzieri, L., *loc. cit.*

⁹³ European Council, *Conclusions, 11 December 2020... cit.*; AXT, H-J., *op. cit.*, p. 146.

⁹⁴ Scazzieri, L., *loc. cit.*

⁹⁵ AXT, H-J., *op. cit.*, p. 146.

⁹⁶ France is the leading voice supporting Greece and Cyprus. Paris has come to see Turkey as a leading threat not only to its interests in the region but also to European security more generally. French President Emmanuel Macron accused Turkish President Recep Tayyip Erdoğan of pursuing an “expansionist policy, mixing nationalism and Islamism, which is incompatible with European interests and is a factor for destabilisation”, *L’Orient-Le Jour*, 20 August 2020, <https://www.lorientlejour.com/article/1229913/pour-macron-la-politique-derdogan-est-un-facteur-de-destabilisation-de-leurope.html> (accessed on 20 July 2021).

⁹⁷ *Ibid.*, SCAZZIERI, L., *loc. cit.*

⁹⁸ So far, Germany has been a stabilising force in the tense dynamics between Turkey, the EU and some member States. Berlin has used shuttle diplomacy between Athens and Ankara to get the two sides to sit at the negotiation table.

⁹⁹ *Ibid.*

¹⁰⁰ DESSI, A., n 83 *supra*, p. 70.

¹⁰¹ Joint Communication to the European Council, “State of play of EU-Turkey political, economic and trade relations”, Brussels 22 March 2021, JOIN(2021) 8 final/2.

with the EU.¹⁰² Now that the EU has set out a positive offer to Turkey, the ball is in Ankara's court: a durable de-escalation of tensions depends on whether President Erdoğan believes he benefits more from confrontation or improved relations with Europe.¹⁰³

To date, messages of reengagement have continued and a positive momentum for dialogue and negotiations has been created.¹⁰⁴ A grouping of EU States led by Germany, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy, Josep Borrell, have laboured to create a conducive environment based on dialogue for sustainable de-escalation in the region.¹⁰⁵ The withdrawal of Turkey's seismic exploration vessel *Oruç Reis* allowed for the resumption of Greek-Turkish direct bilateral talks on 25 January 2021. The 62nd round of talks took place on 16 March 2021 in Athens, back to back with political consultations at high officials' level.¹⁰⁶

V. CONCLUSIONS

The overall long-standing friction in the Eastern Mediterranean is multifaceted. Undefined boundaries constitute a breeding ground for litigation. The major natural gas deposits which were discovered in the region added a new dimension to the evolving security complex. In this context, the availability of different legal arguments to support conflict claims encourages States to conclude agreements with third States in an attempt to establish *faits accomplis* at the expense of their neighbours.¹⁰⁷

The maritime delimitation dispute between Greece and Turkey appeared to be insurmountable for a long time. The dispute reached its peak in 2019

¹⁰² *Ibid.*

¹⁰³ Scazzieri, L., *loc. cit.*

¹⁰⁴ Joint Communication to the European Council, "State of play of EU-Turkey political, economic and trade relations", Brussels 22 March 2021, JOIN(2021) 8 final/2.

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ Neubert, M., Yüksel, U., "What a Judicial Solution to DISPUTES in the Eastern Mediterranean Might Look Like", *EUROPP*, 2020, <https://blogs.lse.ac.uk/euoppblog/2020/06/02/what-a-judicial-solution-to-disputes-in-the-eastern-mediterranean-might-look-like/> (accessed on 19 July 2021).

with the adoption of the MoU between Turkey and GNA with which Ankara was sending a message not to be ignored in the Eastern Mediterranean. Neither Turkey nor the GNA can easily revoke a legally binding agreement. Similarly, pipeline contracts have a long implementation period and cannot be terminated without costs.¹⁰⁸ However, in order to maintain relations between Turkey, Libya and Greece as neighbouring States, the delimitation agreement must be supported by the three parties.¹⁰⁹

Despite the international tension created by the MoU, it seems that 2019's tempers have cooled but that could also be depicted as an extremely fragile truce. This might be the conducive environment for the settlement of the dispute by negotiations and/or resort to an international dispute settlement organ. What is clear is that only a solution in line with international law would bring security and stability in the Eastern Mediterranean, facilitating the enjoyment of offshore natural resources by all the regional States.¹¹⁰

The Union and its member States, instead of taking sides, should engage with parties involved in the conflictive area and urge them to the resolution of pending issues, taking an active role in sponsoring the negotiations.¹¹¹ The EU should be able to send clear, unequivocal and precise messages and convey that a weaker or destabilised Turkey is not in the EU's interests.¹¹² Greater EU cohesion in relation to action in the Eastern Mediterranean requires intensive discussion behind the scenes, in which all member States should strive to think in terms of EU-wide long-term interests and leave short-term political tactics behind.¹¹³

The figure of the High Representative should be strengthened as the diplomatic mediator in the region. The High Representative could conduct political dialogue with Turkey on behalf of the Union. This does not preclude

¹⁰⁸ *Ibid.*

¹⁰⁹ GUNAVAN, Y. *et al.*, n 66 *supra*.

¹¹⁰ IOANNIDES, N., "The maritime dispute between Cyprus and Turkey in the Eastern Mediterranean Sea", *Eastern Mediterranean Affairs Magazine*, pp. 9-14, p. 14.

¹¹¹ BICKL, T., "EU v. Turkey in the Eastern Mediterranean: a good moment to sponsor dispute settlement", The NCLOS Blog, 2020, <https://site.uit.no/nclos/2020/09/30/eu-v-turkey-in-the-eastern-mediterranean-a-good-moment-to-sponsor-dispute-settlement/>.

¹¹² SOLER I LECHA, E., "The EU and the Eastern Mediterranean: how to deal with Turkey", CIDOB notes internationals, 251, 2021.

¹¹³ *Ibid.*

diplomatic work in cooperation with other entities, including the State holding the Presidency of the Council of the European Union.

The crisis in the Eastern Mediterranean could be an opportunity to consolidate the High Representative's role as a diplomatic player. The more time that passes without concrete achievements, the more difficult it will be for the EU to maintain its favourable position. In this context, the Union's efforts become even more urgent. Ultimately, a peaceful resolution of the conflict will serve the interests of the Eastern Mediterranean countries, as well as the Union at large.

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