

State of Libya

Libyan House of Representatives

His Excellency António Guterres, the Secretary-General of the United Nations

Further to our best greetings,

We, hereby, inform Your Excellency that a Memorandum of Understanding has been signed on 28 November 2019 in the Turkish capital, Ankara, between the Turkish President, Mr. Erdogan, and the Prime Minister of the Government of National Accord, Mr. Fayez Al-Sarraj. The concluded MOU includes two items, the first one is relevant to the military cooperation between the State of Libya and the Republic of Turkey, while the second item refers to demarcation of the maritime borders between the two countries.

In view of the gravity of this memorandum of understanding for the Arab nation and its future and security, I , hereby, inform Your Excellency of the opinion of the elected Libyan parliament, the Libyan House of Representatives, which represents the Libyan people, to clarify the following facts:

1- The military cooperation between the Government of National Accord, that was imposed on the Libyan people and has never been approved by the Libyan House of Representatives, does not require any memorandum of understanding. The Presidential Council of the Government of National Accord, its President and members, are an existing illegal entity because they have never been sworn in before the legitimate Libyan parliament ever since they assumed office. The Turkish weapons have been flowing in through the seaports of Misrata and Tripoli. This overt military support which is publicly acknowledged by the Government of National Accord itself through official statements of its president and his deputies, as well as in a documented statement by President Erdogan himself on a satellite TV channel, and is also confirmed by numerous videos broadcast by news and media networks, and is clearly manifested also in the killer drones which many of them have been shot down by the Libyan National Army that disseminated documented evidence and footages of these unmanned planes that killed thousands of our sons. This is done under the eyes of the UN Security Council and its International Sanctions Committee, not to mention the flagrant violation by the Republic of Turkey of the Security Council's resolutions that imposed arms embargo on the supply of weapons to the warring factions in Libya.

2- The objective of this Memorandum of Understanding is the violation of the territory of the Libyan state and the Libyan

airspace and its ports and territorial waters by the Turkish military. This is an agreement in the form of a memorandum of understanding that will have repercussions on the Libyan state, including the occupation of its territory by the Turkish army and the violation of its sovereignty.

- 3- What has been agreed upon, even though it is called a memorandum of understanding, is in fact an agreement. The Government of Accord has traditionally concluded agreements with some countries; suspicious agreements, which are called Memoranda of Understanding (MoUs). The aim is to circumvent the ratification of the agreements by the Council of Representatives in accordance with Article (17) of the Constitutional Declaration and Articles (7) (9/34) of the Constitutional Amendment called the February Proposal and Article (08) paragraph (02) item (c) of the Libyan Political Agreement. Memoranda of Understanding (MoUs) made by the executive authorities of states that do not need to be ratified by the legislature should be within the limits of simple cooperation, which does not entail obligations that strain the country's economy, threaten its security or compromise its sovereignty. They differ from the conventions that must be adopted by the legislative authority elected by the people.
- 4- The second item of the MOU shows a great deal of ignorance of the delimitation of the maritime boundary

between the State of Libya and the Republic of Turkey. It is invalid for the following reasons:

(a) Libya and Turkey do not have common maritime boundaries. There are several countries including Greece and Cyprus, in addition to the overlap of maritime borders with other countries, including the Arab Republic of Egypt, Syria and Lebanon, as stipulated in the United Nations Convention on the Law of the Sea (CNUDM). Article 3 stipulates that "Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention." The United Nations Convention on the Law of the Sea defined the contiguous zone in Article 33:

1. In a zone contiguous to its territorial sea, described as the contiguous zone, the coastal State may exercise the control necessary to:

(a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;

(b) punish infringement of the above laws and regulations committed within its territory or territorial sea.

2. The contiguous zone may not extend beyond 24 nautical miles from the baseline from which the breadth of the territorial sea is measured."

Article 55 defined the specific legal regime of the exclusive economic zone: “The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of the CNUDM.”

Article 57 defined the breadth of the exclusive economic zone: “The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.”

(a)- Article (56) stipulates rights, jurisdiction and duties of the coastal State in the exclusive economic zone, to exploit the natural resources in its economic zone, to drill for oil and gas and explore its natural resources of all kinds, and to set up oil and gas platforms, and all types of offshore and onshore installations.

(b)- The Turkish State has not signed or ratified the United Nations Convention on the Law of the Sea because its territorial waters do not contain maritime economic zones at the backdrop of a longstanding dispute between Turkey and Greece over the Aegean Archipelago and its proximity to several states sharing the same territorial waters. The situation in Libya is completely different because Libya's continental shelf is massive; thus the distance of two hundred nautical miles is available in front of all

its coastline, which facilitates the exploitation of natural resources.

(c)- The exclusive economic zone as defined by the United Nations Convention on the Law of the Sea extends 200 nautical miles off the Libyan coast. The exploration of natural resources in this vast area is an exclusive right to the Libyan people, and thus the demarcation of the maritime borders will give Turkey the right to explore for natural resources in this region.

(d)- The signing of this agreement without ratification by the Libyan House of Representatives aims to cede the sovereignty of the Libyan State and its legitimate rights to the Republic of Turkey to enable it to invest in this area, which is null and void by all standards.

(e)- The signing of the aforementioned Memorandum of Understanding is in contravention with the Libyan Political Agreement signed in Skhirat and adopted by the UN Security Council, where it is stipulated in its governing principles that the agreement is governed in both implementation and interpretation by the following principles:

- Commitment to the protection of the national and territorial integrity of Libya, as well as its sovereignty, independence and its full control over its international borders, and rejection of any foreign intervention in Libyan internal affairs.

- Commitment to the formation of a Government of National Accord that leads the executive body and that works towards the implementation of an action program according to the Constitutional Declaration.
- Commitment to the principles of transparency and anti-corruption, and adherence to international standards in the area of the State's public contracting and in all its internal and external transactions.
- The term of the Government of National Accord shall be one year as of the date of granting it a vote of confidence by the Libyan House of Representatives. In case the constitution was not finalized during its term, it shall be renewed automatically for one additional year only. In all cases, the term of the Government shall end immediately after the formation of the executive authority as per the Libyan Constitution or the expiry of its specified duration, whichever is earlier.

According to the Libyan Political Agreement, the Government of National Accord is illegitimate and illegal by all standards. It has not respected the protection of Libya's national unity, sovereignty, independence, and full control over its international borders. It accepted foreign interference in Libya's internal affairs. It has not performed its work in accordance with the Constitutional Declaration, and has not adhered to the principles of transparency and anti-corruption. It has not also complied

with international standards in the field of concluding treaties and agreements. Moreover, the legal term of the Government of National Accord's tenure stipulated in the Libyan Political Agreement has expired years ago. The Libyan House of Representatives has never approved the appointment of its president or its ministers who have never taken the constitutional oath before it. In addition to the spread of corruption and tampering with the country's national wealth, this government supports the militias belonging to al-Qaeda and the outlawed Muslim Brotherhood organization.

Your Excellency the Secretary General of the United Nations

Tampering with the capabilities of the Libyan people through an illegitimate trusteeship government imposed on the Libyan people under UN Security Council Resolution 2259 makes the Libyan people distrust UN resolutions.

The only legitimate body in the State of Libya is the House of Representatives that was elected by the Libyan people in free, direct, and fair elections under the auspices of the United Nations. We call on Your Excellency to submit the issue to the Security Council in which the Libyan House of Representatives demands the following:

1- The issuance of a resolution to withdraw its recognition of the Government of National Accord

2 - The recognition of what emanates from the sole legitimate body, the Libyan House of Representatives.

3 - The non-recognition of the aforementioned Memorandum of Understanding and considering it as non-existing. In this regard, we reiterate our affirmation that the Libyan House of Representatives, which is the internationally recognized legislative authority in the country, does not recognize the referred-to Memorandum of Understanding signed between the Government of National Accord and the Republic of Turkey. The Libyan state is completely relieved of any resulting obligations whatsoever.

Kindly accept our utmost respect and appreciation.

Aguila Saleh Eissa

Speaker of the Libyan House of Representatives