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Oceans and the law of the sea

Note verbale dated 13 November 2014 from the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Cyprus to the United Nations presents its compliments to the Secretary-General of the United Nations and wishes to bring to the latter's attention, in his capacity as the depositary of the United Nations Convention on the Law of the Sea of 1982, the following:

The unlawful actions of the Republic of Turkey in the Eastern Mediterranean against the Republic of Cyprus not only continue unabated, but have recently escalated. The Permanent Mission of the Republic of Cyprus refers to the latest actions of the Government of Turkey in the exclusive economic zone and the continental shelf of the Republic of Cyprus, in flagrant violation of the sovereign rights and jurisdiction of the Republic of Cyprus in its exclusive economic zone and over its continental shelf, as these are enshrined in the United Nations Convention on the Law of the Sea and the relevant customary international law.

In particular, on 3 October 2014, Turkey issued a navigational telex by which it designated certain areas of the exclusive economic zone and the continental shelf of the Republic of Cyprus as reserved, for the period from 20 October to 30 December 2014, for the purposes of seismic surveys. The said areas lie, in their entirety, in the exclusive economic zone and the continental shelf of the Republic of Cyprus and, more specifically, in blocks 1, 2, 3, 8 and 9 of Cyprus's exclusive economic zone and continental shelf in the southern sea of Cyprus, which are designated for hydrocarbon exploration and exploitation operations on behalf of the Republic of Cyprus (see annex I).

It is noted that the said navigational telex regarding the aforementioned activities in the exclusive economic zone and the continental shelf of the Republic of Cyprus was not broadcasted through the National Navigational Telex Coordinator and thus was not in conformity with the navigational telex manual of the International Maritime Organization issued in accordance with the Global Maritime Distress and Safety System of the International Convention for the Safety of Life at Sea of 1974.



The Republic of Cyprus maintains that Turkey is not entitled to issue a navigational telex in relation to an area that falls within the responsibility of the Republic regarding maritime safety and search and rescue operations, by virtue of the International Convention for the Safety of Life at Sea of 1974, the International Convention on Maritime Search and Rescue of 1979 and article 98 (2) of the United Nations Convention on the Law of the Sea. The Republic of Cyprus, through its designated competent authority issued on 3 October 2014 a navigational telex to the effect that Turkey's navigational telex bears no validity or effect whatsoever.

It should also be noted that licences in relation to blocks 2, 3 and 9 have been granted by the Government of the Republic of Cyprus to a consortium consisting of the Eni company and the Korea Gas Corporation for exploration of hydrocarbons in the seabed and the subsoil therein. In fact, the said consortium has already commenced a drilling operation in block 9 in accordance with a contract it signed with the Government of the Republic of Cyprus. For this purpose, the Government, through its designated competent authority, issued, on 3 September 2014, a navigational warning (Navarea III), by which it designated two areas for exploration activities until 3 December 2014 (see annex II). On this basis, a drilling operation in block 9 of the exclusive economic zone and continental shelf of Cyprus is currently being carried out.

Regrettably, on 20 October 2014, the research/survey vessel *Barbaros Hayreddin Paşa* (Turkish flag), owned by the state-owned Turkish Petroleum Corporation, accompanied by two other support vessels, namely *Bravo Supporter* (flag of Gibraltar) and *Deep Supporter* (Turkish flag), entered the exclusive economic zone and continental shelf of the Republic of Cyprus and unlawfully commenced seismic surveys, which continue to date. The aforementioned research/survey vessel and the two support vessels are conducting illegal operations in an area that lies, in its entirety, in the exclusive economic zone and continental shelf of Cyprus.

It should be noted that the Turkish vessel *Barbaros Hayreddin Paşa* and the two support vessels are accompanied and supported by Turkish warships, which are continuously monitoring both the area where the illegal operations are being carried out and the sea area where the authorized drilling operation by Eni and Korea Gas, which has been authorized by the Republic of Cyprus, is taking place. The activity of the Turkish warships in these sea areas constitutes a flagrant abuse of the rights vested in all States by customary international law, which is also reflected in the United Nations Convention on the Law of the Sea, and in particular, of the right to freedom of navigation, and runs contrary to the principle of the peaceful uses of the seas.

The Permanent Mission of the Republic of Cyprus wishes to reiterate that these new provocative and illegal actions of the Republic of Turkey constitute violations of customary international law, as codified in the United Nations Convention on the Law of the Sea. In particular, Turkey is violating the sovereign rights of the Republic of Cyprus to explore and exploit natural resources in the seabed and subsoil of its exclusive economic zone and continental shelf (articles 56 and 77, respectively, of the Convention). In addition, Turkey's acts constitute serious criminal offences under the applicable laws of Cyprus, including the Exclusive Economic Zone and the Continental Shelf Law (Law No. 64(I)/2004, as amended) and the Hydrocarbons (Prospecting, Exploration and Exploitation) Law (Law 4(I)/2007, as amended).

The Republic of Cyprus has no doubts concerning its sovereign rights over its exclusive economic zone and its continental shelf stemming from the United Nations Convention on the Law of the Sea and customary international law and recognized by the international community. Respect for legality is a fundamental principle of the Charter of the United Nations.

In this regard, it should be recalled that the Republic of Cyprus proclaimed its exclusive economic zone by means of the Exclusive Economic Zone and the Continental Shelf Law (Law No. 64(I)/2004, as amended). It should be further recalled that, in line with articles 74 (1) and 83 (1) of the United Nations Convention on the Law of the Sea, the Republic of Cyprus has so far signed agreements on the delimitation of its exclusive economic zone with the Arab Republic of Egypt (in force), the Republic of Lebanon (ratification pending) and the State of Israel (in force), on the basis of the median-line principle. The Republic of Cyprus has deposited with the Secretary-General of the United Nations the delimitation agreements that are in force, along with the lists of the agreed geographical coordinates of points that define the exact limits of the exclusive economic zone.

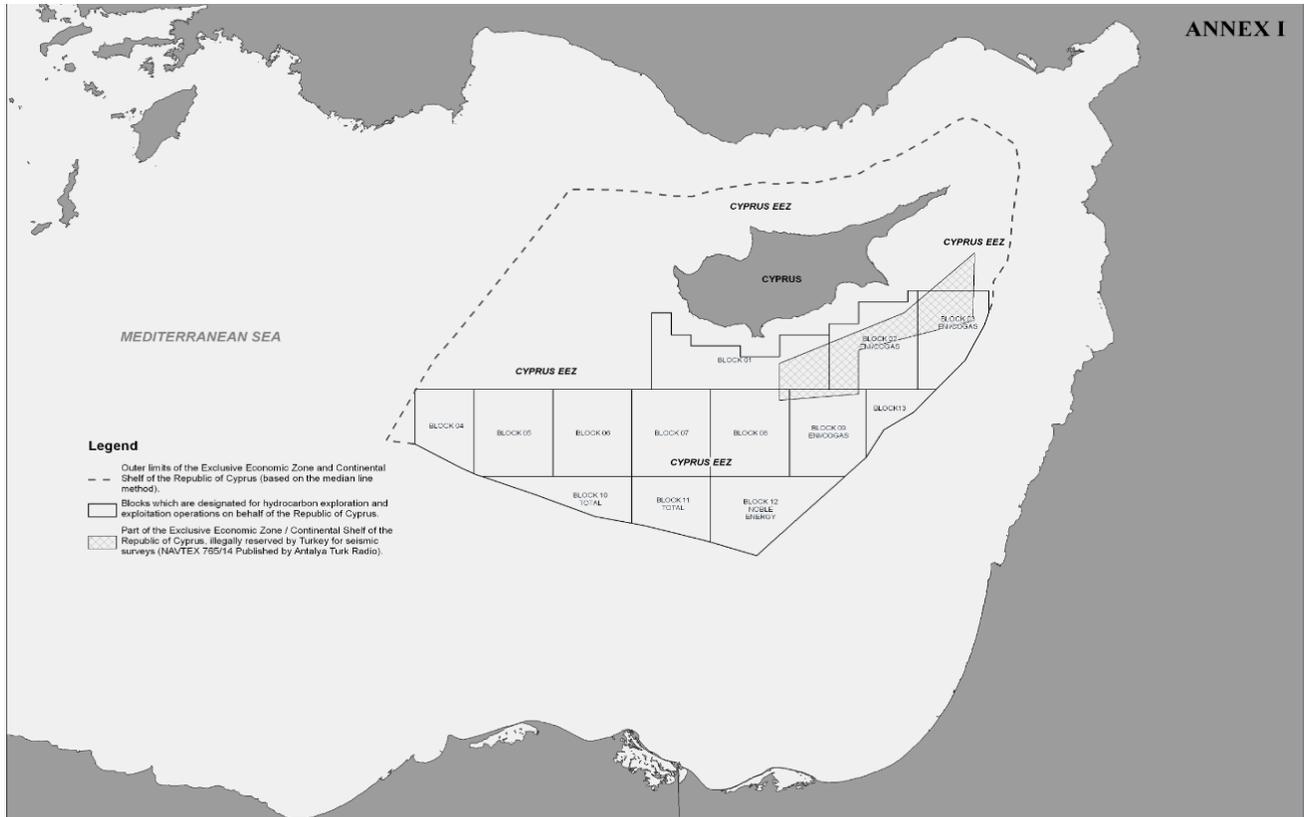
On the basis of the proclamation of the exclusive economic zone and the relevant delimitation agreements signed with three of its neighbouring countries, the Republic of Cyprus exercises exclusive sovereign rights and jurisdiction in relation to areas beyond and adjacent to its territorial sea for the purposes set out in article 56 of the United Nations Convention on the Law of the Sea, which also reflects customary international law. In addition, the Republic of Cyprus has, as a matter of international law, inherent and exclusive sovereign rights over the continental shelf covering the same area, which it exercises in conformity with article 77 of the Convention. In particular, in relation to hydrocarbon resources, the Republic of Cyprus has exclusive sovereign rights, inter alia, for the purpose of exploration and exploitation in its proclaimed exclusive economic zone and over its continental shelf.

It is, therefore, beyond any doubt that the acts of Turkey constitute a violation of international law and an outright breach of the sovereign rights and jurisdiction of the Republic of Cyprus in its exclusive economic zone and over its continental shelf, as these are enshrined in the United Nations Convention on the Law of the Sea, the relevant customary international law and Cypriot domestic law.

The Government of the Republic of Cyprus calls once again on the Government of the Republic of Turkey to respect international law and immediately cease all seismic survey operations within the maritime zones of Cyprus and refrain from similar activity in the future. Moreover, with regard to the aforementioned activity of Turkish warships in the said areas, the Government of the Republic of Cyprus urges Turkey to fully abide by the principle of international law on the peaceful uses of the seas.

The Permanent Mission of the Republic of Cyprus would highly appreciate it if the Secretary-General could circulate the present note and its annexes as a document of the General Assembly, under agenda item 74, and publish it on the website of the Division for Ocean Affairs and the Law of the Sea and in the next *Law of the Sea Bulletin*.

Annex I to the note verbale dated 13 November 2014 from the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General



Annex II to the note verbale dated 13 November 2014 from the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General

