



## AN ASSESMENT OF EASTERN MEDITERRANEAN MARITIME BOUNDARY DELIMITATION AGREEMENT BETWEEN TURKEY AND LIBYA

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### *Abstract*

*In recent years, the Eastern Mediterranean hydrocarbon discoveries is one of the hot topic. Related to it, maritime jurisdiction area disputes have occurred in the region. The most important one is the Turkey- Turkish Republic of Northern Cyprus (TRNC) and Greek Cypriot State (GCA) dispute. Turkey, made an agreement with Libya on November, 2019 against ongoing dispute and unlawful activities. As a result of it, Turkey and Libya became coastal neighbors, and two littoral states. Agreement has strong impact on entire political and economic situation in the Eastern Mediterranean, particularly, regional and global actors competition on energy resources. Agreement will definitely change proxy war balances which is conducted by global actors such as the USA, Russia and the European Union (EU). The ongoing civil war in Libya is the active and passive component of this agreement. Regional and global actors reacted very sharply to the agreement because of their interest and plans about region are deteriorated.*

*In this study, the impact of the agreement on Eastern Mediterranean hydrocarbon activities, regional and global actors, Libyan Civil War, Eastmed Pipeline project and the Turkey-TRNC-GCA dispute are evaluated. Agreement's legality is analyzed accompanying with Libya's political situation and diplomatic relations with Turkey. Finally, Turkey's important role and place in the Eastern Mediterranean is considered to explain the importance of the agreement.*

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### **Doğu Akdeniz Türkiye-Libya Deniz Yetki Alanı Sınırlandırma Anlaşmasına İlişkin bir Değerlendirme**

#### **Öz**

*Doğu Akdeniz hidrokarbon keşifleri, son yılların en önemli konularından birisidir. Doğu Akdeniz'de, hidrokarbon kaynaklarına ilişkin, deniz yetki alanı uyuşmazlıkları yaşanmaktadır. Bu uyuşmazlıkların başında Türkiye-Kuzey Kıbrıs Türk Cumhuriyeti (KKTC) ve Güney Kıbrıs Rum Yönetimi (GKRY) deniz yetki alanı çatışması gelmektedir. Türkiye, bölgede devam eden çatışmaya ve buna ilişkin faaliyetlere karşın Kasım 2019'da Libya ile MEB anlaşması imzalamıştır. Anlaşma ile, Türkiye ve Libya denizden komşu olarak, iki kıyıdaş devlet haline gelmiştir. Anlaşma, Doğu Akdeniz'deki bütün, politik ve ekonomik denklemleri değiştirecek potansiyele sahiptir. Özellikle enerji*

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*kaynakları ekseninde bölgede şekillenen bölgesel ve küresel güçlerin rekabeti, anlaşmadan etkilenecektir. Bölgede, ABD, Rusya, AB gibi küresel güçlerin ve yürüttükleri vekalet savaşlarına ilişkin dengelerin de değişeceği açıktır. Devrim sonrası Libya'da devam eden İç Savaş, anlaşmanın etkeni ve edilgeni konumundadır. Anlaşmaya büyük tepki gösteren GKRY, Yunanistan, Fransa, Mısır ile ABD, Rusya, İsrail gibi ülkelerin de bölgedeki çıkarlarının zedelendiği ve planlarının bozulduğu görülmektedir.*

*Çalışma, Türkiye-Libya Deniz Yetki Alanlarının Sınırlandırılmasına İlişkin Mutabakat Muhtırası'nın, bölgesel ve küresel aktörler ve dinamiklere etkisini öngörülerle birlikte ele almaktadır. Anlaşmanın, Doğu Akdeniz hidrokarbon faaliyetlerine, Libya İç Savaşı'na, EastMed Boru Hattı projesine ve Türkiye-GKRY-KKTC-Yunanistan deniz yetki alanları çatışmasına etkisini incelemektedir. Araştırmada, anlaşmanın hukuki açıdan geçerliliği, Libya'nın siyasi konjonktürü ve Türkiye ile ilişkileri de ele alınmakla birlikte, Türkiye'nin Doğu Akdeniz'deki önemi ve konumu, anlaşmanın önemi ortaya konularak değerlendirilmektedir.*

**Makale Türü:** Araştırma Makalesi

**Anahtar Sözcükler:** Doğu Akdeniz, MEB, Türkiye, Libya, Enerji

**JEL Kodları:** F5, F51, F53

**Yazarın Notu:** Bu çalışma bilimsel araştırma ve etik kurallarına uygun olarak hazırlanmıştır. Bu çalışmada etik kurul izni veya yasal/özel izin gerektirecek bir içerik bulunmamaktadır. Çalışma ile ilgili herhangi bir çıkar çatışmasının bulunmadığı Kara Harp Okulu Bilim Dergisine yazar imzası ile beyan edilmiştir.

## INTRODUCTION

The Turkey-Libya Maritime Boundary Delimitation Agreement signed on November 27, 2019 has an important impact on current Eastern Mediterranean situation. Dispute on maritime jurisdiction areas based on Eastern Mediterranean hydrocarbon activities on the Turkey- Turkish Republic of Northern Cyprus (TRNC) and Greek Cypriot State (GCA) and Greece axis, tensely continues. In this context, Turkey and the TRNC's activities are restricted, and their rights are violated. This issue will be reshaped by the Turkey-Libya agreement. Eastern Mediterranean hydrocarbon discovery is a multi-dimensional topic. Since this issue is related to energy resources, it is one of the high-level agenda items of regional actors such as the Israel, Egypt, Lebanon and Libya as well as global actors such as the USA, Russia, the EU, the UN and NATO. It is seen that proxy war has been conducted, like in Syrian Civil War, leading by the USA and Russia in the Eastern Mediterranean within the context of competition for dividing the world's energy sources.

The maritime jurisdiction disputes that have been going on in the Eastern Mediterranean for about 10 years have considerably escalated with the GCA and Greece's recent activities. These activities are supported by global actors such as the EU, USA, Russia, France, and regional actors such as Israel and Egypt. The EastMed pipeline project and EMGF(Eastern Mediterranean Gas Forum); EEZ agreements signed by GCA with Egypt, Lebanon and Israel; GCA's licensing and exploration activities in its unilaterally declared EEZ, pushed Turkey to make a strategic move. This agreement has been a major political shift and game changer on region's geopolitics, energy order and global actor's policies and plans for energy and political purposes in the Eastern Mediterranean. This study discusses

the impact of the Turkey-Libya agreement on parties, global and regional actors, and political dynamics and energy order in the Eastern Mediterranean.

Turkey signed this agreement with the Government of National Accord (GNA). 42 years of Kaddafi regime in Libya was overthrown by the Arab Spring movements and the NATO intervention with the support of the UN. In the aftermath, a dual-governed Libya emerged with elections in the country, and since 2011, Libya was not able to end civil war. Briefly, Libya has been living in a chaos with civil war environment without a political stability since 2011. This situation is quite important for the future of the Turkey-Libya agreement. In this study, the potential impacts of the Turkey-Libya agreement on Turkey, Libya, and global and regional powers are evaluated by addressing internal and external dynamics in Libya.

The purpose of this study is to reveal the process, which caused the emergence of the Turkey-Libya maritime boundary delimitation agreement, and the effects of this agreement on Turkey, Libya, TRNC, GCA, Greece as well as regional and global actors in the East Mediterranean, with predictions. We discuss the impact of this agreement on maritime boundary delimitation conflicts between Turkey, TRNC, GCA and Greece in the Eastern Mediterranean. Delimitation of maritime jurisdiction areas between Turkey and Libya is evaluated with the situation of Libya within the context of ongoing civil war, balances of power in the country and its potential impact on the country's future. It is clear to see that the agreement will affect diplomatic, political and trade ties of two countries.

This agreement is a game-changer and an important political shift in the Eastern Mediterranean. Turkey is the game-changer of it. This agreement was made in order to protect the rights of Turkey and the TRNC, which is violated by GCA in the Eastern Mediterranean. Therefore, the impacts of the agreement on the activities of GCA in the Eastern Mediterranean, is discussed. The most important one of these is the EastMed pipeline project created by the regional countries. This agreement affects the future of the project, which is strategically, economically and politically very important.

In this study, consisting reasons of the Turkey-Libya agreement are examined. The concepts of "International Maritime Law" and "Exclusive Economic Zone" are explained. Conflict in maritime jurisdiction areas between the Turkey-TRNC and GCA in the Eastern Mediterranean is addressed in order to explain the impact of this agreement. Libya's recent political history, its relations with Turkey, and its political situation from post-Kaddafi period until today are discussed to understand Libya's position on this agreement and its impact on the country. Finally, the agreement is evaluated in terms of regional and global actors, with an emphasis on the legal, economic and political effects as well as its impact on the basis of energy. In conclusion, findings related to questions that constitute the research are explained and evaluated.

### **Conceptual Framework**

International Maritime Law, and maritime jurisdiction areas and EEZ in this sense, form the conceptual framework of this study because of the agreement signed regarding the dispute on maritime jurisdiction areas in the Eastern Mediterranean.

#### **International Maritime Law**

Maritime law is a branch of law that regulates the legal regime of the seas, examines the activities conducted in the seas in terms of international law and regulates the traffic of the ships. Seas are classified with legal aspect, considering the legitimate ownership of the state. Marine jurisdiction areas are listed as internal waters, territorial sea, contiguous zone, exclusive economic zone, continental shelf and high seas. While the internal waters are under the full sovereignty of the coastal state; high seas are not under the sovereignty of any state. (Kaya, 2016: 1-5)

For Turkey, maritime law is priority. Turkey is a country with more than 7000 km of coastline surrounded by seas. Accordingly, there are some ongoing conflicts with neighbor coastal states about the sovereign rights on seas. In this context, Turkey experiences disagreements with the Greece on the Aegean Sea and with the Russia on straits. Maritime boundary conflicts in the Eastern Mediterranean are also added to these disputes with recent hydrocarbon discoveries.

In particular, after the Second World War (WWII), the political and economic importance of the seas has improved, and as a result of it, written international law has been created by UN. As a result of the UN's efforts, Geneva conventions on the Law of the Sea were accepted on April 29, 1958 and UNCLOS was signed on December 10, 1982. These conventions regulate basic laws such as the solution of the sea sovereignty disputes between states, the width of the territorial waters, the fishing zone, the continental shelf, the contiguous zone, the exclusive economic zone, the rules on the offshore and international seabed and the legal regime of the sea vehicles.

The main rules of the delimitation of maritime jurisdictions areas are included in the International Court of Justice. The ICJ is obliged to resolve disputes in accordance with international law. Because Turkey is not party to UNCLOS, there is no international agreement between regional countries in the Eastern Mediterranean. This situation is one of the main facts of the conflicts in the Eastern Mediterranean. A joint agreement that could be signed by the regional countries including Turkey would be significant move in order to solve this issue. (Kaya, 2016: 2-8)

The USA, Israel and Syria are not parties of the UNCLOS 1982. Turkey is not party to the 1958 Geneva Convention and 1982 UNCLOS. Therefore, UNCLOS is not binding for Turkey. On the other hand, Greece is a party of the agreement. Briefly, this situation causes the conflicts. (Kuran, 2006: 3-4; Kaya, 2016: 176)

### **Exclusive Economic Zone**

EEZ is indicated in the articles 55-77 of the 1982 UNCLOS. EEZ consists of the state's seabed, internal waters and territorial waters. The internal boundary of the territorial waters is the boundary that separates the marine area where the internal water regime is recognized and the marine area where the territorial regime is recognized. EEZ is the seabed with a layer of water remaining in the 200-mile wide sea area, starting from the territorial waters of the coastal state, and the seabed, and its maritime underground that grants exclusive economic rights and powers. The coastal state has rights and powers regarding the exploration, conservation, operation, protection and management of natural resources in the EEZ up to 200 miles. In the concept of EEZ, the state has sovereign powers and rights; it is not considered part of the country.

UNCLOS regulates sovereign rights of the coastal state, which is for economic purposes, include legislative and judicial powers. However, UNCLOS also gives third states some rights on this maritime zone. Economic activities should not violate the rights of third states in EEZ. (Kuran, 2006: 244-245) According to the 1982 UNCLOS, third-party states have the right to freely navigate, fly over the sea, and lay cables and pipes under the sea, by respecting the rights and obligations of the coastal state in compliance with their laws and regulations.

In terms of delimitation of the EEZ between states that are proximate and the ones neighboring on the coast, the "Equitable Principle" has been adopted, which is recognized for the delimitation of the continental shelf. Accordingly, the EEZ delimitation will be made through an agreement and in a way that will reach a fair conclusion in accordance with the international law. (Kuran, 2006: 254-258)

According to article 56 of UNCLOS, rights, jurisdiction and duties of the coastal state in the exclusive economic zone and the coastal state are defined in the EEZ. According to the 2<sup>nd</sup> paragraph of Article 56 of the UNCLOS, there are sovereign rights over the research, operation, conservation and management of the alive and inanimate natural resources of littoral states in the waters on the seabed, in and under the seabed in the EEZ and, similarly, other activities for the economic exploration and operation of the region, such as energy production from water, currents and winds. The article 56.2 of UNCLOS states that "In EEZ, the coastal state will act in a manner that will consider the rights and obligations of other states as required and in compliance with the provisions of the said contract, while exercising its rights and fulfilling obligations under this Convention." In Article 57, it is stated that EEZ will not exceed 200 nautical miles, starting from the baseline where the width of territorial waters is measured.

The article 59 states that if the interests of the coastal state conflict with the interests of any state, this dispute will be resolved for the benefit of the international community and for the benefit of the parties individually, considering all the relevant circumstances on the basis of the equitable principle. (UNCLOS, 1982: 40-49) UNCLOS regulates how the dispute will be resolved if the coastal state has conflict with other states. This article is subjective because the determination of the

equitable principle depends on time and conditions. The issue of determining disputes, related to EEZ, in accordance with equitable principle remains ambiguous. (Kuran, 2006: 253) This situation forms the basis of the dispute in the Eastern Mediterranean.

In the article 77 of the UNCLOS, the coastal state can conduct research and operate natural resources on the continental shelf. However, another coastal state cannot conduct these activities without the permission of the coastal state in question. EEZ causes many uncertainties with subjective articles that are not clear in the UNCLOS. (UNCLOS, 1982)

EEZ, now replaces the continental shelf, worldwide. Because of it, GCA conducts its moves, with EEZ instead of the continental shelf. Although the continental shelf does not require proclamations, EEZ requires it. Most of the states declare unilateral EEZ. (Yaycı, 2020: 145) This causes maritime jurisdiction conflicts. A Coastal state is able to declare its EEZ without being a party of the UNCLOS. This is the case in the Turkey-Libya agreement.

### **Dispute over the Eastern Mediterranean Maritime Jurisdiction Areas**

The main reason of the Turkey-Libya agreement is the dispute on maritime jurisdiction areas in the Eastern Mediterranean between the Turkey, GCA and TRNC.

According to research conducted by the United States Geological Survey (USGS) in 2010, there are 122 tcf natural gas and 1.7 billion barrels of oil in the Levant Basin. (USGS, 2010) Following this announcement by the USGS, hydrocarbon exploration activities in the region have caused conflicts. The basis of this conflict derives from the unresolved Cyprus Question and the Aegean dispute. The main conflict that Turkey experiences with the Greece in the Eastern Mediterranean is the delimitation of territorial waters and continental shelf as well as the Cyprus Question.

As part of the sharing hydrocarbons in the Eastern Mediterranean, the problem of delimitating maritime jurisdiction areas is an important agenda item of the recent years. The importance of energy resources increases in line with the rise in global energy demand and consumption. Oil and natural gas are important both economically and politically. Eastern Mediterranean hydrocarbon discoveries have great significance for the economies and political power of the regional countries. In this context, Turkey signed an important agreement with Libya in order to take advantage of the energy resources in the region, to protect the borders of Mavi Vatan, the rights and interests of itself and the TRNC, and to take part in national and regional energy policies.

### **The Maritime Boundary Dispute between Turkey, TRNC and GCA**

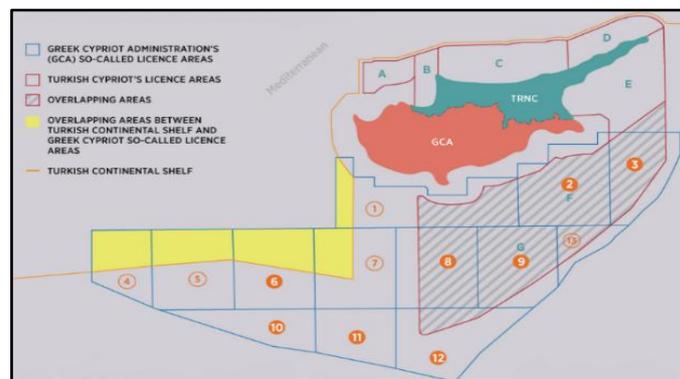
One of the major problems caused by hydrocarbon exploration activities in the Eastern Mediterranean is the Turkey-TRNC and GCA maritime boundary

dispute, which is the part of the Cyprus issue. The main reason of this conflict is that the Cyprus issue has been going on for years without resolution; GCA declared EEZ as the only representative of the Cyprus Island, and licensing its blocks to energy companies. So, GCA violates the rights and interests of Turkey in the Eastern Mediterranean. (Legislation and Treaties Turkey, 2020)

Despite the negotiations and the issue being declared to the UN, the TRNC has granted a license to TPAO in the southern part of Cyprus, when GCA did not take a step back in its activities. Then, the Piri Reis seismic research vessel started to search for natural gas and oil in the Eastern Mediterranean. A part of the blocks, 1, 4, 5, 6, and 7 out of 12 tendered blocks overlapping with Turkey's continental shelf in the Mediterranean and the blocks, 1, 2, 3, 8, 9 and 13 overlapping with the license areas given by TRNC to TPAO. According to the method adopted in the continental shelf agreement signed between Turkey and the TRNC, since the remaining blocks are located inside the maritime boundary of Cyprus, the Turkish people of Cyprus have also rights on these areas. (Bilgesam, 2013) Conflicts between Turkey, TRNC and GCA on maritime jurisdiction are shaped in this axis.

Turkey opposes the natural gas exploration activities by GCA acting as the only representative of the Cyprus. Turkey's objections states that the Greek Cypriots do not represent the entire island and Turkish Cypriots have also interests on the natural gas resources in it. Although it is stated that GCA will give a rightful portion to TRNC from the natural gas income as a result of drilling, it is known that this will not be done. (Johnson, 2019) Turkey has stated that TRNC has the right to declare EEZ. However, TRNC, as a non-recognized country in the international arena except Turkey, is not able to declare EEZ and conduct drilling activities, thus not being able to agree with energy companies for this purpose. The Greek Cypriots puts political and economic pressure on European, Israeli, Russian and American energy companies, not to cooperate with the TRNC. Also, this attitude adversely affects peace towards negotiations. (Başeren, 2010: 19)

"The Marine Jurisdiction Areas Dispute" between Turkey, TRNC and GCA is shown in the map below. The so-called EEZ of the GCA overlapping with Turkey's continental shelf.



**Figure 1.** Maritime Jurisdiction Areas Dispute between the Turkey, TRNC and the GCA in the Eastern Mediterranean (AA, 2019).

The GCA made EEZ agreements with neighboring countries in the Eastern Mediterranean such as Lebanon, Egypt and Israel, ignoring the Turkey and the TRNC. GCA's EEZ agreements is recognized by the US and EU. Turkey declares that it does not recognize these agreements by notes to the UN. However, the notes given to the UN do not prevent the activities of the GCA. (Kuran, 2006: 267-269)

The Republic of Cyprus is recognized by the UN as a sovereign state, the EU member and receives the support of the EU. Therefore, it wants to use its rights as a state in the Eastern Mediterranean. There are significant gaps in the "International Law" and "Maritime Law" regarding the disputes of the Eastern Mediterranean maritime jurisdiction areas. (Kuran, 2006: 273) While declaring EEZ, the equitable principle should be considered. However, it is not clear how the delimitation will be made in UNCLOS. In addition to that, there is no regulation that EEZ will not be declared unilaterally. The basis of the problems between Turkey and GCA stems from this uncertainty. (Bilgesam, 2013: 38)

Turkey and the TRNC gave exploration licenses to the TPAO, in the region by determining the continental shelf in 2011. Then, a dispute started in these blocs. When Turkey began seismic exploration activities in these waters, negotiations conducted with GCA have been suspended. Defining Turkey's behavior as illegal, the Foreign Ministry of Greece made a statement on this issue that the EU member states' sovereignty on the seas and airspace need to be respected; Turkey needs to disclaim its illegal actions and is urged to abide by its obligations under the international law. The European Commission stated that Turkey's actions could deteriorate relations with their neighbors. (BBC, 2018)

The Eastern Mediterranean hydrocarbon resources belong to all Cyprus Island's people. In this context, Turkey had some counter-moves internationally, and certain applications in line with the international law. Turkey interfered in seismic activities conducted within its own EEZ via the Turkish navy. (Pamir, 2016: 459) This intervention escalates the tension in the region.

Greece aims at possessing broad maritime areas and continental shelf with its moves and support of the GCA by isolating Turkey into the Gulf of Antalya. After the EEZ agreement (Legislation and Treaties Cyprus, 2020) between the GCA, Lebanon and the Egypt, it declared 13 licensed zones on an area determined in the Southern Part of Cyprus on January 26, 2007. While 5 of these zones overlapping the Turkish continental shelf, the TRNC has rights on others. Also, GCA made an important exploration for the government on a regional and global scale in an area with no dispute. Aphrodite gas field has 122 bcm natural gas. (Delek Drilling, 2020)

TRNC has rights and authorities on the maritime areas of the Cyprus. All related regulations, laws and agreements, made by the GCA are not recognized by the Turkey since they do not represent the whole Cyprus. (Başeren, 2010: 30) A fair solution should be reached on the basis of the equitable principle for sharing hydrocarbon reserves. For this purpose, the Cyprus Question should be solved. (Başeren, 2010: 47-48) Due to this dispute, Turkey continues its activities in the Mediterranean with its seismic research ships of Barbaros Hayreddin Paşa, Fatih,

Oruç Reis and Yavuz Sismik Araştırma (TPAO Projeler, 2020), which were used for the “Akdeniz Kalkanı Operation” (DZKK, 2015) and “Mavi Vatan Maneuvers” (DZKK, 2019). Turkey and the TRNC keep protecting their interests and rights in the Eastern Mediterranean, in the field as well as through diplomacy. (Pamir, 2020)

This dispute in the Eastern Mediterranean has escalated with the EastMed pipeline project. In the following process, the establishment of EMGF, GCA’s continuing exploration activities within the scope of the powers granted to international companies within the so-called EEZ field, which were licensed by the GCA, and its EEZ agreements with regional countries, considerably escalated the tension. In addition, plan of Greece to declare the EEZ with the GCA, plan of the Greek islands to declare much larger EEZ than their surface area, has led the dispute to an impasse. Turkey signed a maritime boundary delimitation agreement with Libya to prevent these illegal actions.

### **Libya’s Structure & Post-Gaddafi Era**

To understand the importance and impact of the Turkey-Libya agreement and make predictions, situation of Libya should be considered. After the 42-year Gaddafi dictatorship, the movements that emerged with the Arab Spring spread to Libya and the regime was overthrown with the UN-backed NATO intervention. After the revolution in 2011, authority and political power gap occurred in Libya and political and economic stability has not been achieved yet. With the 2014 elections, a dual government emerged in the country, and the civil war continues in this context. The power gaps in the country and the ongoing civil war have escalated the actions of terrorist groups such as the ISIS and Al-Qaida.

The internal dynamics of the country cause instability. The tribal structuring in the country is the biggest example to it. Another cause is the country’s transitioning into a zone of conflict by the global actors, due to the country’s large oil and natural gas reserves. The political structure and situation of the country, the ongoing civil war, and the plans of the GNA, the House of Representatives (HoR) and the global powers in the country are very important for the future of the Libya and the agreement.

Libya is an African country with a coast in the Mediterranean, neighbored by the Egypt, Chad, Sudan, Niger, Algeria, and the Tunisia. (Oyenyi, 2019: 3-4) Although most of the country consists of desert, it is quite rich in oil. The capital of Libya is Tripoli, and the official language is Arabic. The population of the country is about 6.4 million and the majority of it is Muslim. (BBC, 2019) In 1951, Libya declared its independence under the leadership of King Idris and named as the “United Kingdom of Libya”. Thus, it was no longer Italy’s colony, and it took a place in history as an independent state. One of the first states recognized the foundation of Libya was, Turkey.

In 1969, under the leadership of Muammar Gaddafi, the Revolutionary Command Council (Free Officers Movement) took over by a coup in Libya. (Vandewalle, 2012: 43&78) Gaddafi ruled Libya until he was overthrown and

killed by NATO intervention (Operation Unified Protector) on October 20, 2011. (Erdağ, 2017: 23-24) With the Arab Spring movements, the protests initiated by the opponents against the Gaddafi administration in February 2011 turned into a civil war; NATO intervened in the crisis, and the Gaddafi regime was overthrown as a result of the process. (Yaycı, 2019)

Throughout his 42-year governance, Libya's state structure and political, economic and social dynamics were governed by the ideology, revealed by Gaddafi's book named "Green Book" (Oyenişi, 2019: 96) Western countries supported internal turmoil in Libya due to Gaddafi's control over the country's oil reserves. Gaddafi's policies consisted of intense anti-Americanism, anti-Westernism and anti-Zionism. (Oyenişi, 2019: 129-130) This was the main reason of anti-Gaddafi attitudes of the Western countries.

Gaddafi's Libya, conducted terrorist acts within the scope of anti-Westernism policies and was subsequently subjected to sanctions. In 1992, the UN applied economic and diplomatic sanctions to Libya, which was responsible for attacking the Pan AM plane in 1988 and the bombing on Lockerbie. These sanctions were suspended by the UN Security Council in 1999 and lifted in 2003. (Oyenişi, 2019: 25-31)

The main reason of the protests that started in Libya is the socio-economic conditions of the society. Gaddafi's use of violence against protests caused the growth of the uprising and dragged the country into a civil war. (Başpınar, 2017) Within the scope of Gaddafi's policies, the country's large oil reserves were not reflected the development of society, their socio-economic development, and the increase in the level of welfare in the country. (Vandewalle, 2012: 133-134)

Libyan people lived under the 42-year Gaddafi dictatorship, deprived of their rights and freedoms. It is known that this situation caused great anger against the Gaddafi regime. The Libyan revolution was primarily triggered by the socio-economic effects of an unfair distribution of power and Gaddafi's nepotism. The billions of dollars in the country's income from oil and gas exports were spent on Gaddafi's foreign policy adventures and "African Union" ideals with his dreams of fighting imperialism. Only a small minority in the country had good standard of living. (Oyenişi, 2019: 184-188)

The uprising dragged the country into a civil war. The excessive use of force by the Gaddafi regime caused the death of thousands of civilians. The civil war in Libya also attracted the attention of an international community and UN adopted the S/RES/1970 (UNSC Res., S/RES/1970, 2011), which first included sanctions against stopping the civil war in order to protect civilian, and later, took the decision S/RES/1973 (UNSC Res., S/RES/1973, 2011), which gave an international community the right of the military intervention. With the "Operation Unified Protector", NATO killed and overthrown Muammar Gaddafi, on October 2011. (Erdağ, 2017: 2)

Uprisings that emerged with the Arab Spring in the Middle East and North Africa ended many dictatorships in the region, including Libya. Whether the Arab

Spring occurs with the support of local or global powers, or both, is an issue that can be interpreted in the long run. However, it can be seen that Libya is still in chaos during the post-Gaddafi period, and it has not achieved stability both externally and internally. (BBC, 2020a) Political instability and power gap, in the country is a situation, desired by global powers. Global powers are in Libya, from the very beginning of war and played a key role in overthrowing Gaddafi. (Bershdisky, 2020) The biggest reason behind this situation is the country's strategic and geopolitical position as well as its energy resources. (St. John & St.John, 2017: 254-258)

Transitional National Council in Libya has declared itself the sovereign representative of all Libya, and has been shortly recognized by more than 100 countries. After Gaddafi's overthrow in 2011, the country was divided into Tripoli and Tobruk Governments. (Financial Times, 2020) After the second general elections in Libya on June 25, 2014, two *de facto* governments were emerged. (Jones, 2014) Since then, conflict still continues. The GNA, which is based in Tripoli, is recognized and supported by the Turkey, EU and the UN and recognized as the only legitimate government in the country. Russia, Egypt, UAE and France support the House of Representatives, headquartered in Tobruk, led by General Khalifa Haftar. (Weise, 2020) In Libya, two rival governments, different tribes, and militia forces continue their struggle to seize power. In addition, groups such as ISIS and Ansar al-Sharia support the instability in Libya. (Yaycı, 2019)

Following the first democratic election held in 2014, a bloody civil war erupted between an anti-Islamic and nationalist movement supported by the Haftar-led and Tobruk-based HoR, and the Islamist Muslim Brotherhood based in Tripoli with its military wing unified under the name of Libyan Dawn. (Aksu & Eminoglu, 2019) Conflict of the armed forces related to GNA, and the LUO units related to Haftar continues to escalate. (Yaycı, 2019: 51-62) In Libya, the Haftar and Sarraj governments are parties of the civil war. (Vandewalle, 2012)

It is seen that many actors surfaced in Libya after the overthrow of Gaddafi. In Libya, just like in Syria, it is seen that global actors mostly initiate proxy wars rather than the war between Haftar and GNA. In addition, although the forces of Haftar have more area, the majority of the population belongs to the GNA. (Pamir, 2019) The country has been in civil war since 2014. In fact, these actors also played a role in the Gaddafi's overthrow. It is observed that Qatar, Saudi Arabia and UAE are more involved in the country than before. Egypt, UAE, France and Russia support the forces of Haftar. (Fraihat, 2016: 30-34) Libyan Civil War has turned into a proxy war and it is predicted that the contention between Russia and Turkey will continue. (Cristiani, 2020) It is believed that the CIA supports Haftar. (Turak, 2020)

In particular, after the EEZ agreement between Turkey and the Sarraj government, Haftar got closer to the France and Greece. (AlJazeera, 2020) Also, Italy supports Turkey due to its interests in this equation.

There are many reasons for the interest and intervention of global powers in Libya. These reasons can be listed as the country having the largest oil reserves

in Africa; being an important player in the natural gas markets; having an important position on the 2000 km Mediterranean coast and the immigration routes to Europe; the threat of the activities of terrorist groups such as ISIS in the country. (BBC, 2020b)

It is seen that after the death of Gaddafi, Al-Qaida, ISIS and other terrorist groups strengthened their actions in Libya. (Oyeni, 2019: 197-212) The main reason of it, is the political power and authority gap. Terrorist groups can fill this gap where government authority is weakened or absent.

One of the reasons of political instability, civil war and chaos in Libya is the country's energy resources; oil and gas reserves. (Yaycı, 2019) Global powers aim to control the country's energy resources and reduce the energy production of Libya, breaking its potential power in the energy markets by creating political instability and civil war in the country. (Pamir, 2020)

Libya has Africa's largest oil reserves. Oil is the lifeblood of the Libyan economy and 80% of the country's income comes from oil exports. In 2018, Libya had 48.4 millions of barrel oil reserves, and 1.4 tcm natural gas reserves. (BP Statistical Review of World Energy 2019, 2019) Before the 2011 revolution, Libya was producing about 1.6 million barrels of oil a day. The environment of conflict emerging with the revolution, almost stopped all of the country's exports. Because of the country's economy depends on oil exports, economic deterioration with the revolution, distorted the balance of domestic payments and caused deficit of employment.

In 1973, Libya nationalized 51% of foreign oil companies in the country. In the 1980s and 1990s, Western oil companies were affected by the prolonged crisis in relations between Libya and Western countries. It was not until the early 2000s, when UN and US sanctions were lifted, that major Western oil companies were either able or willing to resume direct operations in Libya. After this, foreign investment in oil and gas accelerated. (Bartrop, 2019: 9-12) It can be said that a proxy war took place in the country, in the context of the big oil and natural gas reserves of Libya. Within the scope of the Eastern Mediterranean hydrocarbon discoveries, the presence of global powers such as the USA, Russia, China and France is always seen in the region.

In addition to this situation, the tribal culture of Libya is one of the important reasons dragging the country into chaos. The main dynamics of the social structure in Libya are tribes. Tribes are the important cause of the Gaddafi's regime for many years by supporting it. (Lacher, 2011)

Despite the ongoing civil war in Libya, the UN always states that foreign powers escalate chaos in the country and should withdraw. Today, Russia, Turkey, Egypt, France, UAE, USA, EU and Qatar are present in Libya. Turkey sent troops, mostly Syrian soldiers to Libya against Haftar. (BBC, 2020b) In addition, Turkey's ally Qatar also provides support to GNA. USA has condemned Turkey's decision to send troops to Libya. Israel, Greece and GCA have issued a statement condemning the Turkey. (BBC, 2020c)

As a result, new order in Post-Gaddafi's era has not concluded, yet. There is no legal and centralized government in the country. On the one hand, the civil war, but at the same time, the signing of treaty agreements on the backdrop of international efforts show, how complicated the path of stability is. Efforts will be required on the long run to resolve the current situation with multiple actors. (Wehrey, 2020)

It could not be said that Libya has transitioned from the dictatorship to a civil peace today. Although 9 years have passed since the revolution, yet country has not achieved stability and peace. The ongoing civil war in Libya drags the country to bigger chaos, both economically and socially day by day. (St. John & St.John, 2017: 23) Political climate in Libya and civil war will also shape the future of the Turkey-Libya agreement. For this reason, the interests of the countries that support the forces of Haftar in the Eastern Mediterranean are an important factor, affecting the future of the agreement.

### **Turkey & Libya Relations**

Turkey signed the EEZ agreement with GNA, which is at war with the forces of Haftar. In this context, the relationship of Turkey with the Sarraj government, or in other words GNA, and the forces of Haftar, or in other words the House of Representatives, will shape the future of this agreement. In addition, the presence of regional and global actors in Libya, and their intervention in the process will determine the relations between two countries and the future of the agreement. Turkey's relationship with Libya should be evaluated within the political, economic, and military context.

Libya's relationship with Turkey is quite old. In historical perspective, Libya was ruled by the Ottomans between 1551 and 1911. In 1911, Italy invaded Libya and remained in the country until the end of the WWII. England and France ruled the country after WWII. Libya gained independence in 1951 as the United Kingdom of Libya. (Erdağ, 2017: 23-24) The country's relations with Turkey began when Libya gained independence, considering the historical process of Libya. Turkey became one of the first countries to recognize Libya after the independence in 1951. Then, on 4 September 1953, diplomatic relations were established, and the first Turkish Ambassador in Libya, Celal Karasapan, started his duty on that day. (T.C. Dışişleri Bakanlığı, 2020)

It is seen that Turkey's diplomatic relations with Libya improved with Libya's support to the 1974 Cyprus Peace Operation. After this support, the construction projects conducted by Turkey since 1975 have strengthened the relations between the two countries. (Yaycı, 2011: 65)

The constructions conducted by Turkish contracting companies in Libya are important, in terms of diplomatic and economic relations between the two

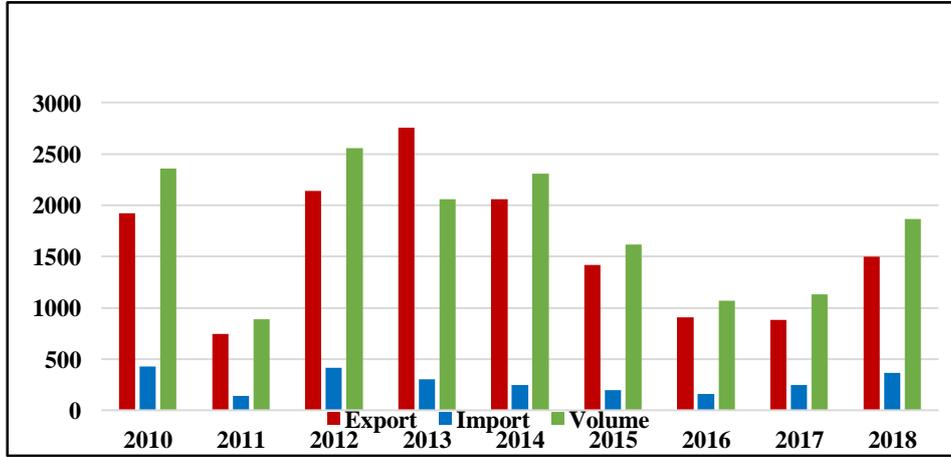
countries. However, Gaddafi's rhetoric and attitude against Turkey since the mid-1980s were quite interesting due to the fact that he did not receive the support he expected from Turkey. In particular, Gaddafi was quite disturbed by the strengthening Turkey-Israel relations in 1990s and relations between the two countries have soured. Turkey withdrew its ambassador from Libya in 1997 and 1998. (Yaycı, 2019)

It is observed that negatively trending relations between Turkey and Libya turned into a positive thru the end of 1990s. UN sanctions imposed on Libya were completely lifted in 2003. (CNN, 2004) In the meantime, relations began to warm up. Also, termination of Libya's Mass Destruction Weapon program is welcomed by Turkey. (UN Treaty Collection, 1996)

Due to the executions of two Turkish citizens in Libya back in 2005, the relations were negatively affected. (Hurriyet, 2005) Libya announced EEZ in Tripoli on 27 May 2009 in accordance with international conventions as Libyan General People's Committee, and declared to the UN. Upon the declaration of EEZ, Libya notified itself to be open to negotiations regarding the delimitation of EEZ with regional states. (General People's Committee Decision No. 260, 2009) Within the scope of this announcement, it is seen that the EEZ agreement between Turkey and Libya has been signed in 2019.

Turkey recognized the Transitional National Council as the sole representative of Libya with the occurrence of protests, which started on February 17, 2011, and the subsequent civil war, and has urged Gaddafi to withdraw. (T.C. Dışişleri Bakanlığı, 2011b) After Tripoli came under the full control of the National Transitional Council, Turkey became the first nation that have appointed an Ambassador in Tripoli, September 2<sup>nd</sup>, 2011.

The legal framework of economic relations between Turkey and Libya are made up of the following; Economic and Trade Cooperation Agreement (1975), Scientific and Technical Cooperation Agreement (1975), Trade and Financial Cooperation Agreement (1978). Turkey made big amount of oil imports from Libya between 2000 and 2006. Although the construction sector lost its old momentum after the overthrowing of Gaddafi, it is seen that the trade volume between them has expanded. (Yaycı, 2019) The foreign trade volume of Turkey and Libya is given in the figure below according to the data of the Republic of Turkey Ministry of Trade and TUIK.



**Graph 1.** Turkey-Libya Foreign Trade Volume (Million USD \$) (T.C. Ticaret Bakanlığı, 2020; TUIK, 2020)

Dynamics between Turkey and Libya in terms of economy, diplomacy and military relations and Libya's political-economic future will determine, Turkey-Libya EEZ agreement and their relations for future. Future structure of the two-government system in the country and Turkey's support to the Sarraj government against the Haftar forces is very important. Turkey's foreign trade volume as seen on the above is expected to increase with Libya by its important energy resources. (Pamir, 2020)

The maritime activities and trade of the two countries can significantly improve with the agreement. Therefore, global actors such as France, US, Russia and regional actors such as GCA, Greece, Egypt, and Israel are very against to the potential relationship between Libya and Turkey. (Johnson, 2019)

### **Turkey & Libya Maritime Boundary Delimitation Agreement**

Turkey and the TRNC have rights on the proven and estimated hydrocarbon reserves in the Eastern Mediterranean. Increasing energy demand and consumption, accompanying with growing economies make energy resources more important day by day. Turkey, in this context, made a maritime jurisdiction agreement with Libya to benefit on Turkey-TRNC and GCA maritime zone conflict, as well as to benefit on energy resources in the region 27 November 2019.

Eastern Mediterranean is an important region for national security, strategic and energy goals of many global and regional actors. In the Eastern Mediterranean, a situation to occur without Turkey is impossible. Turkey is the game maker in the Eastern Mediterranean. Eastern Mediterranean is one of the most important strategic regions of the world in terms of trade and logistics. Its increasing importance since 2010 is based on energy sources and potential hydrocarbon reserves. The region is also the focal point of international energy

companies. However, there is no mutual maritime jurisdiction or EEZ determined by the regional countries in the Eastern Mediterranean. (Anadolu Ajansı, 2019)

Turkey-Libya agreement with EEZ, Turkey has surpassed the plans "Seville Map" stated by the University of Seville. In this agreement, Greece and the GCA, were planning to isolate Turkey to the Gulf of Antalya by limiting Turkey's EEZ. This agreement is defined by the Turkish side, as the 2<sup>nd</sup> Sevres Treaty. (Demirtaş, 2019)

Turkey needs to defend the TRNC's and its own rights due to the EEZ agreements (Anadolu Ajansı, 2019) of GCA with Egypt in 2003, with Israel in 2010 and with Lebanon in 2007, search and drill activities in the EEZ areas, EastMed pipeline project, activities of EMGF, their unfair and illegal actions, as well as their plans in the Eastern Mediterranean.

Within the possible Turkey-Libya agreement, context by Cihat Yaycı (Yaycı, 2011) and the "Mavi Vatan Doctrine"(Gürdeniz, 2019) by Cem Gürdeniz; Turkey has signed MoU and subsequently Maritime Jurisdiction Agreement, as well as EEZ with Libya on November 27<sup>th</sup>, 2019. This agreement has a historical importance in the approval of the Mavi Vatan borders. (Yaycı, 2019) Notion of "Mavi Vatan" is revealed by Cem Gürdeniz and is a notion stating the importance of the necessity of Turkey, protecting its national interests on seas as well. (Gürdeniz, 2019) In this context, Turkey must exist in the Eastern Mediterranean and continue its presence.

Turkey signed MoU "Security and Military Cooperation Agreement" for the limitation of Maritime Jurisdiction areas in the Eastern Mediterranean with the GNA. (Pamir, 2019) Subsequently it determined the EEZ and declared it in the official newspaper. (T.C. Resmi Gazete, 7 Aralık 2019, sayı: 30971) The continental shelf and EEZ borders were adopted with a 29.9 km long borderline. The agreement will completely change the situation in the Mediterranean. (Anadolu Ajansı, 2019) This agreement has historical significance, meaning that it is a game-changer on conflicts and actors in the Eastern Mediterranean and has been an important political shift.

The agreement was approved by the Presidential Council on December 6<sup>th</sup>, 2019 and adopted in the Libyan law. Two countries can conduct research activities in the determined areas within the context of it. This bilateral agreement was declared to the UN by Turkey and Libya. (UNGA Res., A/74/634, 2019) Through this agreement, Turkey and Libya are now neighbors from sea and have the opposite shores to one another. (Yaycı, 2020:160)



**Figure 2.** Turkey-Libya Maritime Boundary Delimitation Agreement (Alhas, 2019)

Turkey-Libya agreement, according to the Greek claims, violates the equitable principle of the Greek islands and gives maritime jurisdiction beyond their territorial waters. (Cohen, 2020) After the realization of the agreement, Greece's permanent representative for the UN, has sent to multiple notes stating that the maritime jurisdiction agreement of Turkey and Libya, violates the international law. (UNGA Res., A/74/706; A/74/710; A/74/758, 2020) So far, it has been observed that these attempts are unsuccessful. (Permanent Mission of Greece to the UN, 2019)

Reactions towards the agreement still continue. (Cyprus Mail, 2019) On January 2<sup>nd</sup>, Greece, GCA and Israel immediately signed the EastMed pipeline agreement. (Israel Ministry of Foreign Affairs, 2019) Egypt, France, GCA and Greece have condemned the agreement with a joint declaration and announced so-called violation of UNSC and International Law. (AlJazeera, 2019) Also on January 16<sup>th</sup>, GCA, Egypt, Israel, Greece and Italy cooperated with EMGF. EU was expected to condemn the agreement, but they struggle with COVID19 pandemic. (Aliriza, 2020)

In the context of Mavi Vatan, Turkey has 145,000 km<sup>2</sup> area in the Mediterranean with its EEZ. As a result of Turkey-Libya agreement, Mavi Vatan now has reached an area of 189,000 km<sup>2</sup>. The agreement was concluded within the framework of Anatolia-Africa Joint Line and the equitable principle. With this agreement, Libya's maritime jurisdiction has expanded to the territorial waters of the island of Crete, which caused Turkey to come into the possession of extra areas.

As a result of the Turkey-Libya EEZ agreement, thesis that Greece owns both the continental shelf of the islands and EEZ has faded. Greek maritime boundary delimitation claims has faded in the Eastern Mediterranean on the Crete-Çoban(Kerpe)-Kasot-Rhodes-Meis line at international platform. Even if they apply to the ICJ, the result will not be in favor of Greece; therefore, Greece is quite tense towards the agreement. If Libya signed an agreement with Greece, the

country would have had smaller maritime zone. Eventually, agreement is convenient and legitimate within the context of international law.

The agreement between Libya and Turkey is profitable with the equitable principle, for both sides. According to the UNCLOS, Turkey and Libya should bilaterally sign the agreement based on equitable principle. Both sides need to approve for an EEZ agreement to be in effect. Thus, it is seen that this agreement is convenient and legitimate within the context of international law. (Yaycı, 2011)

Libya's agreement with Turkey is much more profitable compared to a possible Libya-GCA and Libya-Greece EEZ agreement. In this way, maritime borders of Libya expanded towards the territorial waters of Crete, while Turkey gained an additional 8900 km<sup>2</sup> EEZ. In addition, the thesis by Greece, that the continental shelf of the islands and the EEZ, belong to them, is weakened. Greece claims that its islands have the right to proclaim 200 nautical-miles EEZ. Islands can only have a continental shelf but not EEZ, and also, it is not possible to have an EEZ with 10 times larger than its own area. (Yaycı, 2019: 89) Islands cannot cut off a long mainland, and an EEZ cannot be bigger than 10-20 times more than islands. The GCA, occupies other countries' EEZ as well but the anti-Turkish policies, prevents them from defending and getting their rights. (Pamir, 2019) This agreement has prevented these plans of Greece and the GCA. (Pamir, 2020)

The Turkey-Libya maritime boundary delimitation agreement is a quite sincere step for the benefit of Turkey and Libya. Libya gained bigger zone than 16.700 km<sup>2</sup> compared to an agreement with Greece. (Yaycı, 2020) Turkey strengthened its presence in the Eastern Mediterranean and expanded Mavi Vatan to 189.000 km<sup>2</sup>. With this agreement, Libya gained a larger EEZ than maritime boundary delimitation agreement with Greece or the GCA. If Lebanon, Israel and Egypt sign an EEZ agreement with Turkey instead of the GCA, they would have a larger area.

With the Turkey-Libya agreement:

- Turkey and Libya became coastal states.
- The maritime boundary line, will act as a shield between the Greece, GCA and Egypt, preventing both countries to sign an EEZ agreement.
- Turkey became a major game changer against the plans and policies of regional and global actors in the Eastern Mediterranean.
- Turkey gained a political, strategic, and psychological advantage in the region.
- Turkey contributed to national interests in delimitation of maritime boundaries by directly influencing energy geopolitics.
- For the first time, Turkey signed an EEZ delimitation agreement with a coastal state.
- Turkey obtained a legal and legitimate basis for its rights.
- The Western border of our maritime jurisdictional areas was determined in accordance with the international law. With this agreement, the Western border of the EEZ of Turkey was stated.

- The political games and plans with the so-called Seville map, which resembles the Treaty of Sevres and aimed at isolating Turkey within a 41.000 km<sup>2</sup> maritime area, supported by the EU and claimed by the GCA-Greece duo were disrupted.
- The possibility of materializing a Greece-Egypt and a Greece-GCA delimitation agreement, which is the worst-case scenario for Turkey in the Eastern Mediterranean region, was eliminated. (Yaycı, 2020: 162-163)

If Turkey can economically support the strategic advantage, gained in the region, it will be able to make important exploration practices in the Eastern Mediterranean. (Pamir, 2019) This agreement is not only vital for conducting exploration activities but also for geopolitical and strategic reasons. The actors present in the Eastern Mediterranean, including energy companies as well, will not be able to conduct exploration activities or built pipelines without Turkey's permissions. The most important of them, is the EastMed pipeline Project. (Cohen, 2020)

However, if Turkey signs a similar agreement with Israel, the plans of the Greece-GCA duo will be in vain. Thus, the EEZ Eastern Border will be determined. Turkey signing an EEZ with Lebanon will be in its favor. (Yaycı, 2020: 165) In the following period, Turkey shall declare an EEZ in the Black Sea region, and the TRNC should declare an EEZ in accordance with this policy. Because, the GCA, constantly point in the international media that there are drilling practices in its determined EEZ. (Yaycı, 2019: 131)

After this agreement, Greece has been seen to provoke the EU, US and France for condemning the agreement. The EU, France, and the USA have already condemned the Turkey-Libya agreement. (Emmott & Maclean, 2019) Considering the reactions of the Greek press, it is seen how important the agreement is. France deployed Charles de Gaulle, only aircraft carrier, on the island of Crete in January 2020. (Smith, 2020) The GCA does not have the rights it claims on the Cyprus Island. Without solving the Cyprus Question, the GCA does not have a right to operate in this area by declaring EEZ as they are the only administration of the island.

Greece, France, and Egypt criticize the agreement heavily, as well as supporting the Haftar forces in Libya. (Saidel, 2020) In December 2019, while Greece declared Libya's Ambassador to Athens as *persona non grata*, France (Kambas, 2019), Italy and the GCA to conduct military maneuvers in the Eastern Mediterranean. (France 24, 2019) With the request of the Sarraj government, Turkey sent troops to Libya by passing a bill through the Parliament. Turkey's decision to send troops to Libya was condemned by the US. Israel, Greece and the GCA have issued a statement condemning the Turkey. (BBC, 2020c)

One of the most important theses of Greece is based on Turkey not being a party to the 1982 UNCLOS. In this context, they argue that the agreement by Turkey is contrary to international law. Israel and the United States are not party to UNCLOS 1982 just like Turkey. In this case, Turkey's trial with the articles in

UNCLOS is out of the question. In addition, certain decisions taken by the EU against Turkey do not have any legally binding effects in their national law.

Albeit the Turkey-Libya maritime boundary delimitation agreement is important, it is volatile. If the forces of Haftar, seize Tripoli, it would be as if there was no agreement with Turkey, like a day before, signing the agreement. Under normal circumstances, an agreement that passes through a state's parliament in terms of international law is accepted above national law. For this reason, it may be thought that the agreement will not be canceled, if the forces of Haftar come to power. However, the existence of a state and a parliament cannot be mentioned in Libya at the present.

Turkey's negotiation with the East Mediterranean countries will be in their favor because Egypt and Libya would have lost 40,000 km<sup>2</sup> and 20,000 km<sup>2</sup> area in the EEZ agreements if they signed with GCA. Israel, Lebanon, Egypt, and Libya signing a maritime boundary delimitation agreement with Turkey, instead of GCA, would also be in favor of these countries, by obtaining more area. (Karan, 2019)

With this agreement, Libya gained an important maritime zone, compared to an agreement with Greece. Therefore, even if the forces of Haftar won the civil war, it would not be accurate to say that they will definitely nullify the agreement with Turkey. The future of the agreement depends on the civil war in the country, the forces of Haftar, the energy competition in Libya and the Eastern Mediterranean, the global actors', mainly USA and Russia's, proxy war in the region and the country, the intervention of these actors in Libya, the tribes in the country, the dynamics of ISIS and terrorist groups in the country.

### **The Impact of the Agreement**

Turkey-Libya maritime boundary delimitation agreement is very important in both global and regional scale and has various implications. Firstly, the agreement is very important for Turkey, and has made great contributions to the national interests of the country. Led by Greece and GCA, regional and global actors aimed to isolate Turkey, inside the Gulf of Antalya as seen in the Sevilla map. The aim was to isolate Turkey in the Eastern Mediterranean by keeping it in a passive position and minimizing maritime zone described as Mavi Vatan. This situation stemmed from the dispute between Turkey-TRNC and GCA based on hydrocarbon exploration in the Eastern Mediterranean.

Within the context of illegal policies, GCA, declared unilaterally determined EEZ, conducts exploration and licensing practices, violating the rights of Turkey and TRNC in the Eastern Mediterranean. With regard to the proven and estimated hydrocarbon reserves in the region, GCA and Greece were conducted their plans in the Eastern Mediterranean, both with their own practices and with the support of actors such as the EU, France, USA, Israel and Egypt. The Turkey-Libya EEZ agreement has significant sanctions to prevent these activities. First, GCA and Greece with other actors, accompanying them shall not conduct arbitrary and illegal activities in the region, and not make any moves without the approval of Turkey and Libya. Since the region designated by the agreement, belongs to

Turkey and Libya, in such a case, both countries have a right to use legal venues such as applying to the ICJ. Thus, the agreement has significance for the protection of the rights and interests of Turkey and TRNC in the Eastern Mediterranean.

In recent years, with Eastmed Pipeline project (European Commission, 2020) and EMGF's (Ismail, 2020) activities, Turkey's mobility area was being tried to be restricted. Turkey has reversed this situation with this deal. The reason of Turkey's choosing Libya for the agreement is that it is seen as the most suitable, considering country, other than Greece and GCA because the GCA had already signed an agreement with Egypt, Israel and Lebanon. With this agreement, Turkey gained a strategic, political and psychological advantage in the Eastern Mediterranean. The Eastmed pipeline project (Kansu, 2019), which is quite important, will not start without permission from Turkey and Libya. Greece is not able to violate the rights of Turkey and TRNC in the region, since it cannot declare EEZ with GCA illegally.

When we look at the impact of the Turkey-Libya agreement on Libya, it is seen that Libya gains much bigger maritime zone, compared to a potential EEZ with Greece. The outcome of the war, between the House of Representatives under the leadership of Haftar and GNA which signed the agreement with Turkey, are quite important. Greece and France, particularly, support the Haftar within the context of Turkey's agreement with the GNA. (France 24, 2020) However, if Haftar wins the war and cancel the Turkey-Libya agreement, it would lose an important maritime area, or in other words, a soil. Therefore, the attitude of Haftar if they win is uncertain.

Considering the outcome of the agreement, in terms of the TRNC and GCA, it is seen that, it benefits the TRNC but not the GCA on the maritime boundary dispute. The agreement will continue to escalate tension between sides. Agreement contributed to the TRNC by weakening the EastMed pipeline project planned by Israel, Greece and Italy. This will prevent the GCA from acting as the sole owner of the island with its illegal practices by denying the rights of the TRNC. It will ensure that, the rights of Turkey and the TRNC will be better protected in the Eastern Mediterranean and prevent the GCA to sign an illegal EEZ agreement with Greece.

The agreement is also very important, in terms of other regional countries. The USA, Russia, France and the EU are uncomfortable with the deal, because their political sphere of intervention in the Eastern Mediterranean for the purpose of eliminating Turkey and utilizing energy sources in the region becomes limited. (Cohen, 2020) While the EU condemned Turkey and Libya for this agreement, Greece and the GCA accused the EU of not giving adequate response to Turkey's actions.

The USA and Russia are quite uncomfortable with the agreement because of proxy war and their interests in the region accompanied by France. (Johnson, 2020) These two countries want to prevent each other from getting stronger by competition. Because global actors, in other words great powers, use the power and authority gap to gain superiority in the region.

Considering the agreement in terms of hydrocarbon exploration in the Eastern Mediterranean, it is observed that Turkey should support its strategic and political superiority with economic dynamics as well in order to improve its activities. If Turkey makes agreements with Israel, Egypt, and Lebanon in the region, overcoming the anti-Turkish stance, it can make important explorations that will provide important benefits to Turkey and the TRNC. The Eastern Mediterranean hydrocarbon exploration could improve in this way.

The agreement has a negative effect on the EastMed pipeline project because countries that signed the project would plan to build this pipeline without Turkey and the TRNC. Thus, potential natural gas resources, which could have transported with TANAP, through Turkey, could also be carried with EastMed pipeline, damaging Turkey both economically and politically. However, this agreement has blocked the route of the EastMed pipeline project. For this project, to be built, they need to ask permission from Turkey and Libya due to the location of the pipeline. However, it is important to state that EastMed pipeline project is not a pipeline that can be built. Because, as the pipeline is very costly and not feasible; volume of a natural gas to be exported, after supplying the domestic demand in regional countries, has not yet been discovered in the Eastern Mediterranean. (Kansu, 2019)

When the regional dynamics affected by the agreement are analyzed, it is seen that Egypt gave a note to the UN, in response to the agreement. (UNGA Res., A/74/628, 2019) However, it is not anticipated that there will be a conflict regarding the agreement, with Egypt. It is seen that Israel reacted to the agreement, but this will not turn into a conflict. (Rabinovitch & Kambas, 2019)

The importance of the Turkey-Libya agreement is as stated. However, its future and possible implications will be shaped according to internal and external dynamics of the country; the role of regional and global actors in the Libyan Civil War and situation in the Eastern Mediterranean.

## CONCLUSION

The Turkey-Libya maritime boundary delimitation agreement became a significant game changer in national, regional, and global aspects. The agreement is an important move on maritime boundary dispute between Turkey-TRNC-GCA and Greece, which took place within the context of hydrocarbon exploration activities, in the Eastern Mediterranean, which started with USGS's publishing in 2010. The importance of energy is growing day by day in today's world. Increased energy consumption accelerates the demand for energy and competition for capturing energy resources. It is observed that the importance of the Eastern Mediterranean has also increased due to its energy potential for regional and global actors.

The Eastern Mediterranean is one of the most important regions in the newly formed global order and Turkey's presence in the region is the most important part of Mavi Vatan, on behalf of the country's interests and rights it possesses. With this agreement, Turkey has proved and strengthened its presence

in the Eastern Mediterranean. Turkey and the TRNC became the game-maker of energy equation in the Eastern Mediterranean. Turkey is the guarantor of the Cyprus Island and made a move that considerably changed the balance in the dispute on maritime jurisdictional areas that occurred due to unresolved Cyprus Question.

Turkey made a significant political shift as a game-changer in the ongoing hydrocarbon exploration activities in the Eastern Mediterranean. In particular, this change will affect the GCA and Greece. The GCA continues its activities within the EEZ, which was declared unilaterally, by signing EEZ agreements with Egypt, Israel and Lebanon. In the area where there is no conflict they discovered the Aphrodite Field, which is important for the island, but has no regional or global impact. Turkey could prevent these unlawful activities with this agreement.

As a result of the Turkey-Libya agreement, the EEZ agreement that the GCA planned with Greece will no longer occur. The zone on which the agreement made is located inside the zone of Turkey and Libya. GCA will be affected negatively because of international energy companies' activities and it will be limited due to the agreement. For this purpose, this agreement cannot be signed without approval of Turkey and Libya. Foreign drilling ships that come for exploration require getting permission from Turkey and Libya since they would pass through the zone that belongs to them. Thus, it is seen that Turkey has the initiative.

One of the important results of Turkey-Libya agreement is related to the EastMed pipeline project. This project led by Greece and the GCA, which is also supported by countries such as the USA, EU, Italy, Russia, and Israel, targeting regional and global energy and political interests, was planned to transport the Eastern Mediterranean hydrocarbon reserves through this route by-passing Turkey and violating the rights of Turkey and the TRNC. In addition to the EastMed pipeline project, the EMGF, which was particularly established for the purpose of managing the activities of the regional countries in the Eastern Mediterranean, confine Turkey to the Gulf of Antalya as shown in Seville Map which is the second treaty of Sevres.

With this agreement, the possibility of Seville Map to be realized has disappeared. In order to accomplish the EastMed pipeline project, states must have the permission of Turkey and Libya due to its route. This is the turning point for the Eastern Mediterranean energy equation, political balances and the geopolitics of the region. Turkey gained the supremacy in the Eastern Mediterranean, and if it adopts rational foreign policy strategies, then Israel, Egypt and even Italy are likely to get closer to Turkey and make a deal because economic interests are valued more than political dynamics in political economy. The Eastern Mediterranean gas, which is to be transported to Israel, can be transported to Ceyhan with a much less costly pipeline connected to TANAP and transported to the European natural gas markets with TANAP instead of the EastMed pipeline project. This will be much more rational, feasible and profitable for countries with natural gas reserves in the Eastern Mediterranean.

Under the leadership of GCA and Greece; Egypt, Israel, France, Italy, EU, USA and Russia react strongly to the agreement, condemning it and demanding its cancellation by giving notes to the UN. However, Turkey and Libya already declared it to the UN. The agreement is legal, legitimate and a right move for Turkey. There is no such thing as the agreement being cancelled. However, with the NATO intervention in Libya, Gaddafi's 42 year-rule was overthrown and the country was dragged into the civil war and chaos still continues today. Western states are willing to control energy resources in Libya like in other parts of the world. It is a known fact that corruption, inequality in income distribution, negative socio-economic conditions, as well as global actors, play role in the collapse of the Gaddafi regime, which is known as anti-Western. It is an important fact that the wars conduct as proxy wars are the way that global powers, firstly create chaos and then intervene. The country, which went into regime change after the NATO intervention, has a great power and authority gap today. There is no political stability, and there is an endless chaos with the ongoing civil war. This situation makes the country fragile against foreign interventions, greatly undermining its strength about internal issues.

The future of Turkey-Libya agreement depends on the future of the political situation in Libya, the internal dynamics of the war and the moves of global powers with interests in Libya and the region. The proxy war, which is also conducted in the region and in Libya, will determine the outcome of the agreement. If Haftar and his forces win the war, the agreement may be cancelled. For this reason, Turkey sent troops to Libya. However, Libya gains more maritime zone with the agreement that was signed with Turkey, compared to the EEZ agreements to be made with other countries in the region. It will be a loss for the country if the agreement is canceled. This legal and legitimate agreement was signed with the UN-backed GNA. However, the lack of a legal and centralized government in the country weakens the legal basis of the agreement.

Great reactions from the regional and global powers regarding this agreement stem from their interest loss. In particular, USA and Russia execute a proxy war in the region just as they did in the Syrian Civil War. Also, this agreement goes against their interests in terms of acquiring energy sources both in Libya and the Eastern Mediterranean, revolving around the competition for seizing energy resources in the region.

The Turkey-Libya agreement is a game-changer and brought an important political shift on behalf of regional and global actors in the Eastern Mediterranean. Turkey became the game-changer of this political shift. Turkey and Libya became coastal neighbors, and two littoral states. This situation will strengthen the relations between Turkey and Libya, while also strengthening their diplomatic, political, economic, and commercial ties by increasing their foreign trade volume. If these two countries follow rational policies and right diplomatic relations, then they can become a game-maker in the Eastern Mediterranean.

With the agreement, Turkey gains a strategic and psychological advantage in the Eastern Mediterranean. It should definitely back up this advantage with

economic activities. This agreement is a great opportunity for Turkey to create a shift in its energy geopolitics, to perform major exploration in the eastern Mediterranean, and to become leader in the region. Turkey can gain an important position in the Eastern Mediterranean because of chaos and power gap occurring from issues such as the Palestinian-Israeli Conflict, the Syrian Civil War, the maritime boundary dispute between Turkey-TRNC and the GCA, maritime boundary conflict between Israel and Lebanon and the Libyan Civil War by filling the authority gap in the region.

Turkey is on the both table of diplomacy and in the field in the Eastern Mediterranean after sending troops to Libya. It would be more suitable if Turkey continues with diplomacy in order to manage these processes for its interests. Turkey should observe the balances well, as well as the TRNC's rights and interests with a smart diplomacy. Turkey should secure its place in the new world order, in which we witness energy wars and important developments within the context of energy. With this agreement, Turkey has seized a great opportunity for ensuring a fair order on behalf of the Eastern Mediterranean political situation and energy-oriented policies.

With this move, Turkey made a new beginning on behalf of all actors and balances in the Eastern Mediterranean. It should follow this step with a strong diplomacy and rational foreign policy within the scope of the UN and UNCLOS, end conflicts, and contribute to the fair sharing of energy resources for the regional countries and also for itself because conflicts and especially defense expenditure always negatively affect economies. If Turkey adopts a good diplomacy instead of defense expenditure, it will be able to make more investments on hydrocarbon exploration activities with advanced technology. We will see what happens with the post-pandemic new world order that will be shaped.

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## GENİŞLETİLMİŞ ÖZET

### Doğu Akdeniz Türkiye-Libya Deniz Yetki Alanı Sınırlandırma Anlaşmasına İlişkin bir Değerlendirme

#### Giriş

Türkiye-Libya ile Deniz Yetki Alanlarının Sınırlandırılmasına İlişkin Mutabakat Muhtırası, son 10 yıldır Doğu Akdeniz’de, meydana gelen hidrokarbon keşiflerine ilişkin olarak ortaya çıkan Türkiye, KKTC ve GKRY, Yunanistan MEB uyuşmazlığı ekseninde, 27 Kasım 2019’da, Türkiye ve Libya arasında gerçekleşmiştir. Libya’nın Kaddafi sonrası döneminde sürüklendiği iç savaş, ülkedeki savaşın tarafları olan iki yönetim ve ona eşlik eden güç aktörleri ile devam etmektedir. Türkiye’nin anlaşma gerçekleştirdiği Ulusal Mutabakat Hükümeti (UMH)’nin ülkedeki varlığı, ABD, Rusya, AB, Fransa gibi küresel güçlerin desteğini alan Hafter’in Libya’nın geleceğindeki etkisine bağlıdır. Anlaşmanın etkileri, anlaşmanın tarafları, Doğu Akdeniz hidrokarbon keşifleri, bu enerji kaynaklarına ilişkin EastMed Boru Hattı gibi projeler, bölgesel ve küresel güçlerin bölgedeki faaliyet ve çıkarları adına oldukça önemlidir. Çalışmada, Türkiye-Libya, deniz yetki alanı sınırlandırma anlaşmasına neden olan konjonktür, anlaşmanın geleceği ve meydana getireceği olası etkiler ele alınmaktadır.

#### Doğu Akdeniz Deniz Yetki Alanı Uyuşmazlığına Genel Bakış

Türkiye-Libya deniz yetki alanı sınırlandırma anlaşması, Doğu Akdeniz’de, Türkiye ve KKTC’nin, ihlal edilen haklarına karşın gerçekleştirilmiştir. GKRY, Doğu Akdeniz’de, Kıbrıs Sorunu henüz çözülmemişken, adanın tek sahibi ve yönetimi gibi hamlelerde bulunarak, deniz yetki alanı ilan etmiş ve bölge ülkeleri ile MEB anlaşmaları gerçekleştirmiştir. GKRY, Doğu Akdeniz’deki hidrokarbon kaynaklarından KKTC ve Türkiye’nin varlığını yok sayarak yararlanmayı hedeflemektedir. Çalışmanın bu bölümünde, Doğu Akdeniz, Türkiye-KKTC, GKRY ve Yunanistan’ın deniz yetki alanı çatışması ele alınmaktadır.

#### Libya’nın Yapısı ve Kaddafi Sonrası Dönem

Türkiye’nin anlaşma imzaladığı Libya, 2011’de meydana gelen devrimden bu yana istikrara kavuşamamıştır. Anlaşmanın geleceğine ilişkin öngöründe bulunabilmek adına, Libya’nın Kaddafi öncesi ve Kaddafi dönemi dinamikleri ile devrime giden süreç oldukça önemlidir. Ülkenin MENA bölgesinde ilk sırada yer almasına neden olan büyük hacimde petrol rezervleri bulunmaktadır. Ülkedeki sorunlu sosyo-ekonomik yapı, 2011 devrimine ve Kaddafi’nin devrilmesine neden olmuştur. Ülke, Post-Kaddafi döneminde halen istikrara kavuşamamıştır. Libya’da İç Savaş devam ederken, ülke küresel güçler güdümünde Hafter ve UMH ekseninde vekalet savaşına şahit olmaktadır. İç Savaş’ın yönü, anlaşmanın şekillenmesine neden olacak ana unsurdur. Ayrıca, Türkiye’nin Libya ile olan ilişkileri, anlaşma adına oldukça

önemlidir. Anlaşmanın geleceğine ilişkin olarak, bağları Osmanlı Dönemi'ne dayanan iki ülkenin dış ticaret hacmi ve diplomatik ilişkileri önemli bir belirleyici olacaktır.

### **Türkiye-Libya Deniz Yetki Alanı Sınırlandırma Anlaşması**

Türkiye ve Libya, 27 Kasım 2019'da deniz yetki alanı sınırlandırması anlaşması imzalamıştır. Anlaşma iki tarafın da ulusal çıkarlarına katkı sağlamaktadır. Türkiye'nin Mavi Vatan olarak tanımladığı bölgede önemli bir alan kazanılmıştır. Libya, Yunanistan ile gerçekleştireceği deniz yetki alanı anlaşmasına kıyasla, Türkiye ile anlaşma gerçekleştirmesi, ülkeye çok daha fazla deniz alanı kazandırmıştır. Türkiye ve Libya, bu anlaşma ile denizden komşu olmuştur ve iki kıyıdaş ülke haline gelmiştir. Anlaşma hukuki ve meşrudur. Anlaşmanın geleceği ve meydana getireceği etkiler, ülkedeki İç Savaş'a, küresel ve bölgesel dinamiklere bağlı olarak şekillenecektir.

### **Türkiye-Libya Deniz Yetki Alanı Sınırlandırma Anlaşmasının Önemi ve Etkileri**

Türkiye-Libya arasında gerçekleşen deniz yetki alanı anlaşmanın önemli etkileri bulunmaktadır. Öncelikle anlaşma, GKRY ve Yunanistan'ın Doğu Akdeniz'de devam eden hukuksuz faaliyetleri ve gerçekleştirmek istedikleri planların aleyhinedir. Anlaşma, GKRY ve Yunanistan'ın, Doğu Akdeniz'de gerçekleştirmeyi planladıkları MEB anlaşmaları ve uluslararası enerji şirketleriyle yürütmek istedikleri arama faaliyetlerini engelleyecektir. Bu durum, EastMed boru hattı projesi için de geçerlidir. Zira, bahsedilen bu faaliyetlerin, hayata geçebilmesi adına, Türkiye ve Libya'nın onayının alınması gerekmektedir.

Anlaşma, bölgede vekalet savaşları yürüten ve hem siyasi hem enerji kaynaklarına ilişkin çıkarları adına hareket eden ABD ve Rusya gibi güçlerin aleyhine olmuş ve planlarını bozmuştur. Bu durum, GKRY ve Yunanistan'ın hukuksuz hareketlerini destekleyen ve Doğu Akdeniz'de çıkarlarını gözeten AB açısından da benzer bir sonuca neden olmuştur.

Anlaşma, Türkiye, KKTC ve Libya'nın ise lehinedir. Libya, Yunanistan'la imzalayacağı muhtemel deniz yetki alanı anlaşmasına oranla daha fazla denizel alan kazanmıştır. Ayrıca, UMH, Türkiye'nin asker göndermesi ile önemli bir destek daha almıştır. Mevcut durumda, Hafter güçlerine karşı UMH'nin güçlendiği görülmektedir. Bu durum, anlaşmanın geleceği adına oldukça önemlidir.

### **Sonuç**

Türkiye-Libya deniz yetki alanı anlaşması Doğu Akdeniz'deki mevcut dengeler adına önemli bir oyun değiştirici olmuştur. Küresel ve bölgesel aktörlerin, bölge siyaseti ve enerji politikaları adına önemli bir değişimin başlangıcıdır. Bölgede, Lübnan, Mısır ve İsrail gibi aktörler ekonomi-politik çıkarları kapsamında, Türkiye ve KKTC tarafında yer alabilirler. Anlaşma,

GKRY, Yunanistan ve AB, ABD, Rusya gibi küresel aktörlerin aleyhine olmuştur.

Libya'da devam eden İç Savaş'ın yönü, anlaşmanın geleceğini de belirlemekle birlikte Libya, önemli bir denizel alan kazanmıştır. UMH ve Hafter'in etrafında şekillenen savaş, aynı zamanda küresel ve bölgesel güçlerin de bir vekalet savaşı olduğu için, bu güçlerin hamleleri, savaşın yönünü belirleyecek olan önemli unsurlardandır.

Anlaşma, Türkiye'nin Mavi Vatan ve Doğu Akdeniz'deki hak ve menfaatleri adına oldukça başarılı bir adım olmakla birlikte akılcı, diplomatik, siyasi ve ekonomik hamlelerle desteklenmelidir. Türkiye, bölgede, özellikle Yunanistan ve GKRY'nin haksız faaliyetleri ve Türkiye-KKTC ve GKRY deniz yetki alanı uyuşmazlığına karşı önemli bir adım gerçekleştirmiştir. Bir başka ifadeyle, bölgede, stratejik, diplomatik ve siyasi bir üstünlük sağlamıştır. Türkiye, bu adımı, BM ve UNCLOS kapsamında, uluslararası hukuka bağlı kalarak, güçlü bir diplomasi ve akılcı bir dış politika ile sürdürmeli, çatışmaları sonlandırmalı ve enerji kaynaklarının hem kendi hem bölge ülkeleri adına adil paylaşımına katkı sağlamalıdır.