

## **THE VALIDITY OF TURKEY-LIBYA'S AGREEMENT ON MARITIME BOUNDARIES IN INTERNATIONAL LAW**

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### **Abstract**

The conflicts between Turkey and Greece have been going on for a long time. Several conflicts caused tension between Turkey and Greece, such as the territory of Aegean in Cyprus, and other conflicts. The tension increased upon the bilateral agreement between Turkey and Libya on the maritime boundaries of the Eastern Mediterranean. The agreement was signed in 2019, and was opposed by Greece because the agreement did not take into account the existence of the island which owned by Greece. The Agreement between Turkey and Libya made Greece's furious because they considered that the action violated Greece's sovereignty. The research aims to find out further about the validity of

the agreement between Turkey and Libya on the maritime boundaries, which threatened Greece's sovereignty. By using normative legal research, the research emphasizes the bilateral agreement between Turkey and Libya is invalid because it against the international law principles, namely sovereignty of states, good faith, good neighborhood, and Treaty of Amity and Cooperation. The paper will contribute to giving a theoretical understanding regarding aspects that need to be considered, outside the procedural aspects, when a state wants to make an agreement with another state, according to international law.

*Konflik yang terjadi antara Turki dan Yunani telah berlangsung lama. Ketegangan tersebut dipicu oleh beberapa konflik, seperti permasalahan wilayah Aegean, Siprus, dan masalah lainnya. Ketegangan tersebut memanasi sejak perjanjian bilateral antara Turki dan Libya mengenai batas laut Mediterania Timur yang ditandatangani pada 2019, ditentang oleh Yunani karena perjanjian tersebut tidak mempertimbangkan keberadaan pulau milik Yunani. Permasalahan ini membuat Yunani terusik, karena Yunani berasumsi bahwa perjanjian tersebut mengancam kedaulatan Yunani. Penelitian ini bertujuan untuk mengetahui validitas perjanjian antara Turki dan Libya tentang batas laut yang diperdebatkan oleh Yunani. Penelitian ini adalah penelitian hukum normatif yang menekankan bahwa perjanjian bilateral antara Turki dan Libya adalah perjanjian yang tidak valid karena bertentangan dengan prinsip-prinsip hukum internasional, seperti kedaulatan negara, itikad baik, dan prinsip bertetangga baik, serta melanggar Perjanjian Persahabatan dan Kerjasama. Penelitian ini akan berkontribusi pada pemahaman teoretis tentang aspek-aspek yang perlu dipertimbangkan, di luar aspek prosedural, ketika suatu negara ingin membuat perjanjian dengan negara lain, menurut hukum internasional.*

**Keywords:** Bilateral Agreement, Maritime Boundaries, Territory, Sovereignty

## Introduction

State borders have a vital position in terms of geographical, legal, and economic aspects because territorial borders are used to determine the extent of the state's sovereignty. The state can regulate or apply its law without any interference from other countries and apply the

jurisdiction only in the areas under the state's sovereignty. Therefore, the border must be protected to keep the right to manage the state.

The conflict between Greece and Turkey has been going on for a long time. The two countries have been at odds over several issues such as the Aegean issue in the island of Cyprus, and other issues.<sup>1</sup> The conflict of the Aegean Sea is a set of the controversial problems between Greece and Turkey related to sovereignty and rights on the area of the Aegean Sea, which had a significant effect on Greek-Turkish relations since the 1970s.<sup>2</sup> Thus, the case invited attention from political and military leaders at the international level to comment and give some views regarding the conflict. Many scholars called the situation "the Cold War that never ends."<sup>3</sup>

Tensions between Greece and Turkey continued in some cases that became a threat to the peace and stability of Balkans and the Eastern Mediterranean region, also the integrity of Western political and military alliances.<sup>4</sup> From domestic and international policies, various solutions or efforts have been given to reduce tensions between the two countries. Still, the tension between the two countries has not subsided.

Greece and Turkey were expected to end the long-running territorial disputes which have suffered in recent years. Yet, the case continued when Turkish helicopters provocatively flew around the military base near Ro Island, which owned by Greece. Then, Greece gave warning shots that fired by border guard soldiers and caused the death of a Greece fighter pilot after stop the Turkish plane from entering the country's airspace. After the conflict, the tensions between Turkey and Greece still exist until now.

In November 2019, Turkey and Libya made an agreement named as Memorandum of Understanding between The Government of The

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<sup>1</sup> Alexis Heraclides, *The Essence of The Greek-Turkish Rivalry*, GreeSE papers (working paper no. 51) (London: London School of Economics and Political Science, Hellenic Observatory, 2011), p. 1.

<sup>2</sup> Petros Siousiouras and Georgios Chrysochou, "The Aegean Dispute in the Context of Contemporary Judicial Decisions on Maritime Delimitation", *Laws*, vol. 3, no. 1 (2014), p. 13.

<sup>3</sup> George Koukoudakis, "Explaining the Endurance of Greek-Turkish Rapprochement Process", *Uluslararası İlişkiler/International Relations*, vol. 11, no. 44 (2015), p. 82.

<sup>4</sup> Dimitris Tsarouhas, "The political economy of Greek-Turkish relations", *Southeast European and Black Sea Studies*, vol. 9, no. 1-2 (2009), p. 42.

Republic of Turkey and The Government of National Accord-State of Libya on Delimitation of The Maritime Jurisdiction Areas in The Mediterranean (which then known as the agreement between Turkey and Libya on maritime boundaries). The agreement was claimed by Greece by stating that the agreement harmed Greece as a neighboring country. Turkey and Libya are considered ignoring the existence of the island of Crete under Greece sovereignty, where the island is adjacent to the line drawn as an Exclusive Economic Zone by Turkey and Libya.

The research is normative legal research that using a literature review that focused on studying the application of rules or norms that aims to find aspects that need to be considered, outside the procedural aspects, in making agreements based on international law. Therefore, the problem of the research is, "*is the Agreement valid according to international law or not?*" The paper is expected to give contributions to states or individuals to give attention to applicable norms or values in international law when making agreements.

## **Bilateral Agreement**

An international agreement is defined as an agreement made by the subject of international law that gives rights and obligations, and it must be fulfilled by the parties who agreed. Thus, the international agreement, as one of the sources of international law, can regulate various kinds of interactions of international subjects in the international sphere.<sup>5</sup> Also, the agreement must follow not only the national value of the state but also the general principle of international law. International agreements are made by international legal subjects which recognized by the international law, namely a sovereign state and international organization. However, the paper will focus to the agreement that was made by the state since the state is the most important subject which has full capacity to make an international agreement that becomes one of the requirements of state establishment.

Based on the number of parties bound by the agreement, international agreements can be classified into two types, namely bilateral agreement and multilateral agreement.<sup>6</sup> The bilateral agreement

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<sup>5</sup> David Kennedy, "The Sources of International Law", *American University International Law Review*, vol. 2, no. 1 (1987), p. 1.

<sup>6</sup> James Crawford, *Brownlie's Principles of Public International Law*, 8<sup>th</sup> ed. (New York: Oxford University Press, 2012), p. 373.

is an agreement made by two parties, in which later on, it becomes the subject of international law. While, a multilateral agreement is made by many states or parties. The interests and regulations among states contained in an international agreement, and it binds the parties and becomes the law for those who bind themselves in the agreement.<sup>7</sup>

Yet, bilateral agreements can be made by more than two countries.. It happens when a group of countries joined and united and creates a bilateral agreement with another group of countries. The example is an agreement between Switzerland and the European Union that was made by 17 parties and divided into two groups, Switzerland in one part and the EU members in another part.

An international agreement can be valid if the agreement fulfils the legal requirements under international law. The legal requirements regulate the subject which can get into the agreement and require consent from both parties. It means the agreement needs the availability from the parties to comply with all provisions contained in the agreement and the availability from the parties to bear all the consequences that may occur from the agreement. When all these conditions are fulfilled by the parties, the agreement will be valid.

Several reasons cause an international agreement to be declared invalid or rejected, such as an agreement that contains *ultra vires* jurisdiction, misunderstanding content, fraud, corruption, and coercion policy, also the agreement that contradicts the norms which should be obeyed. The further explanation of several factors that could be the cause of the non-effectiveness of an international agreement, namely:

1. *Ultra Vires* Agreement

The agreement can be declared as *ultra vires* agreement if the jurisdiction of the agreement is beyond the capacity of the state or the agreement is signed by a representative who does not have the power or authority to get into the agreement. If the agreement is signed by a representative who does not have authority and capability, then the agreement cannot be protected by international law. Thus, the *ultra vires* agreement does not have legal certainty

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<sup>7</sup> Dina Sunyowati, "Hukum Internasional Sebagai Sumber Hukum dalam Hukum Nasional (dalam Perspektif Hubungan Hukum Internasional dan Hukum Nasional di Indonesia)", *Jurnal Hukum dan Peradilan*, vol. 2, no. 1 (2013), p. 67.

under international law, and the agreement will not be recognized by the international sphere.<sup>8</sup>

2. Misunderstanding, Fraud, Corruption, and Coercion

The approval of the agreement from leaders can be canceled if there is a misunderstanding of facts or provisions contained in the agreement, and it cannot be canceled with the exception of verifiable truth. Also, an agreement which contains a false statement will be annulled if the agreement was made to support corruption or give coercion to other parties in order to approve the agreement.

3. Contrary to Peremptory Norms

An agreement can be null and void if the agreement is contrary to the peremptory norms.<sup>9</sup> The norms that adhered here have been recognized by the entire international community, and it cannot be changed by anything even by international treaties, such as the use of aggression, genocide, and crimes against humanity.<sup>10</sup> In Article 53 of the Vienna Convention on the Law of Treaties, it stated that a treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the present convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.

## Exclusive Economic Zone

Exclusive Economic Zone is a zone that measured from 200 miles of the coastline.<sup>11</sup> In this zone, the state has a right to manage everything under the state jurisdiction, such as utilize the natural resources in the territory. All matters related to the Exclusive Economic Zones are

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<sup>8</sup> Article 3. Draft Articles on Responsibility of States for Internationally Wrongful Acts 2001.

<sup>9</sup> Jan Klabbbers, *International Law*, 2<sup>nd</sup> ed. (Cambridge: Cambridge University Press, 2017), p. 44.

<sup>10</sup> Arnold Pronto and Michael Wood, *The International Law Commission 1999-2009*, vol. IV (New York: Oxford University Press, 1999), p. 78-86.

<sup>11</sup> William R. Slomanson, *Fundamental Perspectives on International Law*, 6<sup>th</sup> Ed. (Belmont, CA: Wadsworth Publishing, 2010), p. 294.

regulated in part V of the United Nations Convention on the Law of the Sea (UNCLOS).

Article 55 UNCLOS defines the Exclusive Economic Zone as a zone that adjacent and outside of the territorial sea.<sup>12</sup> The article also explains the rights, jurisdiction, and freedom of the state in the Exclusive Economic Zone, which must be obeyed by coastal countries as well as other countries.

In addition, Article 59 of UNCLOS explains the resolution of conflicts that might occur because of the determination of the Exclusive Economic Zone. If there is a conflict between a coastal country and another country regarding an Exclusive Economic Zone, then the conflict must be resolved based on equity and in the light of all the relevant circumstances, and take into account the interests of the international community as a whole.<sup>13</sup>

### **Turkey-Libya's Agreement on Maritime Boundaries**

Recently, the conflict between Turkey and Greece arises because the Libyan and Turkish governments have signed a bilateral agreement on maritime boundaries in the Mediterranean Sea and the agreement on expanding security and military cooperation.<sup>14</sup> Then, Turkey sent the agreement to the United Nations for registration and asked the UN's approval. Turkey's action resulted in an objection from Greece because the agreement was detrimental to Greece. Greece claimed that the agreement disturbed Greece's sovereignty because Turkey and Libya ignore the existence of an island owned by Greece in the Mediterranean Sea, namely the island of Crete. Also, the agreement violates international law since it does not reflect the neighborhood principle in the nearest country or neighboring country.

Turkish President, Recep Tayyip Erdogan, emphasized that he would continue to explore hydrocarbon resources in the Eastern Mediterranean. The statement was made on a press conference in

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<sup>12</sup>Article 55. United Nations Convention on The Law of The Sea 1982.

<sup>13</sup>Article 59. United Nations Convention on The Law of The Sea 1982.

<sup>14</sup> Daren Butler and Tuvan Gumrukcu, "Turkey Sign Maritime Boundaries Deal with Libya amid Exploration Row", *Reuters.com* (28 Nov 2019), (<https://www.reuters.com/article/us-turkey-libya/turkey-signs-maritime-boundaries-deal-with-libya-amid-exploration-row-idUSKBN1Y213I>), accessed on 1 January 2020.

Ankara after his meeting with Ersin Tatar, Prime Minister of the Turkish Republic of Northern Cyprus. Turkey said the agreement was created in order to protect its rights and allows Turkey and Libya to conduct exploration and operation in the region. With the fact, Greece expelled the Libyan ambassador from Athens and submitted the objection to the United Nations by saying the agreement violated international law.

### **Is The Turkey-Libya's Agreement Valid?**

To know whether the agreement can be enforced by the parties or not, the agreement must be valid based on international law. Not only it considers the procedure in making the agreement, it also considers the content of the agreement. The content must not against the norm applied in international law and domestic law. In the Agreement between Turkey and Libya on Maritime Boundaries, Turkey and Libya against several principles:

#### ***Sovereignty of state***

A state is a place for a group of people who occupy a certain territory and are organized by a legitimate state government, which generally has sovereignty. There are several requirements of state establishment that we must know, and it stated in the Article 1 of 1993 Montevideo Convention, namely; (a) a permanent population; (b) a defined territory; (c) government; and (d) the capacity to enter into relations with the other states.<sup>15</sup> All requirements can be explained as;

*First*, the state must have people. People are a community who lives in the state and regulated under the state jurisdiction. As a legitimate state, the state has a duty to protect the community. *Second*, the state must have a territory, because the territory is a place for the government to apply the law for the people. Also, under the territory, the government can apply the jurisdiction, such as ruled over the area with the aid of bureaucracy; have a professional army, and the power to collect taxes.<sup>16</sup> Since the requirements are recognized by international law, the states must respect the sovereignty of territory owned by others.

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<sup>15</sup> Article 1. Montevideo Convention 1993.

<sup>16</sup> John H. Herz, "Rise and Demise of The Territorial State", *World Politics*, vol. 9, no. 4 (1957), p. 475.



*Third*, the state must have a government. The government has a duty to protect and prosper the people wherever and whenever. Also, the government has the authority to make the rules and run the state for the people's interests. Thus, without the government, the state cannot be said as a legitimate state. *Last*, the state has the capacity to enter into relations with the other states. It means as the international subject, only a sovereign state that is able to make an agreement with other states.

Since the line drawn as the maritime border disturb the territory of Crete, which owned by Greece, then the agreement on the maritime boundaries between Turkey and Libya does not respect the sovereignty of Greece. Also, Turkey and Libya realized that, in that area, there is a territory of Greece; however, both states were not inviting Greece in the agreement as a state that also gets the impact of the agreement. Thus, the agreement can be assumed as an agreement which does not respect one of the fundamental and basic norms in international law, namely the sovereignty of the state.<sup>17</sup>

### ***Good faith***

One of the basis in the making of an international agreement is the good faith principle. An agreement must be defined or be implemented with the basis of good faith.<sup>18</sup> Good faith must be applied before, when, and after the agreement was made, and after the agreement was made. Good faith is one of the principles that uphold the value of honesty, selflessness, and does not violate applicable national and international norms.<sup>19</sup> Yet, in fact, there are many differences in interpreting the principle which affects how the states implement the good faith principle in the agreement. With the aim of reducing the number of different interpretations of good faith, the principle of good faith is explained in the 1969 Vienna Convention:<sup>20</sup>

1. Article 26 regarding *pacta sunt servanda*, it stated that, "Every treaty in force is binding upon the parties to it and must be performed by them in good faith." Based on the article, the parties are bound to

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<sup>17</sup> Malcolm D. Evans, *International Law*, 4<sup>th</sup> ed. (New York: Oxford University Press, 2018), p. 170.

<sup>18</sup> Zimmermann, Reinhard, Simon Whittaker, and Mauro Bussani (Eds.), *Good Faith in European Contract Law* (Cambridge: Cambridge University Press, 2000), p. 18.

<sup>19</sup> Robert Kolb, "Principles as sources of international law (with Special reference to good faith)", *Netherlands International Law Review*, vol. 53, no. 1 (2006), p.14.

<sup>20</sup> Vienna Convention on the Law of Treaties 1969.

bear rights and obligations that arise from the agreement and the content must be implemented with good faith.

2. Article 31: regarding the general rule of interpretation, it stated that "A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in the context and in the light of its object and purpose." The article means no matter in what situation, the purpose of making the agreement must be interpreted with good faith.
3. Article 46 about provisions of internal law regarding competence to conclude treaties, stated that, "A violation is manifest if it would be objectively evident to any State conducting itself in the matter in accordance with normal practice and in good faith." Thus, if the state does not put the good faith principle in the making international agreement or treaty, then the agreement is not valid.
4. Article 69 about consequences of the invalidity of a treaty, stated that, "Acts performed in good faith before the invalidity was invoked are not rendered unlawful by reason only of the invalidity of the treaty." It means if the state creates a treaty with good faith before the agreement was declared invalid, the parties cannot get a punishment.

Therefore, according to the Vienna Convention 1969, good faith becomes a fundamental norm that must exist in the agreement. If the state does not perform the good faith principle in the process of creating the international agreement becomes invalid. From the explanation, in the case of Turkey-Libya's agreement regarding the maritime boundaries, both states do not have good faith in the process of making the agreement.

Turkey and Libya do not invite Greece to enter into the agreement even though both states know that the agreement will affect the territory of Greece. Turkey and Libya only concerned with the benefit for parties, also do not concern about what is the impact on another state. In addition, both parties know there is an island owned by Greece around the line. It implies that Turkey and Libya know that there will be a conflict if they ignore the existence of Crete. Hence, the Agreement between Turkey and Libya on the maritime boundaries is not valid because they do not perform the good faith principle.

### ***The absence of the good neighborhood principle***

As a member of the United Nations, we have to obey the regulations from the United Nations in order to respect international law. One of the ways in realizing the value of the United Nations, the state must put any norms or value that stated in the UN Charter, such as the “good neighborhood” principle in the agreement. By using the principle, states also can realize one of the purposes of the United Nations, namely, maintain world peace.<sup>21</sup>

In a simple way, good neighborhood principles is a principle that required states to avoid any action that will harm the neighbor in order to keep international relations among states. The principle is already mentioned in the preamble of the United Nations Charter, namely “to practice tolerance and live together in peace with one another as good neighbors.” The preamble has an interpretative function, which means it should be accepted by the members of the UN, and all purposes in the preamble can be used at a later stage, such as in convention, treaty, constitution, etc. The statement is clear, but the practice is still hard to be implemented since every state has its own interest to be realized. Thus, as the nations of the world, states just started to learn about how to live in peace with one another as good neighbors. In addition, in the Declaration of the Principles of International Law concerning Friendly Relations and Cooperation among States under The Charter of The United Nations, several principles become fundamental in international law, namely:<sup>22</sup>

1. Keep the international relations from any threat against the territorial integrity or political independence which is not in line with the purpose of the United Nations.
2. Solve international disputes in a peaceful way in order to avoid international peace, justice, and security to be endangered.
3. Not interfere with the domestic jurisdiction of any states based on the Charter.
4. Respect equal rights and self-determination of people.
5. Respect the sovereign equality of States principle.
6. Fulfill the obligation with good faith.

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<sup>21</sup> Hans Kelsen, *Principle of International Law* (New Jersey: The Lawbook Exchange. Ltd., 2003), p. 279.

<sup>22</sup> Hans Kelsen, *Principle of Intern...*, p. 279.

There are two crucial points in the “good neighborhood” principle. *First*, the state needs to protect its neighborhood relations, especially if the neighboring states share common resources, such as minerals, water-courses, and the resources of the sea.<sup>23</sup> It means neighbors may share common benefits and common dangers, including windfalls and natural calamities. Thus, cooperation among neighbors is vital for the life of all states in international matters. *Second*, the concept of neighborhood is not limited to geographical closeness. It means the principle of good-neighborhood also applies to countries that may be separated by a vast expanse of water such as the ocean, and the implementation of a principle of good-neighborhood is not restricted to frontier regions. Therefore, the practice of good-neighborhood should extend far beyond border areas.<sup>24</sup>

In Turkey-Libya's Agreement on Maritime Boundaries, Libya said that the purpose of making the agreement is to claim what is supposed to be owned by Libya, namely the island of Crete because if they drew the maritime border, the island of Crete belongs to Libya; however, Libya does not discuss the problem with Greece which is the owner of the island. Instead of addressing the problem with Greece, Turkey and Libya made an agreement that only concerns the advantages for both parties without considering the effects and harms for the interest of the neighboring states, namely Greece. Thus, the agreement destroys the international relations among them as the nearest states and it against the international law, specifically at the preamble of the UN Charter regarding practice tolerance and live together in peace with one another as good neighbors.

### ***Against the treaty of amity and cooperation***

Treaty of Amity and Cooperation agreement (TAC) is a treaty that concern about peace which was formulated in Bali on February 24, 1976, by the president or prime minister of several ASEAN member countries namely Lee Kuan Yew (Singapore), Ferdinand Marcos (Philippines), Datuk Hussein Onn (Malaysia), Kukrit Pramoj

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<sup>23</sup> Duško Dimitrijević, “The Principle of Good Neighborliness in International Law”, *Lingua-Culture Contextual Studies in Ethnic Conflicts of The World*, Research Institute for World Languages, Osaka University, vol. 11, (1996), p. 1.

<sup>24</sup> Sompong Sucharitkul, “The Principles of Good-Neighborliness in International Law”, *Publications*, Paper 559, (1996), p. 9.

(Thailand), and Suharto (Indonesia). TAC contains several agreements that govern the relations between countries and the diplomatic instruments for solving problems in the ASEAN region.<sup>25</sup> Initially, the treaty only applies to ASEAN member countries. After that, there was an amendment in the form of a protocol on December 15, 1987, and the treaty was opened for accession by countries outside ASEAN. Now 28 states signed the treaty, including Turkey and Greece (as a member of the European Union).

Article 1, Chapter 1 of TAC, stated that the purpose of the agreement is “to promote perpetual peace, everlasting amity, and cooperation among their peoples which would contribute to their strength, solidarity, and closer relationship.”<sup>26</sup> In the relations with one another, the High Contracting Parties shall be guided by the following principles:<sup>27</sup>

1. Mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations.
2. The right of every State to lead its national existence free from external interference, subversion or coercion.
3. Non-interference in the internal affairs of one another.
4. Settlement of differences or disputes by peaceful means.
5. Renunciation of the threat or use of force.
6. Effective co-operation among themselves.

In accordance with the objectives and principles contained in the TAC, the agreement should be obeyed by the participating countries in terms of developing and strengthening the friendly relations, culture, and history of good neighbors, based on the principles of good faith. By participating in the treaty, states are obliged to encourage and facilitate the relations between the people of the state that participating

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<sup>25</sup> Daniel Seah, “The Treaty of Amity and Cooperation in Southeast Asia: The Issue of Non-Intervention and Its Accession by Australia and The USA”, *Chinese Journal of International Law*, vol. 11, no.4 (2012), p. 785.

<sup>26</sup> John R. Crook, “United States Accedes to ASEAN Amity Treaty as Sole Executive Agreement”, *The American Journal of International Law*, vol. 103, no. 4 (2009), p. 741.

<sup>27</sup> Mark E. Manyin, *U.S Accession to the Association of Southeast Asian Nations’ Treaty of Amity and Cooperation (TAC)*, CRS Report for Congress (Congressional Research Service, 2009), p. 8, <https://www.fas.org/sgp/crs/row/R40583.pdf> , accessed 1 Jan 2020.

in the treaty. However, in its development from 1976 to the present, the agreement faces so many issues, especially in terms of national borders.

In the case of Agreement on the Maritime Boundaries between Turkey and Libya, it against the first principle of TAC, namely “mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations.” Since Greece and Turkey are participating states in TAC, then both states have to implement the principle of the agreement. Even though Libya is not participating in TAC, Turkey has to consider the principle of TAC in the Agreement on Maritime Boundaries made by Turkey and Libya because both parties know the agreement will affect Greece, which also is the participating state in TAC.

### **Concluding Remarks**

In order to be recognized as a valid agreement, international law requires an agreement to fulfil the procedures aspect and applicable norms, so to find out whether the agreement between Turkey and Libya related to maritime boundaries can be recognized, the agreement must meet the requirements. Procedurally, Memorandum of Understanding between The Government of The Republic of Turkey and The Government of National Accord-State of Libya on Delimitation of The Maritime Jurisdiction Areas in the Mediterranean is already classified as a valid agreement. Still, obviously, the agreement ignores the principle of sovereignty of the state, good faith principle, good neighborhood principle, and violates the first principle of TAC, especially in the area of mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations, in this case, is Greece. Thus, based on the international principle, the agreement should be invalid. The explanation gives a deeper theoretical understanding regarding the requirements of making an agreement that not only focuses on procedural aspects but also meets the norms that apply in international law.

Additionally, to respect the international law and maintain the relationship between Turkey, Libya, and Greece as neighboring states, the agreement must be participated by three parties. After all, the agreement affects all involved countries when the agreement is in the process of registration to the United Nations Secretariat. In the end, the UN has to decide that the agreement should be annulled and declared

as an invalid agreement when it goes against some fundamental principle in international law.

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