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*Permanent Delegation of Turkey
to the European Union*

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The Permanent Delegation of the Republic of Turkey to the European Union presents its compliments to the European External Action Service and with reference to the Latter's Note no. Ares (2021)1580274, dated 2 March 2021, has the honour to convey the following.

Regarding the assertion that Operation Irini has been monitoring the arms embargo violations on both sides of the conflict in Libya, as far as the number of inspected and approached vessels by the Operation is concerned, a clear imbalance is evident between the maritime traffic bound for western and eastern Libya. Specifically, four out of the eight vessels inspected so far, including Roseline A, which was forcefully boarded on 22 November 2020 without the consent of Turkey as the flag state, were headed for western Libya and had all departed from ports in Turkey. Had the Turkish Government granted consent for Parpalı and Kosovak mentioned in the note, this ratio would have been 6 out of 10, which does not indicate, even after the recent non-Turkey related inspections, a balance in targeted inspections.

As for the friendly approaches, obvious targeting coupled with unlawful conduct of the Operation Irini assets, seems to discourage the shipping companies, which operate solely on commercial interests in the region from complying with such requests, on their own accord. It does not escape the attention of these companies that some of them are persistently targeted by the Operation, merely based upon a coinciding pattern of navigation, which would logically be required of such trade routes.

Consequently, the abovementioned circumstances raise legitimate questions of discrimination as to the criteria of selection for the vessels to be inspected, as well as the reasonability of grounds for inspection as perceived by the Operation, which are, to this day, not once disclosed to Turkey, a NATO ally and EU candidate country.

Turkey does consider itself bound by international law, including relevant decisions of the United Nations Security Council and continues to contribute to international cooperation within this framework. It does not consider however, that the arbitrary interpretation of the UNSCRs by the European Union, which is clearly not based on any objective criteria or reliable information as explained above, is binding upon Turkey.

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In terms of practical matters, the conduct of the Operation Irini at its current extent, constitutes harassment for stakeholders in shipping industry, which is a cornerstone in bilateral trade between Turkey and Libya, and hampers the exercise of freedom of navigation in the high seas, that is firmly established as a fundamental principle in international law. On the other hand, since the scope and mandate of the Operation fail to cover all land and air, let alone maritime, transportation routes to Libya, practical contribution thereof to the implementation of the arms embargo remains questionable, if any. Such a partial operation cannot contribute to peace and stability.

In light of the foregoing, the Operation Irini fails to qualify as a legitimate initiative and the Republic of Turkey does not recognize the authority of the Operation as currently implemented to enforce the UN arms embargo on Libya.

The Republic of Turkey also requests that freedom of navigation remains duly respected at all times in the region and the Operation refrains from actions, allegedly justified with arbitrary interpretations of the relevant resolutions of the United Nations Security Council. In this regard, Turkey continues to remain ready to engage with genuinely impartial and good-faith efforts towards the implementation of UN arms embargo on Libya, both under the purview of the United Nations, as well as bilateral cooperation with the interested parties.

The Permanent Delegation of the Republic of Turkey to the European Union avails itself of this opportunity to renew to the European External Action Service the assurances of its highest consideration.

Brussels, 15 March 2021

