

# **Delineation of Lebanon's maritime border with Israel**

## **According to international law**

(Reality & Law)

**By**

***Dr. Mohamad Doughan***

***Racha Abou Haidar***

- **ملخص باللغة العربية:**

هذه الدراسة تهدف الى تحديد الحدود البحرية بين لبنان وإسرائيل وفقاً للمبادئ القانونية الدولية. تتناول الدراسة التعقيدات والاعتبارات المشاركة في تحديد هذه الحدود، وتفحص القوانين والمعاهدات الدولية ذات الصلة. كما تقوم الدراسة بتوضيح الإطار القانوني الذي يتوجب على عملية تحديد الحدود البحرية بين لبنان وإسرائيل سلوكه، بهدف توفير فهم شامل للمبادئ القانونية الدولية المعمول بها وتداعياتها في هذا السياق.

- ***Abstract:***

*This study explores the delineation of Lebanon's maritime boundary with Israel in accordance with international legal principles. It delves into the complexities and considerations involved in defining this boundary, examining relevant international laws and conventions. The abstract outlines an investigation into the legal framework guiding the process of delineating maritime borders between Lebanon and Israel, aiming to provide a comprehensive understanding of the applicable international legal principles and their implications in this context.*

- ***Keywords:***

*Maritime Boundary Delimitation, Lebanon-Israel Border Dispute, International Law and Maritime Boundaries, Exclusive Economic Zone (EEZ), UNCLOS (United Nations Convention on the Law of the*

Sea), Territorial Waters, Legal Framework for Maritime Borders, Sovereignty and Jurisdiction at Sea, Mediation and Conflict Resolution, Special Economic Zone (SEZ), International Court of Justice (ICJ), Customary International Law, Treaty Law and Maritime *Boundaries*

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### ***Introduction:***

According to International Law Terminology, maritime borders defined as "the demarcation line that marks the boundaries between the territories of two neighboring countries." Another characterization describes it as "the dividing line between two territories under different sovereignties" [1]. An alternative interpretation states, "The international maritime border is formed by a series of points that fall within the jurisdiction of a state" [2].

The establishment of maritime borders involves delineating boundaries between two coastal marine areas, typically achieved through negotiations and subject to the principles of international maritime law, as outlined in the 1982 Montego Bay Convention [3]. In case of disputes, the determination of boundaries can be entrusted to an arbitration court, provided both disputing parties agree, or to the Court of the Law of the Sea, or the International Court of Justice [4].

The United Nations Convention on the Law of the Sea adopted in 1982 and became effective on November 16, 1994, with Lebanon ratifying it on January 5, 1995. Contrarily, Israel has not yet signed it, asserting that it is not obligatory, contending that international law deems it a binding customary law.

This comprehensive agreement, comprising 320 articles and 9 appendices, covers various topics, including but not limited to the territorial sea, exclusive economic zones, and the statute of the International Tribunal for the Law of the Sea, along with provisions for private arbitration.

The predominant cause of most maritime disputes arises from challenges in establishing the commencement and conclusion points of the territorial sea, particularly in regions with numerous outcrops. Addressing this issue, the 1982 Convention on the Law of the Sea delves into the

territorial sea and its determination. Specifically, it asserts, "Each country possesses the right to define the width of its territorial sea, not exceeding 12 nautical miles, measured from the baselines established in accordance with this agreement" [5].

The sixth provision in the agreement addresses the methodology for establishing the baseline used to determine the territorial sea. This baseline originates from the furthest *point where the waters of the islands recede*. Subsequently, the seventh article introduces a reservation criterion for nations with coastlines characterized by zigzags, protrusions, or islands and prominent rocks. It advocates for the extension of straight lines connecting these protrusions to serve as the starting point for the territorial sea. However, the sixth paragraph of Article 7 cautions against using the straight baseline system in a way that separates the territorial sea of one country from the high seas or the exclusive economic zone [6].

In the fifth chapter of the agreement, the exclusive economic zone is defined as the area beyond and adjacent to the territorial sea, not exceeding 200 miles from the baselines of the territorial sea. This section also outlines the rights and obligations of states within this zone [7].

*Delineating and demarcating maritime boundaries between coastal nations differs from land borders, particularly when dealing with opposite or adjacent coasts like those of Lebanon, Cyprus, and occupied Palestine. The governing law in these cases is the rules outlined in the four Geneva Conventions on the Law of the Sea of 1998 and the Convention on the Law of the Sea of 1982. These conventions precisely delineate the process of demarcating maritime borders between neighboring countries, beginning with the territorial sea and extending to the public sea. In the absence of an agreement between the involved countries, the equal distance between*

the coasts applied unless special circumstances necessitate demarcation or arbitration [8].

Based on the aforementioned details, it is pertinent to delve into the maritime border dispute between Lebanon and Israel. The crux of the contention revolves around Block No. 9, an 860-square-kilometer Mediterranean area abundant in oil and gas resources. Commencing negotiations in October 2020 under the auspices of the United Nations and American mediation, Israel and Lebanon navigated through various stages of mediating the conflict over maritime boundaries.

### **Chapter One: Underlying Causes of the Conflict between Lebanon and Israel:**

Some attribute the root cause of the dispute between Lebanon and Israel to Israel's delineation of its northern maritime border with Lebanon in 2011, as endorsed by the Israeli Cabinet. This move was in response to the Lebanese map presented to the United Nations in 2010, a map that seemingly favored Lebanon over Israel. However, when negotiations commenced, the focus intended to be on an estimated 860 square kilometers of sea, as per a map submitted by Lebanon to the United Nations in 2011.

Lebanon subsequently contested that the map based on inaccurate estimates and insisted on examining an additional 1,430 square kilometers, encompassing parts of the Karish field [9]. From Beirut's perspective, this expanded the disputed area to 2,290 square kilometers, a proposition Israel rejected, resulting in the cessation of negotiations.

Legal expert Michel Tueni asserts, "Certain erroneous maps presented by the American company Tobel Energy, claiming the existence of oil fields west of the occupied Palestinian borders, are inaccurate."

According to Tueni, these fields situated in Lebanon, northwest towards Cyprus, with a definite share for Syria and the possibility of a minor portion extending south [10].

The fundamental disagreement between Lebanon and Israel revolves around the delineation of territorial waters, specifically concerning the definition of the Lebanese economic zone and the economic zone in occupied Palestine by Israel. Lebanon's oil wealth is concentrated in its exclusive economic zone, where natural gas wells are located.

Israel has implemented its own regulations, demarcating 860 km<sup>2</sup> of Lebanese territory, constituting 40% of the region's oil resources [11]. The contention between Lebanon and Israel centers on the Lethan and Tamar fields [12]. Israel asserts undisputed ownership of these basins and rejects any compromise, while Lebanon argues that Israel has encroached upon its maritime rights, steadfastly asserting its own claims.

On 17/1/2007, the Lebanese government signed an agreement with the Cypriot government [13]. However, instead of adopting the three-dimensional point 23, point one chosen as the maritime border, leading to a significant retreat in Lebanon's defined borders—from point 1 in the south to point (6) in the north. This retreat resulted in Lebanon losing its exclusive economic zone [14]. These two points considered temporary.

Simultaneously, due to Lebanese government hesitation, Israel and Cyprus signed an agreement in 2010. This agreement allowed Israel to encroach upon the marine area that Lebanon had previously retreated from, starting at point one. Despite its considerable distance to the north, this point adopted as the end line, deviating from the three-dimensional point, known as point 23, located to the south. Lebanon views this as a

breach of agreement by Cyprus, as it did not respect its prior understanding with Lebanon [16].

In the maritime border demarcation agreement, the Lebanese delegation, upon Cyprus's request, agreed to a retreat of 10 nautical miles from the northern side of occupied Palestine by sea. The understanding was that when Israel established its borders with Cyprus, it would reciprocate by retreating the same distance to the south. This arrangement aimed to facilitate a watery passage for ships. However, Israel, upon signing its agreement with Cyprus, took this retreat line as the starting point for its maritime borders, seizing the corresponding distance.

This unilateral action by Israel resulted in Lebanon losing a portion of its exclusive economic zone in the Mediterranean, along with significant quantities of gas *anticipated from the Lethan Basin and Tamar Basin*. *Despite* Israel and Lebanon theoretically having no maritime border issues in their operations, Israel capitalized on the situation, entering Lebanese territory due to the delayed decision-making process on the agreement by Lebanon.

It is notable that Israel has identified a loophole in the agreement between Lebanon and Cyprus, stipulating that the tripartite point (Point 23) must be determined through tripartite negotiations. This prompted Lebanon to legally define its borders and submit the information to the United Nations, reaffirming its commitment to international agreements.

Cyprus has acknowledged this situation, stating that it has not acted appropriately and asserting that the agreement with Israel does not affect Lebanon's rights. Lebanon has already submitted a map to the United Nations, clearly outlining its borders with occupied Palestine, especially

detailing territorial waters and the exclusive economic zone where Lebanon has the right to engage in economic activities.

In a letter dated 28/7/2011, *Cyprus explicitly affirmed*, through its foreign minister addressing his Lebanese counterpart, that the 2007 agreement defining exclusive economic zones between the two nations "in no manner infringes upon Lebanon's other rights or any rights under international law." The letter highlighted that the agreement incorporates "arrangements" designed to reassess the geographical points outlined in the agreement. This stance creates opportunities for resolution with Lebanon but potential challenges with Israel.

Israeli authorities contend that the northern terminus of the Israeli–Cypriot maritime boundary aligns with the southern terminus specified in the Lebanese–Cypriot agreement. Conversely, Lebanon maintains a dissenting perspective, upholding the maps it submitted to the United Nations Secretariat, which delineate the maritime boundary as an extension of the land border.

In light of the aforementioned, the ongoing dispute centers on Lebanon's assertion of its unequivocal entitlement to the Karish field, situated within waters subject to contention with Israel. In contrast, Israel asserts, "the entire field falls within its exclusive economic zone."

## **Chapter Two: Steps Taken by the Parties Involved in the Dispute:**

In accordance with the Convention on the International Law of the Sea, the involved parties mandated to formulate national legislation addressing maritime boundaries, encompassing the territorial sea and the exclusive economic zone. Subsequently, they are required to establish a baseline and submit it to the United Nations Secretariat.

### **a. Lebanon handling of the Border Demarcation:**



The former President of the Republic, General Michel Suleiman, cautioned against any unilateral actions by Israel and emphasized his country's preparedness to "safeguard its rights and resources through all lawful means." [18]

The Lebanese Foreign Minister affirmed that Lebanon intends to lodge a complaint with the United Nations regarding this encroachment, emphasizing its impact not only on the maritime region but also on other parts of Lebanese territory. He stated, "Lebanon will steadfastly assert its rights, and Israel must recognize that Lebanon will not relinquish them." [19]

*In 2002, Lebanon initiated the process of delineating its maritime boundary by commissioning a study through the SouthSimson Ocean Science Center in collaboration with the British Hydrographic Bureau. However, the demarcation faced challenges due to the unavailability of accurate and clear maritime maps for southern Lebanon and northern occupied Palestine, leading to imprecise results. In response, the government commissioned the British Hydrographic Office in 2006 to undertake a new study for demarcating Lebanon's maritime boundary. Subsequently, on January 17, 2007, Lebanon and Cyprus signed a convention aimed at delineating the exclusive economic zone, with the intention of fostering good neighborly relations and cooperation for the investment of oil assets. The agreement relied on the stance of the Lebanese Army regarding the relevant provisions of the United Nations Convention on the Law of the Sea, with the exclusive area between Lebanon and Cyprus determined along the midline. [20]*

In May 2009, the Lebanese government made a decision concerning the demarcation of maritime borders. Subsequently, in October 2009, it submitted maps to the United Nations Secretariat that outlined the western

maritime boundaries of Lebanon's exclusive economic zone. These maps were accompanied by two lists of coordinates—one specifying certain points along the southern maritime border (between Israel and Lebanon) and the other detailing the southern section of the exclusive economic zone's western maritime borders.

In August 2010, Lebanon presented its maps outlining the maritime borders along the southern edge with Palestine. Subsequently, in November, it submitted corresponding maps delineating the western border of its economic waters with Cyprus to the United Nations. Through these submissions, Lebanon successfully asserted its sovereignty over 530 square kilometers of its exclusive economic zone, out of a total 854 square kilometers in dispute with Israel. This recognition secured after obtaining acknowledgment from both the United States and the United Nations affirming Lebanon's rightful claim to this specific area of its maritime territory, The American administration accepted the delineation proposed by Lebanon, despite objections from Israel. [21]

As per the report from a Lebanese committee tasked with delineating maritime borders, initiated by the Lebanese government on May 13, 2009, the accurate and conclusive reference point, denoted as point 23, was reaffirmed as a three-dimensional point in the Petroleum Sector Management Law. Following official and technical reciprocal visits between the Lebanese and Cypriot representatives, both parties successfully initiated discussions on new regulations. These regulations consider a three-dimensional point referred to as (23), this is a novel location extending past a rocky formation known in Hebrew as "Tinhalit," aligned with point (3), which can be traversed, allowing for the potential expansion of borders. However, this expansion is contingent on it not classified as an

island, in accordance with the International Convention on the Law of the Sea. [22]

While the Lebanese Parliament has enacted the Petroleum Law [23], and the Ministry of Energy has formulated the corresponding implementing decrees, these measures expected to be executed rigorously via competitive tenders for companies to undertake studies and commence drilling. This process recognized as Lebanon's rightful claim *to assert sovereignty over its territorial waters and harness* the resources within its economic zone.

It is important to highlight that the former Minister of Energy in the Lebanese Government declared the acceptance of 46 international oil companies, representing various categories and rights holders, to partake in the initial phase of acquiring licenses for exploring oil and gas in Lebanese waters.

In 2018, Lebanon initiated exploration activities for oil and gas along its coastline. On February 9, it entered into a contract with a consortium of international companies, which includes Total, Italy's Eni, and Russia's Novatek, to conduct exploration for oil and gas in Block 4 and 9 within its territorial waters. Block 9 falls within an area disputed with Israel, and Israel perceived Lebanon's actions as "provocative."

Earlier, members of the Lebanese parliament called for the President of the Government and the President of the Republic to endorse the amendment to Decree 6433, substituting line 23 with line 29. General Bassam Yassin, leading the Lebanese military technical delegation, declared that Lebanon's commitment to Line 29 instead of Line 23 secured its rights to the Karish oil field, recognized as an officially disputed area.

In October 2020, the President of the Lebanese House of Representatives disclosed a significant agreement in a press conference, affirming that the United Nations would oversee the border demarcation negotiations with Israel, both on land and at sea. He further noted that Washington was committed to actively facilitating and expediting the negotiations to ensure a successful conclusion.

**b. Immediate commencement of excavation activities by Israel:**

Israel forwarded a delineation distinct from the one submitted by Lebanon to the United Nations, citing the existence of rocks off the coast of occupied Palestine that could impact border demarcation. Despite this, Israeli officials maintain that the northern endpoint of the Israeli–*Cypriot maritime border aligns with the southern endpoint specified in the Lebanese–Cypriot agreement.*

*The ex-Israeli Prime Minister, Netanyahu, asserted that Lebanon's submission of maritime borders to the United Nations places them distinctly, according to Israel's understanding, south of the agreed maritime boundary line. He contended that Lebanon's border extension goes against both Israel's agreement with Cyprus and Lebanon's agreement with Cyprus. Netanyahu added that Israel is actively engaged in delineating the borders in accordance with international maritime law [24]. According to Deputy Prime Minister Moshe Ya'alon, speaking during the Israeli cabinet session on July 10, 2011, "Iran and Hezbollah are influencing the Lebanese government's appeal to the United Nations concerning the maritime borders between Lebanon and Israel." [25]*

Israel initiated the commercial extraction of gas from the Tamar field on 30/3/2013, located 35 km from Lebanon's southern maritime border.

This distance suggests a considerable separation from the border, contributing to the maritime dispute between Lebanon and Israel.

**Chapter Three: The United Nations' Involvement in Resolution [26]:**

Both Lebanon and Israel submitted documents outlining their maritime borders to the United Nations. Lebanon requested United Nations Special Representative Michael Williams to address the matter of maritime border demarcation through UNIFIL. However, the response indicated challenges in this regard, attributing the difficulties to Lebanon's non-recognition of Israel. According to protocol, both countries should jointly seek UN or emergency forces intervention for demarcation [27], this option is currently unavailable. The proposed solution is for both Lebanon and Israel to commence excavation activities and turn to either international courts or a dedicated court to address the areas of dispute.

During a UN Security Council session, addressing the Secretary-General's report on the implementation of Resolution 1701, Michael Williams, the Secretary-General's representative, affirmed that both parties had submitted their maps for maritime border demarcation. However, the absence of diplomatic relations between Lebanon and Israel, coupled with Lebanon's non-recognition of Israel, added complexity to the matter and hindered UN intervention in resolving the conflict.

Williams urged the involved parties to commence excavation activities in the agreed-upon areas before addressing disputed areas once solutions reached. He emphasized, "Such maritime disputes are typical among neighboring nations and are frequently resolved through the assistance of maritime cartographic experts and negotiations." [28]

#### **Chapter Four: The Involvement of the United States in Conflict Resolution:**

Regarding the settlement matter, the United States proposed a roadmap to resolve the maritime border dispute between Lebanon and Israel, particularly focusing on the demarcation of the exclusive economic zone, and act as a mediator in the process.

On September 3, 2012, the United States offered to mediate in the resolution of the maritime border dispute between Lebanon and Israel. This mediation, in coordination with the United Nations, focused on the contested area spanning 850 km<sup>2</sup>. Diplomat Friedrich Hof facilitated shuttle tours between Lebanon and Israel as part of the mediation efforts [29], joined by Raymond Millipsky, a geographical surveys expert at the US State Department. The primary aim is to avert the escalation of tension along the maritime border between Israel and Lebanon. The goal is to prevent this area from becoming a focal point for potential conflict, thereby eliminating any pretext for Hezbollah to launch military operations targeting Israeli drilling activities in the Mediterranean [30].

According to an insider in the US State Department, "The United States has provided its suggested map to the involved parties due to the absence of diplomatic relations between the two countries." The source further explained, "The proposed map by the United States is grounded in cartographic research conducted by American experts. It does not assert to delineate the geographical borders between the two nations but rather offers a settlement formula for a fair division of economic waters and the associated gas resources." [31]

According to an Israeli official's stance on the matter, he stated, "Israel has requested the American administration to communicate a

cautionary message to Lebanon. Israel will not tolerate provocations or any harm to its gas installations. It emphasizes that any attack will be considered an assault on Israel, and a robust response will be delivered against Lebanon." [32]

Hoff proposed a temporary division of the disputed area, allocating two-thirds to Lebanon and one-third to Israel. This arrangement is contingent upon verifying Lebanon's entitlement to 850 km<sup>2</sup> under its sovereignty based on the new maps submitted by Lebanon. The two-thirds portion represents the designated area for Lebanon's temporary excavation rights, reaffirming Lebanon's original claim to this portion.

Hoff regarded this solution as a temporary measure that safeguards Lebanon's right to await suitable conditions for direct negotiations between Lebanon and Israel to define the borders. This approach allows drilling to proceed without reservations from companies and ensures the prevention of any military or security conflicts in the disputed area.

From this perspective, this resolution will contribute to expanding the areas in the eastern Mediterranean, alleviating tension between the two nations and enabling *foreign companies to initiate the exploration process without* apprehension. Should both parties accept the USA proposal? Both countries can modify their borders through internal amendments to the legal texts based on the American map.

Hof assured Lebanon that Israel would move forward with the proposed settlement, simultaneously presenting to Israelis his vision of their maritime borders with Lebanon. The intention was to use this as a starting point for initiating dialogue and negotiations on the matter. He urged Israel not to escalate the issue into a political crisis between the two nations but rather to approach it as a technical and economic challenge. He

emphasized that both sides stand to benefit if they can reach an agreement on the matter. Nevertheless, Israel declined to participate in indirect negotiations regarding economic waters with Lebanon through the United Nations mediation. Instead, it insisted on direct negotiations with Lebanon encompassing all aspects of the border dispute between the two nations, not limited solely to the maritime borders.

On February 16, 2012, the United States reengaged in mediating between Lebanon and Israel with the *involvement of Assistant Secretary of State for Near Eastern Affairs David Satterfield*. Satterfield presented Hoff's proposals for demarcating the maritime border between the two parties, but Lebanon declined the offer. The U.S. continued its involvement in the demarcation issue, with visits from officials of the U.S. administration persisting until 2019, when David Schenker assumed the role, succeeding Satterfield.

Commencing in 2020, and following the harbor explosion on April 8, 2020, Sinker initiated visits to Lebanon to engage with all officials and communicate the concept of indirect negotiations between Lebanon and Israel, which he had previously reintroduced in May 2019.

### **Chapter Five: Approaches to Resolution from an International Legal Perspective:**

The delineation of maritime borders between Lebanon and Israel governed by international law, particularly the United Nations Convention on the Law of the Sea (UNCLOS) that both countries are parties to. The UNCLOS provides a framework for establishing the boundaries of maritime zones, *such as the territorial sea, exclusive economic zone (EEZ), and the continental shelf*.



**Territorial Sea:** According to UNCLOS, each coastal state has the right to establish a territorial sea extending up to 12 nautical miles from its baselines. The baseline is determined in accordance with the provisions of the convention, usually starting from the low-water line along the coast. The baseline may be adjusted considering the presence of bays, estuaries, and other geographical features.

**Exclusive Economic Zone (EEZ):** Beyond the territorial sea, coastal states are entitled to an EEZ that extends up to 200 nautical miles from the baselines. In the EEZ, the coastal state has sovereign rights over the exploration and exploitation of marine resources, including fish and hydrocarbons. Delimiting the EEZ between neighboring states is a common source of maritime disputes.

**Continental Shelf:** UNCLOS also addresses the delineation of the continental shelf beyond the EEZ. Coastal states have sovereign rights to exploit the natural resources of the continental shelf. The outer limits of the continental shelf are determined based on scientific and technical criteria.

*Given the complex geographical features and historical context in the Eastern Mediterranean, including the presence of disputed areas such as Block 9, the delineation of maritime boundaries between Lebanon and Israel becomes a sensitive issue.*

In the event of a dispute, UNCLOS provides mechanisms for resolution:

**Negotiation:** States are encouraged to negotiate in good faith to reach an agreement on the delimitation of maritime boundaries.

**Mediation:** If negotiations fail, states can consider third-party mediation to facilitate an agreement.

**Arbitration:** UNCLOS allows for compulsory arbitration if the parties involved agree. The decision of the arbitration tribunal is binding.

**International Courts:** States can also bring their disputes to international courts, such as the International Tribunal for the Law of the Sea or the International Court of Justice.

It is important to note that the willingness of states to engage in diplomatic negotiations and adhere to international legal mechanisms is crucial for a peaceful and lawful resolution of maritime boundary disputes.

Dr. Hassan Kanaan highlighted that "The demarcation issue doesn't necessitate mutual recognition between nations; it's more suitable for the Lebanese state to define its maritime borders following international standards and grounded in the Law of the Sea. The approach hinges on norms; we advocate adopting the principle of maximum protrusion, drawing a straight line extending 12 miles. Anything beyond this zone is regarded as common waters from which the Lebanese state has the entitlement to derive benefits as international waters." [33]

Any issue regarding border delineation, as per international law, expected to be settled either through direct negotiation between the concerned nations, an agreement for arbitration, or by seeking resolution from the International Court of Justice. This pattern has been observed in various countries. Notably, the delineation of the continental shelf between Libya and Tunisia on January 24, 1982, stands as an example. However, numerous disputes exist concerning maritime borders, where countries decline international *arbitration in a world marked by conflicts over land and sea* demarcation.

The delineation of the border between the two involved entities abides by international law, serving as the governing framework for such

cases. The parties involved have the option to seek resolution from The Hague's International Court of Justice for a binding decision on their maritime border delineation. This process entails establishing borders that divide the seas between these parties, respecting the sovereignty of each entity involved.

The border disagreement involving Israel echoes the situation seen in the Israel–Egypt conflict within the Sinai region. In that instance, resolution came about via an international committee tasked with compiling a report, defining the area and establishing a buffer zone. The League of Arab States was consulted, and the issue was brought to the United Nations, leading to the establishment of a dedicated international court. This court eventually ruled in favor of Egypt, resolving the dispute.

In an International Court of Justice ruling regarding the delineation of maritime borders and regional matters between Qatar and Bahrain, particularly regarding the exclusive economic zone, the court outlined the following: "Referring to precedent set by its past case law in defining the sole maritime boundary, the court intends to apply a similar methodology in this current case. Beyond the twelve-mile limit, initial delineation involves creating a provisional equidistant line, subject to potential modification based on specific circumstances." [34] The Court also acknowledges the correlation between the Equal/Special Circumstances Rule, specifically pertinent to territorial sea delineation, and the Principles of Fairness/Relevant Circumstances Rule, evolving since 1958 within case law and state practices concerning continental shelf and exclusive economic zone delineation.

In a separate judgment, the court arrived at an identical conclusion concerning the matter of land and sea boundaries between Cameroon and Nigeria on October 10, 2002.

As per a study conducted by Dr. Muhammad Tai on July 14, 2011, findings suggest that the sea borderline commonly utilized in numerous International Court of Justice rulings is typically the centerline. Modifications to this line have occurred in cases involving historical factors, island presence, coastal variations, or similar circumstances. Regarding the delineation of boundaries between Lebanon and occupied Palestine, adopting a median line is the only viable option due to the near absence of these aforementioned reasons. [35]

Determining the overall coastline orientation was vital, commencing from Naqoura point and extending northward toward Lebanon's Syrian border and southward toward Palestine's Gaza border. As per the study's findings, an obtuse angle will emerge inland, with its central line (median) at its apex, requiring equidistant positioning from two symmetric markers on the coasts of Lebanon and Palestine. [36]

If this line is adopted, Dr. Tayy expects a shift towards the south, ensuring the protection of Lebanon's Special Economic Zone. This supplementary triangle originates at Naqoura point and extends to the border shared with the Special Economic Zone of Cyprus.

Robi Sabel, a Professor of International Law at Al-Quds University, emphasizes the crucial need for Lebanon and Israel to delineate accurately their maritime borders to entice foreign investors. Sabel asserts that unstable geopolitical conditions pose a deterrent for foreign companies considering investments in oil or gas fields. [37]

This conflict compels Lebanon to engage in proactive diplomacy to assert its rights and formally register them through established international rules and procedures.

## **Chapter Six: The Last-minute Progress:**

Indirect talks commenced on October 14, 2020, concerning the delineation of the maritime border between Lebanon and Israel. These negotiations, facilitated by the United Nations and overseen by the United States, saw their second session on October 28, 2020. The US Department of State labeled this meeting as "positive," offering no additional specifics. During the third round on October 29, 2020, Lebanon adjusted its requests within the border delineation discussions, proposing a new demarcation line named Line 29, intersecting the Karish field. In the subsequent fourth round on November 11, 2020, Israel dismissed Lebanon's stance, emphasizing a refusal to engage in discussions with Beirut regarding territories beyond the disputed waters outlined in the 2011 United Nations guidelines. Both parties agreed to convene for a fifth session in early December 2021.

Following a two-year deadlock, Washington chose to revive the matter for a comprehensive resolution, particularly amidst rising tensions between Lebanon and Israel. This escalation involved Hezbollah and Israeli Defense Minister Bini Gantz, triggered by the arrival of vessels commissioned for Israel by the "Energian" company, specializing in gas extraction, to the contested maritime zone.

In March 2022, the newly appointed American mediator, Amos Hawkstein, proposed a resolution. According to this proposal, Block 9 would be allocated to Lebanon, while Block 8 would be a shared zone between Lebanon and Israel. In the scenario where Qana crosses Line 23 to the Israeli border, Israel would receive its rightful claim, yet Lebanon would retain exclusive jurisdiction over Qana's operations. Despite the proposal, Lebanon declined to accept this arrangement. Additionally, the Israeli stance has emphasized that the discussions concern an area measuring only 860 square kilometers. This stance undermines Lebanon's

claim over the Karish Field facing Qana. Moreover, the Israeli Government maintains that any rights it holds in the contested region will be sought in accordance with international law, ensuring a fair approach.

As per information from the recently appointed US mediator, Amos Hochstein, in 2022, there exists a strategy to initiate the demarcation process both on land and at sea. The details indicate that Israel has consented to allocate Lebanon an area spanning 860 square kilometers in return for favorable conditions in the extraction activities within the "Qana" field. Nonetheless, this will not come without a cost, as Israel aims to obtain control over Ras al-Naqurah and the territory beyond it (Lebanon's final point of contact with Israel), a historically disputed area between the nations. Despite the 23rd line, not originating from Ras al-Naqurah, Israel asserts its right to claim it, potentially posing a challenging hurdle in the negotiations.

In early October 2022, Lebanon and Israel, facilitated by American mediator Hochstein, achieved an accord to delineate their maritime border. Lebanese authorities viewed this as a significant accomplishment, potentially providing relief from the nation's profound economic crisis. Meanwhile, Israel hailed it as a historic milestone, marking the inception of leveraging oil extraction. The international community perceived this agreement as a peaceful resolution to the longstanding conflict between Lebanon and Israel.

Regarding perspectives, from a legal standpoint, the question arises as to whether the pact between Lebanon and Israel qualifies as an international treaty with full enforceability, or if it remains a signed agreement yet to be executed due to various obstacles.

There were assumptions made about the demarcation agreement's nature, suggesting it comprised two documents signed by the involved parties and delivered to the US mediator, whose endorsement facilitated their enactment without the necessity of submission or registration with the United Nations.

The perception within Lebanese circles and among those opposing this agreement is that it contravenes and contradicts the Lebanese Constitution. They aim to challenge it in international courts, arguing that it imposes greater demands on Lebanon than it offers. Their contention is rooted in the Lebanese Constitution, which prohibits the relinquishment of any portion of Lebanese territory. They *assert that sovereignty extends to the sea as well, citing it* as a Lebanese entitlement according to the International Convention on the Law of the Sea.

Dr. Issam Khalifa said:"When Lebanese officials retreat from Line 29 to Line 23, Lebanon loses, in the Karish field alone, 2 billion cubic feet of gas and 6 million barrels of oil, equivalent to around 300 billion dollars or Qatar's exports for a period of two years. Some experts have affirmed that with this retreat, we would have handed over to Israel an area equivalent to 40% of Lebanon's territory without receiving anything in return. This area contains wealth amounting to billions of dollars."

- **Conclusion:**

Lebanon and Israel reached a historic agreement to demarcate their maritime borders following a two-year mediation by the United States. This agreement delineates the boundaries between Lebanese and Israeli waters for the first time and establishes a mechanism for both countries to benefit from the exploration by Total Energies of a gas field off the coast that extends across the borders. It is worth noting that this agreement does not address the land borders between the two countries, where Israel and Hezbollah have frequently clashed in recent decades.

According to data deposited by Lebanon with the United Nations in 2011, Lebanon's borders extend to what known as Line 23. Because of this agreement, Line 23 has become the recognized border by Israel for Lebanon's territorial waters, except for an area close to the Lebanese coast ranging from five to six square kilometers that remains unresolved and currently under Israeli control.

Despite this "Lebanese achievement," a fundamental issue clouds its success: Lebanon could have negotiated for a much farther line than Line 23, known as Line 29, theoretically granting it an additional approximately 1430 square kilometers. This theory based on studies adopted by several experts in the fields of energy, maritime law, and boundary delineation, aiming to rectify Lebanon's old coordinates.

However, if the mediator's (Hawkstein) efforts falter, Lebanon might have to turn to the International Court of Justice. This course of action would be pursued irrespective of Israel's status as a party to the Geneva Convention on the Law of the Sea because that avenue remains available. The borders established by Lebanon under Law 163 of 08/18/2011, delineating the Republic of Lebanon's maritime areas as legal boundaries,



should be acknowledged. If the United Nations is not actively involved in the border demarcation, it should at least recognize the borders outlined in the map presented by Lebanon as de facto, even though Lebanon regards them as legally binding.

In the end, this agreement considered a significant step towards achieving stability and coexistence in the region.

## References:

[1]. See the International Court of Justice in the conflict between Libya and Chad on 3/2/1994.

[2]. See the Court of Arbitration in the dispute between Guinea–Bissau and Senegal relating to the delimitation of maritime boundaries.

[3] Much of this law is codified in the United Nations Convention on the Law of the Sea, signed Dec. 10, 1982. The convention, described as a "Constitution for the Oceans," represents an attempt to codify international law regarding territorial waters, sea–lanes, and ocean resources.

[4]. See Adel Khalifa's article entitled "Demarcation of the Maritime Boundaries." Panorama of the Middle East, 01/03/2012.

[5]. Article 3 of the 1982 Law of the Sea Convention

[6]. Dr. Muhammad Al–Majzoub: "The Mediator in Public International Law," University House for Printing and Publishing, Beirut 1999, p. 380–387.

[7]. Mamoun Mustafa: "Public International Law," Rawal Al–Majdalawi, Jordan, 2002, p. 107.

[8] There are rulings issued by the International Court of Justice that determine how to arrive at determining the maritime borders of neighboring coastal states, including the ruling on the border dispute between Qatar and Bahrain, Cameroon, and Nigeria.

[9]. The Karish oil and natural gas field, located in the territorial waters of the Mediterranean basin, is 100 km from the Israeli coast and about 75 km from the coast of Haifa. The area of the field is estimated at 150 square kilometers. According to the Lebanese Ministry of Energy, the field is only about 4 km from Lebanon's border with Israel, namely in Block No. 8 and 7 km from Block No. 9, which belong to Lebanese territorial waters. The

volume of natural gas reserves in the "Carish" field is estimated at 1.3 trillion cubic feet, while other estimates suggest that the reserves are between 1.5 trillion and 2 trillion cubic feet, according to a report by Al Jazeera. Lebanon's total territorial waters are estimated at 22 thousand square km, while the area disputed with Israel is 854 square km. Lebanon's oil reserves are estimated at 865 million barrels, and Lebanon's share of natural gas held in the Mediterranean is estimated at 96 trillion cubic feet.

[10] See an article in An-Nahar newspaper entitled, "Israel draws borders and exploits Lebanon's gas wealth." On 01/13/2010.

[11]. the conflict with Israel is over an area of 860 square kilometers out of 22,700 square kilometers.

[12]. they are located within the 860 km<sup>2</sup> disputed area between Lebanon and Israel.

[13]. In 2007, the Lebanese government reached an agreement to demarcate the maritime borders with Cyprus in its initials, but because of the sharp political differences in Lebanon, this agreement was not ratified, and therefore it is not considered conclusive and binding according to the Lebanese Constitution and international law. However, Law 163 of 2011 later approved it.

[14]. Some attributed this error to several reasons, including that the maps on which the Lebanese state relied and which are based on Point (1) are old maps belonging to the British Royal Navy.

[15] <http://www.mepanorama.com/181895.18/04/2013>.

[16]. According to Article 3 of the Lebanese-Cypriot agreement, Cyprus was supposed to refrain from signing with "Israel" without returning to the

Lebanese side, especially since the maritime border is a meeting point between Cyprus, "Israel," and Lebanon.

[17]<http://www.jaride.com/modules.php?name=news&file=print&sid=7858.1>  
8/04/2013.

[18]<http://khayaralmoukawama.com/DETAILS.ASP?id=527¶m=NEWS>.  
04/19/2013

[19]. Ibid.

[20] <https://www.aa.com.tr/ar/2040698/>. 25/09/2022.

[21]. <http://www.lebaneseandisrael.com/x/?p:35548>

[22]. Haaretz newspaper: December 17, 2012.

[23] Lebanon approved the oil exploration project in Parliament in August 2011, and the implementing decrees of the law were approved in December 2012. Then companies are awarded, and exploration begins 6 months after the award.

[24] <http://khayaralmoukawama.com/DETAILS.ASP?id=527¶m=NEWS>.  
04/19/2013

[25]. Retired Brigadier General Elias Farhat: A Study on Oil between Lebanon, Cyprus, and the Enemy Entity. The website of the Arab and Islamic Gathering to Support the Choice of Resistance, Haret Hreik. On 08/19/2011.

[26].<http://www.lebanonfiles.com/print.php?id=275957>.19/04/2013

[27]. The Lebanese government had asked the international forces operating in southern Lebanon to demarcate the borders, but the leadership

of these forces refused, claiming that this task did not fall within the mandate given to it by the Security Council.

[28] <http://www.saidadays.com/photos.php?go=fullnews&newsid=8308>.

04/19/2013.

[29]. He was in charge of Syria and Lebanon on the staff of the former US Presidential Envoy to the Middle East, George Mitchell.

[30]. Hezbollah Deputy Secretary-General Naim Qassem said: Lebanon will not agree in any way that anyone steals our natural resources, including oil, gas, and others." He added: "The Israeli threats will not frighten us and will not deter us from our positions regarding our rights, and Israel knows with certainty that these threats, which we consider empty, have no value."

Dr. Muhammad al-Hajj Hammoud, *The International Law of the Sea and Areas of National Jurisdiction*, Baghdad, 1990, p. 473 and beyond.

[32]. <http://khayaralmoukawama.com/DETAILS.ASP?id=527¶m=NEWS>.

04/19/2013.

[33]. Quoted from Abbas Sabbagh: "An article entitled "Israel Draws Borders and Exploits Lebanon's Gas Resources" An-Nahar Newspaper, January 13, 2010

[34] See the judgment of the International Court of Justice issued on March 16, 2011.

[35]. <http://www.alahednews.com.lb/print.htm.20/04/2013>.

[36]. *ibid.*

[37]. Delphine Mathewson (for the French newspaper Liberation): "There are gas fields between Lebanon and Israel, 7/20/2011.

[38] Hezbollah repeatedly warned Israel against any activity in Karish before an agreement was reached with Lebanon. On July 2, Israel stated that it had intercepted three Hizbullah rallies heading for the Mediterranean gas field area.