

DELIMITATION OF MARITIME BORDERS AND OFFSHORE PRODUCTION: COOPERATION AND CONFLICT BETWEEN ISRAEL AND LEBANON

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ABSTRACT

The findings of oil and gas reserves in the Eastern Mediterranean, more specifically in the Levantine Basin, has aroused Israel and Lebanon concerns regarding the possibility that these energy sources provide both their energy self-sufficiency and the profitable earns which this economic activity has the potential to provide. However, the political and territorial conflicts between those countries have been even raised by the dispute of maritime areas implied in the exploitation of this important energetic asset. In this matter, the definition of maritime borders between Israel and Lebanon must be highlighted as a way to allow the full offshore exploitation by both countries. For this purpose, this article aims to identify regional and international actors which have the skills to interfere in this issue, the interests and obstacles related to Levantine Basin oil and gas production and the legal framework that can improve cooperation in order to get the maritime border delimitation. This way, it will be possible to create a security environment to allow full offshore exploitation by the contenders.

Keywords: Oil and Gas Geopolitics. Maritime Borders. Cooperation and Conflict.

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PREAMBULAR CONSIDERATIONS

The historic conflict between Israel and Lebanon, which has always been reduced to a dispute over land, gained an economic and maritime dimension with the emergence of an area that became the object of dispute between the two countries for being provenly rich in oil and natural gas. However, the production and export of hydrocarbons at sea, to the fullest of its potential, requires countries that propose to do so to offer a set of guarantees to producing companies that involves everything from the safety of their assets at sea to judicial safety guaranteeing a profitable economic activity in the long run. As the current belligerent scenario, especially with regard to the blurring of maritime boundaries, does not allow the development of these essential conditions for offshore production, the discovery of oil and gas fields in the border areas between Israel and Lebanon can leverage both a process of worsening disputes, as well as an opportunity for beneficial cooperation between the two states, which can create the necessary conditions for economic development for both countries and even a new path for lasting peace.

This whole process tends to be influenced by other relevant international actors, such as Cyprus, which also has great oil and gas production potential and its exclusive economic zone bordering both Israel and Lebanon; Turkey, with its opposition to the sovereignty of Cyprus; Egypt, the largest oil and gas producer in the Eastern Mediterranean and a potential facilitator for the flow of Israeli production; Syria, with its civil war that has lasted for almost a decade and which served as a gateway for Russia to control its production; Russia itself with its geopolitical ambitions to control gas production in the Eastern Mediterranean; and the European Union (EU), which opted for natural gas as the basis for the energy matrix and is becoming increasingly dependent on the import of this energy source.

Back to the focus of this study, it appears the problem Israel and Lebanon face is how to make full offshore production viable in disputed areas. As a possible solution, the research points to the need to define the maritime boundary between the two contenders based on international mechanisms for the peaceful settlement of disputes. To this end, appropriate international dispute settlement mechanisms should be sought in international law, which apply to two Coastal States that have no relation to each other, as they are still officially at war, showing divergences

in almost all the land and sea borders, and with the complicating factor of having discovered a huge source of wealth in their adjacent waters.

As a general objective, during the study, possible legal solutions to make offshore production viable will be examined, which is intended to be achieved through the analysis of the agreements and treaties entered into, as well as through the bibliographic search of official documents and works of authors focused on the theme. The study will be geographically defined by the oil and gas production areas that make up the Levantine Basin.

To achieve the proposed objective, the first part shall present a historical synthesis of the development of offshore production in the Levantine Basin, its importance for producing countries, the obstacles to oil and gas production in the region and the opportunities for cooperation between them, confirmed by the demands of this type of production in the Eastern Mediterranean region. In addition, in a second part, the legal framework and international dispute settlement mechanisms related to the case at hand will be studied, as well as their analysis regarding their applicability as a materializing instrument for a possible cooperation for the delimitation of maritime borders between Israel and Lebanon.

THE PRODUCTION OF OIL AND GAS IN THE EASTERN MEDITERRANEAN

Former Israeli Prime Minister Golda Meir used to complain that Moses, the biblical prophet, had guided the Jewish people for 40 years through the desert and, in the end, had taken them to the only place in the Middle East where there was oil. The former prime minister was not entirely wrong in her lament since, at her time, the technology available and the prevalence of a geopolitical vision eminently focused on the continental territorial space did not allow her to predict the discoveries that would change this reality.

It was only in 2009, with the discovery of the Tamar Oil Field on the Israeli coast that the reality exposed by Golda Meir began to change. With the prospect of a reserve estimated at 320 billion cubic meters (bmc), Tamar was regarded as the solution for the Israeli self-sufficiency in natural gas. As if that were not enough, a year after discovering Tamar, the American energy company Noble Energy made an even greater discovery. With an estimated reserve of 600 bmc, the Leviathan Field gave Israel the opportunity to meet domestic energy demand and, furthermore, to

become a hydrocarbon exporter³. Encouraged by the initial discoveries, the oil companies continued to promote the exploration of new sites, discovering other smaller reserves such as the Dolphin, Dalit and Tanin Fields, which together with Tamar and Leviathan make up the Levantine Basin. This Basin proved to be a promising reserve of natural gas in deep waters, being considered the largest discovery of offshore natural gas in the decade of 2001 to 2010⁴, vital in the supply of energy to Israel and Gaza.

In 2011, the same Noble Energy that had made the significant discoveries in the previous decade, driven by good initial results, launched itself in other regions further north of the Eastern Mediterranean, discovering, in the southeast of Cyprus, a gas reserve estimated at 130 bmc, the Aphrodite Field⁵. Aphrodite's discovery comes shortly after Cyprus negotiated an agreement delimiting its exclusive economic zone (EEZ) with Israel, in December 2010, thus leaving little room for disputes over the areas to be explored and no doubts regarding the possibility of exploration of these areas by those states. It is estimated that the available gas reserves will be able to supply the internal demand for energy for 200 years and still generate resources for the reduction of the Cypriot debt contracted with the European Union, in 2012, in the amount of 24 billion dollars, which was equivalent to its total GDP in that year⁶.

Despite having started seismic surveys on its coast in 2000, Lebanon had difficulty in developing its energy program⁷. The discoveries of oil reserves and, mainly, of natural gas made by Israel and Cyprus encouraged other countries of the Eastern Mediterranean to look for a way to participate in this lucrative market. Thus, Lebanon had to overcome its internal divergences, related to the different sectarian groups that share political power, the crisis caused by an Israeli military occupation in 2006 and the constant insecurity generated by the anti-Semitic militancy of the Shiite Hezbollah party, in the south of the country.

With all these setbacks, Lebanon only managed to approve its regulatory framework for oil and gas production in September 2017, which allowed, in that same year, the signing of a contract with the consortium formed by the oil companies Total, ENI and Novatek for the exploration of blocks 4 and 9, in the Leviathan Basin⁸.

⁷ KARBUZ, 2012.

⁸ Production block 9 is one of the blocks found within the maritime area in dispute with Israel. See STRATFOR, 2018.

Lebanese reserves of natural gas are estimated at 855 bmc and, once confirmed, can bring a financial value of between 300 and 700 billion dollars to the Lebanese economy. Something extremely significant for a country whose GDP, in 2016, was estimated at 47.5 billion dollars. Once developed, the Lebanese oil sector can negate the relevance of any other sector of the economy. In addition, the gas supply provided by the offshore fields would be enough to reduce the high dependence on energy from foreign markets, as well as definitively solve the problem of electricity scarcity in the country⁹.

In addition to Israel, Cyprus and Lebanon, Turkey and Syria also see oil and gas production in the Eastern Mediterranean as a possible solution to their energy and economic demands. However, Turkey has not been favored in its exploratory research and has not yet succeeded in its EEZ, being a country extremely dependent on the import of natural gas to meet its domestic demand. Syria, plagued by a war that has lasted for almost a decade, has its coastline intact in the oil and gas area, without any political and economic condition to develop its offshore production.

Although the coastal states of the Eastern Mediterranean are committed to exploiting their offshore reserves as a way to meet the growing energy and economic needs, they are not the only ones interested in that region's gas. The European Union (EU), by opting for less polluting and high-yielding energy sources, made natural gas the basis of its energy matrix¹⁰. With the decreased production in the North Sea, due to the predictable depletion of its deposits, the EU is becoming increasingly dependent on the import of natural gas, mainly from Russia¹¹. According to data from the European Commission, EU, in order to reduce its carbon dioxide emissions, imports approximately 64% of the natural gas it consumes, in an energy matrix highly dependent on this gas. According to data from the same Commission, by 2030, the EU will import about 80% of the natural gas needed to meet its energy demand with less polluting fuel¹². Russia, taking advantage of this dependency,

⁹ RIVLIN, 2013.

¹⁰ SEWALK, Stephen. "The EU Should Merge Energy and Environmental Policy to Achieve Energy Independence from Russia". 45 *Denv. J. Int'l L. & Pol'y* 51 (2016). Available at: <<https://heinonline.org/HOL/LandingPage?handle=hein.journals/denilp45&div=6&id=&page=>>>. Access on: 18 abr. 2018.

¹¹ According to 2013 data, Russia is responsible for supplying 41% of the natural gas consumed in the EU. In several European countries, more than 80% of the natural gas consumed is imported from Russia. See SEWALK, 2016, p. 54.

¹² SEWALK, 2016.

has exercised significant political control in its relationship with European countries through the supply of natural gas. Using the control of this energy source, Russia has neutralized the sanctions attempts imposed by the EU, due to the aggressive behavior that it adopts in guaranteeing its exclusive interests¹³.

Due to its energy vulnerability, the EU sees the import of natural gas from the countries of the Eastern Mediterranean as a way of reducing dependence on Russian gas¹⁴, mainly due to geographical proximity to the continent. Russia, for its part, does not want to lose its influence on European energy policy and the European market, which makes it also qualify as a possible buyer of Mediterranean gas¹⁵.

Among the countries in the easternmost portion of the Mediterranean Sea that have had some success in the search for hydrocarbon deposits, only Israel has managed to establish regular production. This fact is a direct consequence of the finding that, at the same time the discovery of oil and gas fields points to the solution of some problems, it also provokes the intensification of political tensions still unresolved between bordering countries.

Turkey, not recognizing Cyprus as a sovereign state, opposes the production of oil and gas in Aphrodite without first negotiating with the Turkish administration that controls the northern portion of the Cypriot island. In order to prevent the start of exploratory work, Turkey even uses its means of force, having deployed warships in the Mediterranean to prevent access by drill ships to the production blocks of Aphrodite¹⁶. Such action has already led to the sending of an American naval force to the region, to ensure the access of the drill ships hired by Exxon Mobil for the exploration of oil and gas on the Cypriot coast¹⁷. The instability caused by

¹³ Russia spares no effort in using gas supplies as a diplomatic weapon. Twice, in 2006 and 2009, Russia reduced gas supplies to the EU, in order to force the EU not to oppose its expansionist interests in Europe. In 2009, the reduction of gas supplies by Russia caused a humanitarian crisis, leaving several cities exposed to the severe cold of the European winter. See SEWALK, 2016, p. 59.

¹⁴ ESCRIBANO, Gonzalo. "El gas del Mediterráneo oriental como solución y como problema". Blog Real Instituto Elcano, 23 mar. 2018. Available at: <<https://blog.realinstitutoelcano.org/gas-mediterraneo-oriental-como-solucion-y-como-problema/>>. Access on: 12 abr. 2018.

¹⁵ RIVLIN, 2013.

¹⁶ GURCAN, Metin. "Eastern Mediterranean starting to resemble disputed South China Sea". Al-Monitor. 13 mar. 2018. Available at: <<https://www.al-monitor.com/pulse/originals/2018/03/turkey-mediterranean-resembling-south-china-sea.html>>. Access on: 20 jun. 2018.

¹⁷ AHVAL. "US boosts naval presence as Exxon explores off Cyprus". Available at:

warlike actions linked to the exploitation of the discovered fields causes companies to lose interest and, consequently, Cyprus will not be able to start its oil and gas production before this dispute is resolved¹⁸.

Lebanon, another recipient of the discovery of probable reserves in its EEZ, is also facing political difficulties in starting to explore its deposits. Without an officially established peace agreement with Israel, Lebanon still lives the consequences of the war with the neighboring country and that, even today, even with the cessation of hostilities, it generates a great political instability, based mainly on hate speech and threats made by both parties.

The blurring of maritime boundaries between Lebanon and Israel has created a contested area of approximately 874 square kilometers¹⁹, which encompasses a large part of block 9 in the Leviathan Basin, where Lebanon is trying to start exploration work, despite the declared opposition of the State of Israel. In addition, and worsening political instability in the region, Lebanon has the political party and paramilitary group Hezbollah, which threatens to attack any Israeli exploration initiative in the disputed waters²⁰. Offshore production in geopolitical conditions as adverse as these depends very much on the interest of foreign companies in exploring oil and gas within disputed areas²¹.

With the disputes still existing with Lebanon and due to the war in Syria – which is expected to end in a few months – Israel is betting on an agreement with Cyprus, where it recognizes its right over some production areas located in the limits between the two EEZs, thus enabling future cooperation to sell their production, albeit in a more expensive way, through a gas pipeline that would link the two countries. Even so, the Turkish opposition to oil and gas production in the Cypriot EEZ would continue to hinder projects for the development of critical energy infrastructure in Cyprus²². The least expensive way for Israel to sell its gas

<<https://ahvalnews.com/us-mediterranean/us-boosts-naval-presence-exxon-explores-cyprus>>. Access on: 20 jun. 2018.

¹⁸ RIVLIN, 2013.

¹⁹ According to a cartographic survey carried out by the UN, the disputed area has an extension of 873.722 km². See UNITED NATIONS. UNIFIL. "Boundaries in the Eastern Mediterranean Sea". Map. 28 cm x 41 cm. Scale 1:950,000.

²⁰ ESCRIBANO, 2018.

²¹ STRATFOR Worldwide. "The Limited Geopolitical Clout of Israeli Natural Gas". 02 Apr. 2013. Available at: <<https://worldview.stratfor.com/article/limited-geopolitical-clout-israeli-natural-gas>>. Access on: 09 abr. 2018.

²² Israel, Cyprus, Italy and Greece signed a protocol of intentions for the construction of a

production would be to build a gas pipeline along the coast of Lebanon and Syria, reaching Turkey, to connect with the European consumer market from there²³ or integrate directly to the Arab Gas Pipeline, which connects Egypt to Syria, passing through Jordan and with branches in Lebanon, with plans to expand to Turkey.

Israel's gas export to Egypt agreement, signed on February 19, 2018 and valued at US\$15 billion, made the Israeli company Derek Drilling LP, along with the American company Noble Energy, in addition to a company with an undisclosed name, invest in negotiations for the purchase of 37% of the shares in the EMG submarine gas pipeline, which connects Israel to the Sinai Peninsula²⁴, which will allow Israel to use it to send part of its natural gas production to Egypt, from where it can still be channeled to the Arab Gas Pipeline and indirectly exported to other countries.

In all export options for its gas production, Israel must sign cooperation agreements with the Arab countries that involve it and with those with whom it has historic conflict relations. In fact, this has already been happening in some cases, such as in the aforementioned gas export agreement to Egypt and in the gas supply agreements for Jordan and the Palestinian Authority²⁵. In Syria, another historic enemy of the State of Israel, the war seems to point to an end and, with it, opportunities for cooperation arise, mainly supported by Russia, which has exercised effective control over the decisions of the Bashar Assad regime, including in matters related to oil and gas exploration²⁶, in exchange for the military support that has kept the dictator in power.

In June 1982, after intense fighting in southern Lebanon and across the border between Israel and Lebanon, Israel invaded Lebanon again, reaching its capital. In 1985, Israel made a partial withdrawal,

2,000 km long gas pipeline, at a cost of US\$ 4.7 billion; however, so far, no company has expressed interest in sponsoring such an undertaking, due to the high financial cost and political instability imposed by Turkey. See STRATFOR, 2018.

²³ STRATFOR Worldwide. "The Limited Geopolitical Clout of Israeli Natural Gas". 02 Apr. 2013. Available at: <<https://worldview.stratfor.com/article/limited-geopolitical-clout-israeli-natural-gas>>. Access on: 09 abr. 2018.

²⁴ MAGDY, Mirette and BENMELEH, Yaacov. "Israel, Egypt Gas Cos Near Deal to Control EMG Pipeline". Bloomberg, June 14 2018. Available at: <<https://www.bloomberg.com/news/articles/2018-06-14/israel-egypt-gas-cos-said-near-deal-to-control-emg-pipeline>>. Access on: 09 jul. 2018.

²⁵ ESCRIBANO, 2018.

²⁶ KATONA, Viktor. "Russia Is Taking Over Syria's Oil And Gas. Oil Price ", Feb 14 2018. Available at: <<https://oilprice.com/Energy/General/Russia-Is-Taking-Over-Syrias-Oil-And-Gas.html>>. Access on: 11 jul. 2018.

but it retained control of an area in southern Lebanon manned by the Israel Defense Forces (IDF) and de facto Lebanese forces (DFF), the so-called “Army of Southern Lebanon” (SLA). Hostilities continued between Israeli and auxiliary forces on the one hand, and Lebanese groups who proclaimed their resistance against Israeli occupation on the other.

Over the years, the Security Council has maintained its commitment to Lebanon’s territorial integrity, sovereignty and independence, while the Secretary-General continued his efforts to persuade Israel to withdraw. Israel maintained that the zone was temporary governed by its security concerns. Lebanon demanded that Israel withdraw, considering the occupation as illegal and contrary to UN resolutions. On April 17, 2000, the Secretary-General received a formal notification from Israel that it would withdraw its forces in July 2000 “in full compliance with Security Council resolutions 425 (1978) and 426 (1978)”. As of May 16, the IDF / DFF began to vacate its positions. On May 25, the Government of Israel notified the Secretary-General that Israel had redistributed its forces in accordance with resolutions 425 (1978) and 426 (1978).

From May 24 to June 7, the UN worked to identify a line to be adopted for the practical purposes of confirming Israeli withdrawal, although it was not a formal demarcation of borders, but with the aim of identifying a line in the ground in accordance with Lebanon’s internationally recognized borders, based on the best documentary evidence available.

Despite the reservations of the two countries on the line, the Governments confirmed that the identification of this line was the sole responsibility of the United Nations and that they would respect the identified line.

On June 16, the Secretary-General informed the Security Council that Israel had completed the withdrawal, in line with the line identified by the United Nations.

Having understood the scenario, it is emphasized that, on May 22, 2000, in order to identify the baseline to ensure the withdrawal of Israeli troops, a report²⁷ by the Secretary-General of The UN asserts, in *verbis*:

For the practical purpose of confirming Israeli

²⁷ United Nations Organization. Security Council. “Report of the Secretary-General on the implementation of Security Council resolutions 425 (1978) and 426 (1978)”, 22 May 2000, S/2000/460. p. 2. Available at: <http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf>. Access on: 19 mai. 2018.

withdrawal, the United Nations needs to identify a line to be adopted, within Lebanon's internationally recognized borders, based on the best available documentary and cartographic materials. [...]12. The United Nations emphasized, in its consultations with all parties, that it did not seek to establish an international border, as this was an issue to be adopted by States in accordance with international law and practice. On the contrary, the United Nations was asking for help from the parties, and from others, in the purely technical exercise of identifying a line for the purpose of confirming compliance with resolution 425 (1978). Whichever the line used by the United Nations, it will not prejudice future agreements between states in dispute. 13. The international border between Israel and Lebanon was established according to the 1923 Agreement between France and Great Britain - "Line between Palestine and from the Mediterranean to El Hamme". This line was reaffirmed in the Israeli-Lebanese Armistice Agreement, signed on March 23, 1949...²⁸" (own translation).

Based on the report and focusing on the maritime border, we will first investigate the Franco-British Convention of 1920, the Paulet-Newcomb Agreement of 1922 and the agreement signed on March 7, 1923 between France and Great Britain²⁹, which states that "the border leaves the Mediterranean Sea at the known point Ras-el-Nakura and follows the peak crest to landmark I, located 50 meters north of the Palestinian police post in Ras-el-Nakura." (own translation). Checking the armistice

²⁸ For the practical purpose of confirming the Israeli withdrawal, the United Nations needs to identify a line to be adopted conforming to the internationally recognized boundaries of Lebanon based on the best available cartographic and other documentary material. [...] 12. The United Nations stressed in its consultations with all the parties that it was not seeking to establish an international border, as this was a matter for States to undertake in accordance with international law and practice. Rather, the United Nations was requesting the help of the parties and others in the purely technical exercise of identifying a line for the purpose of confirming compliance with resolution 425 (1978). Whatever line the United Nations uses will be without prejudice to future border agreements between the Member States concerned. 13. The international boundary between Israel and Lebanon was established pursuant to the 1923 Agreement between France and Great Britain entitled "Boundary line between and Palestine from the Mediterranean to El Hamme". This line was reaffirmed in the Israeli-Lebanese General Armistice Agreement signed on 23 March 1949. [...]

²⁹ LEAGUE OF NATIONS. "Exchange of notes constituting an Agreement respecting the boundary line between Syria and Palestine from the Mediterranean to El Hammé". Treaty Series, N^o 565, Paris, 7 mar, 1923. p. 366.

between the two countries, celebrated in 1949, it is noted that the border is confirmed³⁰, as mentioned above. However, it remains clear that the UN has identified a line, according to Lebanon's internationally recognized borders, for practical purposes, namely to confirm Israeli withdrawal. After the last withdrawal, the State of Israel unilaterally installed a line with ten buoys, which became known as the Line of buoys (LoB), creating a zone of dispute between the Coastal States, stressing that the UN nor does it recognize it as a legally valid maritime boundary.

So, the point known as the Ras-el-Nakura, as a reference point for the maritime border, remains clear and the LoB does not represent a border, nor does its extension delimit any maritime zone. Furthermore, on this point, there is still a divergence between Israel and Lebanon, with one claiming that the landmark would be 35 meters to the north and the other to the same extent, only to the south. It is important to emphasize that, extending this line to the sea, the difference is enormous, mainly in terms of natural wealth.

The relationship between States in dispute does not exist, but in order to understand them, the formation of States in international society is used, which were the first elements to be born. In addition to being classic subjects of Public International Law, they are the central actors within the context of international relations, confirmed by their primacy embodied in a world organized on the basis of coexistence between States.

Regarding the recognition of the State, Mazzuoli teaches that

there is no precise definition for State recognition. For the purposes of international law, State recognition is a "free act by which one or more States recognize the existence, in a given territory, of a politically organized human society, independent of any other existing State and capable of observing the requirements of International Law ", as defined by the "Institut de Droit Internaciona" (art. 1 of the Resolution on the recognition of new states and governments, adopted at the 1936 Brussels meeting, to which Mr. Philip Marshall Brown was the mediator)³¹.

³⁰ United Nations Organization. Security Council. "Cablegram dated 22 March 1949 from the acting mediator to the secretary-general transmitting the text of an armistice agreement between Lebanon and Israel." 1949. Art. V - 1. The Armistice Demarcation Line should follow the international boundary between Lebanon and Palestine.

³¹ MAZZUOLI, Valeria de Oliveira. Course of Public International Law. 3. ed. rev. e atual. and ampl. -São Paulo: Editora Revista dos Tribunais, 2008. p. 396.

Thus, recognition is a formal confirmation of acceptance as a component member of international society, being made effective by participation in that society and that the other States recognize its existence. Due to the dictates of positive law, recognition is a right of the State and, on the other hand, a duty for the other components of this society, considering the principle of peaceful and harmonious coexistence of international society.

Therefore, considering the existing theories on the subject, the eventual non-recognition³² of the State of Israel by the Republic of Lebanon, means that it does not wish to maintain diplomatic relations with that country, and not that its existence is doubtful, since the State of Israel exists, has been recognized by several states and is still a member of the UN³³.

Having overcome the above obstacles, it is necessary to set the course for the methods of delimiting maritime borders provided for by the United Nations Convention on the Law of the Sea (UNCLOS). Starting with art. 15 of the Law of the Sea³⁴, which governs the delimitation of the territorial sea (TS) between States with adjacent coasts, it remains clear that no State has the right to extend its territorial sea beyond the median line whose points are equidistant from the points closest to the lines base. However, this article does not apply in this case, due to special circumstances. Navigating towards the high seas, one enters the exclusive economic zone (EEZ), urging to emphasize that the divergence is not in the width of the EEZ, but in its length, which accompanies the TS and, consequently, the shore of the coastal state. According to art. 56, which explains that the EEZ will not extend beyond 200 nautical miles from the baselines from which it is measured the width of the territorial sea, the

³² ISRAEL. Ministry of Foreign Affairs. "The Khartoum Resolutions". Arabic League, 1967. Available at: <<http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/the%20khartoum%20resolutions.asp>> Access on: 10 mai. 2018.

³³ Organização das Nações Unidas. Resolução 273/1949. Admissão do Estado de Israel como membro das Nações Unidas. Available at: <[http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/273\(III\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/273(III))>. Access on: 11 mai. de 2018.

³⁴ See United Nations Convention on the Law of the Sea III. Art. 15. Delimitation of the territorial sea between States with opposite or adjacent coasts. When the coasts of two States are adjacent to each other or are located face to face, neither State has the right, unless both agree otherwise, to extend its territorial sea beyond the median line whose points are equidistant from the points closest to the baselines, from which the width of the territorial sea of each of these States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith (UN 1958).

distance criterion is perceived; however in art. 76, which deals with the definition of the continental shelf, it appears that it extends, beyond its territorial sea, in the entire extension of the natural reach of its terrestrial territory, up to the outer edge of the continental margin, or up to a distance of 200 nautical miles; in this case, the criterion distance and natural extension is perceived.

Another concept that can be adopted is that of proportionality, which plays an important role in the law of the sea and, in particular, in the delimitation of maritime borders, which can be noted in jurisdiction on the case³⁵. According to this concept, the maritime delimitation must be carried out taking into account the list of the areas assigned to each of the parts and the length of their respective coastlines. Finally, the perpendicular line criterion, which has already been used by the International Court of Justice (ICJ) in some cases is also seen; in addition, the coast of the States under analysis is not very cut, which facilitate its application³⁶.

In view of the delimitation methods, the base point and the non-relationship between States, following we shall investigate art. 74 of the Law of the Sea, which asserts that the delimitation of the EEZ between States with adjacent coasts must be made by agreement, in accordance with international law, to which reference is made in art. 38 of the CIJ Statute³⁷; in order to reach an equitable solution, in the dictates of international conventions, general or private, establishing rules expressly recognized by the contesting States; international custom, as evidence of a general practice accepted as law; and the general principles of right recognized by civilized nations. Not forgetting that its decision has no binding force, except between the parties and in relation to this particular case.

³⁵ The first case adopting this criterion was that of the North Sea (1969). See Ryuichi Ida. "The role of proportionality in maritime delimitation revisited: The origin and the meaning of the principle from the early decisions of the Court." In *Liber Amicorum Judge Shigeru Oda*. Edited by Nisuke Ando, Edward McWhinney, Rudiger Wolfrum. The Hague: Netherlands; Kluwer Law International, 2002. PP. 1037-1053.

³⁶ LEWIS, M. Alexander. "Baseline delimitations and maritime boundaries". *Virginia Journal of International Law*, 1983. Vol. 23. p. 532.

³⁷ United Nations Organization. Statute of the International Court of Justice. Art. 38. 1. The Court, whose function is to decide in accordance with international law the controversies submitted to it, will apply: a. international conventions, whether general or special, which establish rules expressly recognized by the disputing States; b. international custom, as proof of a general practice accepted as the law; c. the general principles of law, recognized by civilized nations; d. subject to the provision of article 59, judicial decisions and the doctrine of the most qualified jurists from different nations, as an auxiliary means for determining the rules of law. 2. This provision shall not affect the Court's ability to decide an issue "ex aequo et bono", if the parties agree to this.

Still in art. 74, UNCLOS brings up, in part XV, the resolution of disputes; however, Israel is not a signatory to the Convention, therefore it is necessary to discard this solution mechanism because Israel did not sign the Convention in dispute; and until an agreement is reached, the States concerned must make every effort to reach provisional adjustments of a practical nature and must do nothing to compromise or hinder the conclusion of the final agreement, which was not respected at the time of the unilateral installation of LoB.

Anyway, entering on the possible solutions, it starts with CIJ. In exercising its jurisdiction in contentious cases, the International Court of Justice resolves disputes of a legal nature that are submitted by States in accordance with international law; but because Israel and Lebanon have no relationship, this is unlikely to happen. On the other hand, Israel and Lebanon do not recognize the jurisdiction of the Court, so its use for dispute settlement is ruled out. Moving towards the International Tribunal for the Law of the Sea (ITLOS), it is clear that its jurisdiction comprises all disputes and all requests submitted in accordance with the Convention (UNCLOS III). It also includes all matters specifically provided for in any other agreement that gives jurisdiction to the Court, as it has jurisdiction to deal with disputes (contentious jurisdiction) and legal issues (advisory jurisdiction) submitted to it. Once again, it comes up against the fact that the State of Israel is not a signatory to the Law of the Sea. Furthermore, it is not for us to forget that it establishes four alternative means of conflict resolution³⁸: ITLOS, CIJ, an arbitral tribunal constituted as provided for in its annex VII, and a special arbitral tribunal as provided for in annex VIII. Regarding the arbitral tribunal, each State Party has the right to appoint four arbitrators, which must be experienced people in maritime affairs and high reputation for their impartiality, competence and integrity. Impartiality is compromised due to the lack of relationship between the States and the state of war between them, despite the composition of the court, which must operate in accordance with the provisions of the Law of the Sea.

³⁸ UNCLOS III. Art.287 - Escolha do procedimento. 1. A State by signing or ratifying this Convention, or accede to it, or at any time thereafter, may freely choose, by written declaration, one or more of the following means to resolve disputes concerning the interpretation or application of this Convention: a) the International Court of Law of the Sea established in accordance with Annex VI; b) the International Court of Justice; c) an arbitral tribunal constituted in accordance with Annex VII; d) a special arbitral tribunal constituted in accordance with Annex VIII, for one or more of the categories of disputes specified in said Annex.

Regarding the special arbitral tribunal, there is no need to speak because it deals only with disputes regarding the interpretation or application of the articles of the present Convention on matters relating to fishing, protection and preservation of the marine environment, marine scientific research and navigation, including pollution from vessels and by dumping.

Both in the arbitral tribunal and in the special arbitral tribunal, there is no prospect of employment due to the simple fact that Israel is not a signatory to the Convention.

Another fact to be remembered is that the States do not maintain a relationship due to the non-recognition by the Republic of Lebanon of the State of Israel, which makes a bilateral agreement practically impossible. Speaking precisely of this lack of relationship, it is necessary to emphasize that the conduct of States can influence the case in question, since there are no maritime borders formally agreed. A State's knowledge of the conduct or public claim of rights of the other party in dispute, and the absence of protest in the face of such conduct, may involve tacit acceptance of the legal position represented by the conduct of the other party or affirmation of rights, however this it does not occur in the present case, since Lebanon has constant protests about the violation of its maritime border and vice versa³⁹.

No less relevant is the presence of the Republic of Cyprus nearby. There are precedents of the CIJ that determines the presence of a third State for delimitation⁴⁰. In the case of Tunisia / Libya of 1982, the Court took, among other relevant circumstances, into consideration "the existence and interest of other States in the area, and the existing or potential delimitation between each Party and such States". Thus, it is clear that the Republic of Cyprus has an important role in this negotiation as it envisages a tripartite negotiation.

Considering the institutes of conciliation, mediation and arbitration, mediation and arbitration are the most relevant instruments, as we will explain below.

Starting with mediation, which according to the Mediation Manual of the National Council of Justice (CNJ) is

³⁹ International Court of Justice. "Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya)". 1982 Tunisia/Libya case. Par. 95. Judgment of 24 February 1982 – Merits. Available at: <www.icj-cij.org>. Access on: 09 abr. 2018.

⁴⁰ International Court of Justice. "North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands) (1967-1969)." Judgment of 20 February 1969 - Merits. Available at: <www.icj-cij.org>. Access on: 09 abr. 2018.

a dispute resolution method in which a process is developed consisting of several procedural acts by which the impartial third party (s) facilitates the negotiation between people in conflict, enabling them to better understand their positions and finding solutions that match their interests and needs⁴¹.

Due to its intrinsic characteristics and the presence of a strong and impartial international actor in the region, since 1978 the UN tries to help in the search for a good solution for the parties in conflict. As a first step, this instrument proves to be the most appropriate. It should be noted that this organization has successfully mediated negotiations for a future demarcation of the border between the countries⁴². The definition of the maritime border will only be possible after the definition of the land point that touches the sea, since this will serve as a basis for the delineation of the border from the coast.

Turning the prow to the sea, we arrive at the arbitration institute, which is an instrument of peaceful conflict resolution, showing itself to be one of the oldest mechanisms used for this purpose. Regarding international treaties on arbitration, the first was celebrated in 1980, between San Salvador and Colombia, then in 1899 the Convention for the peaceful settlement of international conflicts was adopted at the 1st Hague Conference, when The Hague Permanent Court of Arbitration was established.

International arbitration proves to be a way with effective results to settle international conflicts due to its decision-making power between the parties and for being constituted by a group of experts on the subject, thus constituting a skillful mechanism to settle international disputes, since its decision is necessary to the parties.

We can then define arbitration as:

Arbitration, in general, can be defined as a specific legal instrument for the resolution of conflicts of interest, through the intervention of one or more people (called arbitrators) who receive their powers from the interested parties in the solution, through a private agreement, which will guide the performance

⁴¹ AZEVEDO, André Gomma de (Org.). "Judicial Mediation Manual", 5th Edition. Brasília/DF: CNJ, 2015. p. 20-21.

⁴² Through the Tripartite Meeting, which has been taking place since 2006, the UN, as a third party, acts as mediator between Israel and Lebanon.

of the arbitrators and the entire arbitration procedure, whose destination will be the production of a decision-award or arbitration award -, which is effectively mandatory between the parties⁴³.

Considering its jurisdictional juridical nature, we are supported by the function of arbitration, which aims at resolving disputes, therefore, arbitration would be a matter of public law, given the identity between the arbitration award and the state judgment. In this regard:

[...] the arbitrator, like the state judge, effectively knows the matter inferred by the parties, whether in fact or in law, and produces, as well as the judicial authority, a definitive decision that binds the parties and prevents them to propose new demand on the same matter. Its performance is, therefore, strictly identical to that of a judge in a declaratory process, with the arbitrator being able to impose on the parties their instructive decisions, determining, for example, the production of evidence that will contribute to their conviction, or the unraveling of documents, and even decide whether or not to take precautionary measures⁴⁴.

One can also consider its mixed legal nature, having both public and private law characteristics. This occurs due to the formation of arbitration, which at first is established in a contract and, afterwards, depends on the state jurisdiction to achieve validity: it stems from the will of the parties, and at the same time depends on a state law that gives it validity and effectiveness, including the executive⁴⁵."

This current still stipulates that arbitration develops with its own rules, being, therefore, of an autonomous nature, since "taken in a certain place, notably the international one, it can ignore the local law, which may even consider the final report produced to be invalid, but the arbitration will not stop producing effects in the legal world⁴⁶".

It should be noted that the way of resolving conflicts through arbitration is jurisdictional and not judicial; hence, it is verified that the arbitration award is definitive, with no appeal. Once the mandatory

⁴³ FERNANDES, 2005, p. 26-27.

⁴⁴ *Idem*, p. 31.

⁴⁵ *Idem*, p. 33.

⁴⁶ *Idem*, p. 35.

sentence is handed down to the parties, the arbitrator is discharged, as he assumes the “ad hoc⁴⁷” office.

In spite of the differences⁴⁸ between countries on the exact starting point, as to the location, there is no doubt that the starting point on land from the maritime border is “Ras-el-Nakura”, the forms of delimitation of the border provided for in UNCLOS III, and possible ways of resolution, the agreements are analyzed.

The first to be initiated is the agreement between the Republic of Lebanon and the Republic of Cyprus in 2007, which establishes six points that would serve as a basis for the delineation of the maritime border, but it is strange that there are not those points that delimit the ends, soon proving to be extremely fragile and fail the above agreement. The Lebanese parliament did not ratify the agreement, so it has no internal effects, and adopted Decision No. 51/2009, which asserted a new delimitation for its EEZ, adding, in the present case, two new points referring to the triple points of the northern and southern borders, and sent them to the UN General Secretariat in 2010. In this case, the point in question is No. 23, which, according to Lebanon, is the equidistant point between the three countries (Israel, Lebanon and Cyprus). The non-ratification of the agreement is shown as a late perception of the mistake caused by the non-inclusion of the triple border point, however a contradiction⁴⁹ is latent: the agreement itself provides that the delimitation can be revised by a new agreement between the parties (art. 1). On the other hand, the fact that there is no point determining a triple frontier generates the fact that there is no relationship between States, nor the desire to establish one.

The Republic of Lebanon formalized its EEZ with the enactment of Law No. 163/2011 and Decree No. 6433/2011, based on nautical chart No. 183 of the British Admiralty⁵⁰, and notified the UN in November 2011.

On the other hand, the Republic of Cyprus and the State of Israel signed an agreement in 2010, considering the point of “triple border⁵¹” as

⁴⁷ REZEK, 2010.

⁴⁸ UNITED NATIONS ORGANIZATION. UNIFIL. “Boundaries in the Eastern Mediterranean Sea”. Map. 28 cm × 41 cm. Scale 1:950,000.

⁴⁹ By the time scale, at the time, Lebanon was in the process of negotiating with Turkey a free trade agreement that was signed in 2010. Thus, non-ratification was due to political pressure stemming from Turkey, as it had its interests neglected.

⁵⁰ British Admiralty Chart 183. Mediterranean Sea. Ra's at Tin to Iskenderun, 1:1.100,000.

⁵¹ Lebanon did not participate in the agreement.

being point 1⁵² of the agreement signed between the Republic of Lebanon and the Republic of Cyprus in 2007, thus creating a litigation area at sea. Thus, we have a difference of 35 meters on land and 17 kilometers at the most distant point on the sea, taking us to the area in dispute of approximately 874 square kilometers.

In July 2011, the State of Israel forwarded to the UN its maritime borders. Corroborating with this, art. 33 of the Charter of the United Nations asserts that the parties to a dispute that may pose a threat to international peace and security will seek, first of all, to reach a solution through negotiation, mediation, arbitration, judicial settlement, regional agreements or any other peaceful means of their choice, thus fitting in perfectly with the current scenario, because the dispute for wealth at sea may be a new triggering event between Israel and Lebanon.

Finally, it is envisaged that the path to a peaceful solution would be initiated by mediation, with the UN as a mediator, to define the point on land (Ras-el-Nakura) due to historical divergence; afterwards, arbitration is shown to be the most indicated due to its intrinsic and technical characteristics to define the line that delimits each territorial sea and respective EEZ. Finally, and just as important, an agreement between the Coastal States – Cyprus, Israel and Lebanon – on their respective EEZs.

FINAL CONSIDERATIONS

It is a fact that the possibility of exploiting strategic and wealth-generating assets such as oil and gas makes interstate disputes that have not been resolved in the past reignite. However, making full use of these natural resources requires a safe and stable environment, based on broad cooperation between the countries involved.

The tensions generated by the lack of an internationally recognized maritime boundary tend to alienate potential investors and hinder the start of offshore exploration. However, it is important to highlight that there are large oil companies that come from economically and militarily powerful states, such as Russia and the United States of America, which provides them with a great capacity to influence the position of the actors in conflict, promoting cooperation between these.

⁵² Point 1 - point located at the southwest end of the maritime area delineated by the delimitation agreement for the exclusive economic zone, signed between Lebanon and Cyprus. Lat. 33°38'40``N and Long. 33°53'40``E.

In order to make offshore production feasible in the disputed maritime areas, companies in the energy sector must feel encouraged by the existence of an enabling environment that is characterized by the presence of minimum material and safety conditions, mainly related to the critical infrastructure necessary for the production and sale of oil and gas. It is vitally important to take gas to EU countries, which represent a potential market for exporting this resource. To this end, Israel and Lebanon must cooperate in order to find a solution to their historic border differences.

For Israel, the settlement of the dispute with Lebanon would lead to the possibility of exploring the gas fields located in the vicinity of the Lebanese EEZ. This will lead the country to expand its production, exploring oil and gas in whatever part of the disputed maritime areas, if any. In turn, Lebanon would be able to start the development of its energy industry, reducing the high levels of dependence on imports, as well as definitively solving the problem of electricity shortages in the country. Historical divergences and the consequent border dispute between the two countries have become obstacles to the development of the energy sector for both. For Israel, for making the necessary flow of its growing production even more difficult, and for Lebanon, for preventing the beginning of exploratory work in the maritime areas of its EEZ. The definition of the borders between the two countries, mainly the maritime border, is the main and most difficult obstacle to be overcome, however, once the territorial limits between both are defined, it will be possible to achieve a sufficient degree of security to attract foreign investments to the local energy sector, as well as allowing the flow of surplus production.

After studying the geopolitical framework with regard to oil and gas in the region, one starts on the legal aspects of the border delimitation between Israel and Lebanon, as there is an area in dispute. Navigating through the years, from 1922 to the present day, it is clear that the land border issue is marked by successive fighting and territorial dispute. So, if there is no consensus on land, how would there be at sea?

As explained, countries diverge on the maritime border as follows: on land, 35 meters at the point known as "Ras-el-Nakura"; and projecting a line towards the sea, there is a 17 km difference between the points defended by each of the countries in dispute, starting from the point on land that each State understands as correct, as being the outer limit of their respective EEZ, or the start of the Republic of Cyprus' EEZ. Consequently,

these divergences end up forming a disputed maritime area of 874 square kilometers, with a large amount of mineral resources not yet explored.

Considering that the States are still at war and that they do not maintain any diplomatic relationship, a solution to the imbroglio was verified, however it was found that this is not the only one, but a combination of dispute settlement mechanisms, that is, a way forward be covered. First, it is essential to define the point on land and for that, within the available mechanisms, mediation was envisaged, due to its already mentioned characteristics, as the most appropriate tool, with the UN as a mediator. Overcoming this obstacle, we sailed towards the high seas, and found troubled waters because Israel is not a signatory to UNCLOS III and both countries have an agreement with Cyprus on their respective EEZs. The aforementioned Convention provides that the agreements can be revised, when there is one more coastal State interested in this delimitation. It should be noted that the international regulation provides for techniques for delimiting maritime areas between states with adjacent coasts or located face to face, such as, for example, a median line to be defined based on a line of equidistance from the base lines or the criterion proportionality. Thus, there are methods for a possible solution based on the Law of the Sea, which establishes four alternative means of conflict resolution, namely: ITLOS, CIJ, a constituted arbitral tribunal and a special arbitral tribunal. On the other hand, Israel and Lebanon do not recognize the jurisdiction of the Court, so its use for dispute settlement is ruled out. In the case of ITLOS, it is clear that its jurisdiction comprises all disputes and requests submitted in accordance with the Law of the Sea. In addition, it includes all matters specifically provided for in any other agreement that gives jurisdiction to the Court, as it has jurisdiction to deal with disputes, however, as already mentioned above, one of the parties is not a signatory to the Convention, so this means can be discarded. With regard to the arbitral tribunal, starting with the required impartiality and the State of war between the Coastal States; and the arbitral tribunal that only deals with disputes related to the interpretation or application of UNCLOS III articles in specific matters; there is no prospect of using both mechanisms provided for in the convention, simply because Israel is not a signatory to the Convention.

Keeping the course in search of another mechanism, arbitration is reached. Thus, for the definition of the maritime boundary, international arbitration shows itself as the path to be followed, with its cross-border

connection element, with effective results to resolve international conflicts due to its decision-making power between the parties and for being constituted by a group of experts on the subject, imposing its decision on the parties, without forgetting that in the delimitation of the EEZ, the presence of the Republic of Cyprus is essential due to the triple point of the EEZ of the three Coastal States.

Finally, with the complex geopolitical framework, the study was able to trace a combination of dispute settlement mechanisms in order to outline a safe course for the definition of the maritime border in order to resolve future conflicts and allow the actors involved to explore their respective EEZs safely.

A DELIMITAÇÃO DE FRONTEIRAS MARÍTIMAS E A PRODUÇÃO “OFFSHORE”: COOPERAÇÃO E CONFLITO ENTRE ISRAEL E O LÍBANO

RESUMO

A descoberta de jazidas de petróleo e gás no Mediterrâneo Oriental, mais precisamente na Bacia do Levante, suscitou o interesse de Israel e do Líbano como uma forma de atingirem a autossuficiência energética e auferirem os ganhos econômicos que a atividade “offshore” tem o potencial de prover. Contudo, os conflitos políticos e territoriais entre os dois países são ainda mais acirrados pela disputa por áreas marítimas de exploração desse importante ativo energético. Nesse aspecto, destaca-se a necessidade de se definir a fronteira marítima entre Israel e o Líbano como forma de possibilitar a plena exploração dos ativos energéticos por ambos os países. Para tal, o estudo busca identificar os atores regionais e internacionais que de alguma forma influenciam na problemática, os interesses e obstáculos que permeiam a produção de petróleo e gás na Bacia do Levante e quais os instrumentos legais que podem vir a viabilizar uma cooperação, no sentido de se obter a delimitação da citada fronteira marítima, criando assim condições mínimas de segurança para a produção “offshore” por parte dos dois países em conflito.

Palavras-chave: Geopolítica do Petróleo e Gás. Fronteira Marítima. Cooperação e Conflito.

REFERENCES

ABDEL-KADER, Nizar. Potential conflict between Lebanon and Israel over oil and gas resources: a lebanese perspective". *Defense Magazine*, n. 78, 2011.

AHVAL. U.S. boosts naval presence as Exxon explores off Cyprus. Available at: <https://ahvalnews.com/us-mediterranean/us-boosts-naval-presence-exxon-explores-cyprus>. Access on: 20 jun. 2018.

AMERICAN SOCIETY OF INTERNATIONAL LAW. Israel-Lebanon Offshore oil & gas dispute: rules of international maritime law. Available at: <https://www.asil.org/insights/volume/15/issue/31/israel-lebanon-offshore-oil-gas-dispute-%E2%80%93-rules-international-maritime>. Access on: 19 mai. 2018.

AMERICAN UNIVERSITY OF BEIRUT. www.aub.edu.lb. Access on: 10 abr. 2018.

ARBID, Jeremy Paul. Policymaking in Lebanon: potencial offshore oil and gas discoveries. American University of Beirut. Available at: <http://library.aub.edu.lb/record=b1792891~S1>. Access on: 10 mai. 2018.

AZEVEDO, André Gomma de (Org.). *Manual de Mediação Judicial*, 5. ed. Brasília, DF: CNJ, 2015.

BARRIER, Félicité e AHMAD, Ali. The geopolitics of oil and gas development in Lebanon. Jan. 2018. AUBPolicy Institute; Policy Brief #1/2018. Available at: https://website.aub.edu.lb/ifi/publications/Documents/policy_memos/2017-2018/20180121_geopolitics_oil_and_gas_lebanon.pdf. Accessed on: July 9, 2018.

BLANFORD, Nicholas. The Next Big Lebanon-Israel Flares-up: Gas. Available at: <http://content.time.com/time/world/article/0,8599,2061187,00.html>. Access on: 10 mai. 2018.

BRASIL. Câmara dos Deputados. Decreto nº 99.165, de 12 de março de 1990. Promulga a Convenção das Nações Unidas sobre o Direito do Mar. Available at: <http://www2.camara.leg.br/legin/fed/decret/1990/decreto-99165-12-marco-1990-328535-publicacaooriginal-1-pe.html>. Access on: 09 may 2018.

BRITISH ADMIRALTY. Chart 183. Mediterranean Sea. Ra's at Tin to

Iskenderun, 1:1.100,000.

CHOSSUDOVSKY, Michel. The war on Lebanon and the battle for oil. Available at: <https://www.globalresearch.ca/the-war-on-lebanon-and-the-battle-for-oil/2824>. Access on: 10 mai. 2018.

COHEN, Ariel. Behind the Israeli-Lebanese Gas Row. Available at: <https://www.wsj.com/articles/SB10001424053111903591104576467770696928708>. Access on: 10 may 2018.

DURHAM UNIVERSITY. Israel unilaterally defines the northern limit of its maritime space. Available at: https://www.dur.ac.uk/ibru/news/boundary_news/?itemno=12445&rehref=%2Fibru%2Fnews%2F&resubj=Boundary+news%20Headlines. Access on: 10 mai. 2018.

ESCRIBANO, Gonzalo. El gas del Mediterráneo oriental como solución y como problema. Blog Real Instituto Elcano, 23 mar. 2018. Available at: <https://blog.realinstitutoelcano.org/gas-mediterraneo-oriental-como-solucion-y-como-problema/>. Accessed on: Apr. 12 2018.

FERNANDES, Micaela Barros Barcelos. *Laudos arbitrais estrangeiros: reconhecimento e execução*. Curitiba: Juruá, 2005.

GOMES, Aura Rejane. *A questão da Palestina e a fundação de Israel. Dissertação (Mestrado) - Universidade de São Paulo*. São Paulo, 2001.

GURCAN, Metin. Eastern Mediterranean starting to resemble disputed South China Sea: Al-Monitor. Mar. 13 2018. Available at: <https://www.al-monitor.com/pulse/originals/2018/03/turkey-mediterranean-resembling-south-china-sea.html>. Access on: 20 jun. 2018.

HENDERSON, Simon. Israel and Lebanon at odds over offshore border. The Washington Institute. Available at: <http://www.washingtoninstitute.org/policy-analysis/view/israel-and-lebanon-at-odds-over-offshore-border>. Access on: 10 mai. 2018.

HUSEK, Carlos Roberto. *Course of Public International Law*. 3. ed. São Paulo: LTr, 2000.

INTERNATIONAL COURT OF JUSTICE. Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya): par. 95. Judgment of 24 February 1982 – Merits. Available at: www.icj-cij.org. Access on: 09 abr. 2018.

INTERNATIONAL COURT OF JUSTICE. North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands) (1967-1969): Judgment of 20 February 1969 - Merits. Disponível em: www.icj-cij.org. Access on: 09 abr. 2018.

ISRAEL. Ministry of Foreign Affairs. The Khartoum Resolutions. Arabic League, 1967. Available at: <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/the%20khartoum%20resolutions.asp> Access on: 10 mai. 2018.

KARBUZ, Sohbet. Natural Gas Resources in the Eastern Mediterranean: challenges and opportunities. Overview. Med. 2012. p. 214-217. Disponível em: http://www.iemed.org/observatori-en/arees-danalisi/arxius-adjunts/anuari/med.2012/Karbuz_en.pdf. Access on: 10 abr. 2018.

LEAGUE OF NATIONS. Exchange of notes constituting an Agreement respecting the boundary line between Syria and Palestine from the Mediterranean to El Hammé. Treaty Series. Paris, n. 565, p. 366, 7 mar. 1923.

LESSER, Ian. Thunder over Eastern Mediterranean. Ekathimerini. 19 abr. 2018. Available at: <http://www.ekathimerini.com/227805/opinion/ekathimerini/comment/thunder-over-the-eastern-mediterranean>. Access on: 20 abr. 2018.

LEWIS, M. Alexander. Baseline delimitations and maritime boundaries. Virginia Journal of International Law. 1983. v. 23. p. 532.

MAGDY, Mirette; BENMELEH, Yaacov. Israel, Egypt Gas Cos Near Deal to Control EMG Pipeline. Bloomberg, 14 jun. 2018. Available at: <https://www.bloomberg.com/news/articles/2018-06-14/israel-egypt-gas-cos-said-near-deal-to-control-emg-pipeline>. Accessed on: July 9, 2018.

MAZZUOLI, Valeria de Oliveira. Course of Public International Law. 3. ed rev. atual. ampl. São Paulo: Editora Revista dos Tribunais, 2008.

MEIER, Daniel. Lebanon's Maritime Boundaries: Between Economic Opportunities and Military Confrontation. Center for Lebanese Studies, Visiting Fellow. St. Anthony's College. University of Oxford: Oxford, 2013. Available at: www.lebanesestudies.com/wp-content/uploads/2013/10/maritime.pdf. Access on: 10 mai. 2018.

MELLO, Celso D. de Albuquerque. Curso de Direito Internacional Público. 15. ed. Rio de Janeiro: Renovar, v. 2, 2004.

NOHMI, Antônio Marcos. *Arbitragem Internacional: Mecanismos de soluções de conflitos entre Estados*. Belo Horizonte: Del Rey, 2005.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. Carta das Nações Unidas de 1945. Available at: <https://nacoesunidas.org/wp-content/uploads/2017/11/A-Carta-das-Na%C3%A7%C3%B5es-Unidas.pdf>. Access on: 19 maio 2018.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. UNIFIL. *Boundaries in the Eastern Mediterranean Sea*. Mapa, 28 cm x 41 cm. Scale 1:950,000.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. Israeli-Lebanese General Armistice Agreement. Available at: https://peacemaker.un.org/sites/peacemaker.un.org/files/IL%20LB_490323_IsraeliLebaneseGeneralArmisticeAgreement.pdf. Access on: 19 maio 2018.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. Agreement between The Government of the State of Israel and the Government of the Republic of Cyprus on delimitation of the exclusive economic zone. Available at: http://www.un.org/depts/los/legislationandtreaties/pdffiles/treaties/cyp_isr_eez_2010.pdf. Access on: 19 maio 2018.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. A chart and lists of geographical coordinates of points defining the Western, Northern and Southern limits of Lebanon's exclusive economic zone. Available at: http://www.un.org/depts/los/legislationandtreaties/pdffiles/deposit/lbn_mzn85_2011.pdf. Access on: 17 maio 2018.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. Security Council. Report of the Secretary-General on the implementation of Security Council resolutions 425 (1978) and 426 (1978). Available at: http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf. Access on: 19 maio 2018.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. United Nations Convention on the Law of the sea. Available at: http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf. Access on: 19 maio 2018.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. Report of the Secretary-General on the implementation of Security Council resolutions n, 425(1978) and 426(1978). Available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/2000/460. Access on: 30 mar. 2018.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. Resolução da Assembleia Geral nº 181. 29 nov. 1947. Available at: http://www.jstor.org/stable/2704226?seq=1#page_scan_tab_contents. Access on: 30 mar. 2018.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. Resolução do Conselho de Segurança nº 69. 04 mar. de 1949. Available at: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/69\(1949\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/69(1949)). Access on: 30 mar. 2018.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. Resolução do Conselho de Segurança nº 425. 19 mar. 1978. Available at: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/425\(1978\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/425(1978)). Access on: 30 mar. 2018.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. Resolução do Conselho de Segurança nº 426. 19 mar. 1978. Available at: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/425\(1978\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/425(1978)). Access on: 30 mar. 2018.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. Conselho de Segurança. Cablegram dated March 22 1949 from the acting mediator to the secretary-general transmitting the text of an armistice agreement between Lebanon and Israel. 1949.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. Resolução do Conselho de Segurança nº 273. 11 maio 1949. Admissão do Estado de Israel como membro das Nações Unidas. Available at: [http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/273\(III\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/273(III)). Access on: 11 maio de 2018.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. Estatuto da Corte Internacional de Justiça. Available at: <https://nacoesunidas.org/carta/cij/>. Access on: 11 maio 2018.

REPUBLIC OF LEBANON. Law n. 132 concerning offshore petroleum resources. 24 ago. 2010. Available at: <http://www.lpa.gov.lb/regulations.php>. Access on: 10 maio 2018.

REPUBLIC OF LEBANON. Legislative Decree No. 138 concerning territorial waters and sea areas, 7 set. 1983. Available at: http://www.un.org/depts/los/legislationandtreaties/pdffiles/lbn_1983_Decree.pdf. Access on: 15 maio 2018.

REPUBLIC OF LEBANON. “Legislative Decree No. 6433 - Delineation of the boundaries of the exclusive economic zone of Lebanon”. 1 out. 2011. Available at: <http://www.un.org/depts/los/legislationandtreaties/pdfffi>

les/lbn_2011decree6433.pdf>. Access on: 15 maio 2018.

REPUBLIC OF LEBANON. Letter dated 20 June 2011 from the Minister for Foreign Affairs and Emigrants of Lebanon addressed to the Secretary-General of the United Nations concerning the Agreement between the Government of the State of Israel and the Government of the Republic of Cyprus on the Delimitation of the Exclusive Economic Zone. Nicosia, 17 dez. 2010. Available at: http://www.un.org/depts/los/legislationandtreaties/pdffiles/lbn_2011decree6433.pdf. Access on: 15 maio 2018.

REPUBLIC OF LEBANON. Letter dated 3 September 2011 from the Minister for Foreign Affairs and Emigrants of Lebanon addressed to the Secretary-General of the United Nations concerning the geographical coordinates of the northern limit of the territorial sea and the exclusive economic zone transmitted by Israel. Available at: http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/communications/lbn_re_cyp_isr_agreement2010.pdf. Access on: 15 maio 2018.

RESEK, José Francisco. *Direito Internacional Público*. 9. ed. São Paulo: Saraiva, 2002.

RESEK, José Francisco. *Direito Internacional: curso elementar*. 12. ed. São Paulo: Saraiva, 2010.

RIVLIN, Paul. The Significance of Gas in the East Mediterranean: *Iqtisadi Journal*, v. 3, n. 9. Tel Aviv, 2013. The Moshe Dayan Center for Middle Eastern and African Studies. Available at: <https://dayan.org/content/iqtisadisignificance-gas-east-mediterranean>. Access on: 19 jun. 2018.

RODRIGUES JÚNIOR, Walsir Edson. *A prática da mediação e o acesso à justiça*. Belo Horizonte: Del Rey, 2006.

RYUICHI IDA. The role of proportionality in maritime delimitation revisited: The origin and the meaning of the principle from the early decisions of the Court. In *Liber Amicorum Judge Shigeru Oda*. Edited by Nisuke Ando, Edward McWhinney, Rudiger Wolfrum. The Hague: Netherlands; Kluwer Law International, 2002. p. 1037-1053.

SAMPAIO, Lia Regina Castaldi; BRAGA NETO, Adolfo. *O que é mediação de conflitos?*. Coleção Primeiros Passos. São Paulo: Brasiliense, 2007.

SASSINE, Georges Pierre. *Resolving Lebanon's Maritime Border Dispu-*

tes. Available at: <http://www.georgessassine.com/2012/04/>. Access on: 10 may 2018.

SASSINE, Georges Pierre. Lebanon can avoid the 'resource curse'. Available at: <http://www.georgessassine.com/2012/04/>. Access on: 10 may 2018.

SASSINE, Georges Pierre. A new economic policy to adapt to a changing world. Available at: <http://www.georgessassine.com/2012/04/>. Access on: 10 maio 2018.

SCHENK, C.J. et al. Assessment of undiscovered oil and gas resources of the Levant Basin Province, Eastern Mediterranean. U.S. Geological Survey Fact Sheet 2010-3014, 4 p. Denver: 2016. Available at: <https://pubs.usgs.gov/fs/2010/3014/>. Access on: 10 may 2018.

SEWALK, Stephen. The EU Should Merge Energy and Environmental Policy to Achieve Energy Independence from Russia. 45 Denv. J. Int'l L. & Pol'y 51 (2016). Available at: <https://heinonline.org/HOL/LandingPage?handle=hein.journals/denilp45&div=6&id=&page=>. Access on: 18 apr. 2018.

STATE OF ISRAEL. Territorial Waters (Amendment) Law n. 5750-1990. 5 fev. 1990. Available at: http://www.un.org/depts/los/legislationandtreaties/pdffiles/isr_1990_AmendedLaw.pdf. Access on: 15 may 2018.

STATE OF ISRAEL. Territorial Waters Law n. 5717/1956 as amended by the Territorial Waters (Amendment) Law, 5750-1990. 5 fev. 1990. Disponível em: http://www.un.org/depts/los/legislationandtreaties/pdffiles/isr_1990_AmendedLaw.pdf. Access on: 15 may 2018.

STATE OF ISRAEL. List of Geographical Coordinates for the Delimitation of the Northern Limit of the Territorial Sea and Exclusive Economic Zone of the State of Israel (transmitted by a communication dated 12 July 2011 from the Permanent Mission of Israel to the United Nations addressed to the Secretariat of the United Nations). Available at: http://www.un.org/depts/los/legislationandtreaties/pdffiles/isr_eez_northernlimit2011.pdf. Access on: 15 may 2018.

STRATFOR. Global Intelligence. The Eastern Mediterranean's New Great Game Over Natural Gas. Available at: <https://worldview.stratfor.com/article/eastern-mediterraneans-new-great-game-over-natural-gas>. Access on: 09 apr. 2018.

STRATFOR. Worldwide. The Limited Geopolitical Clout of Israeli Natural Gas. 02 Apr. 2013. Available at: <https://worldview.stratfor.com/article/limited-geopolitical-clout-israeli-natural-gas>. Access on: 09 apr. 2018.

TSUR, Doron. Shrinking Leviathan to its natural Size. Available at: <https://www.haaretz.com/israel-news/business/1.5104301>. Access on: 10 may 2018.