Summary: Recent gas discoveries in the eastern Mediterranean hold out the prospect of significant benefits for the countries concerned, notably Cyprus, Israel, and Lebanon, as well as the Palestinian territories. However, a number of delimitation disputes could discourage international companies from bidding to participate in exploration and development of offshore gas fields. International law provides a number of precedents and tools for addressing such disputes.

Introduction
Recent gas discoveries in the eastern Mediterranean hold out the prospect of significant benefits for the countries concerned, notably Cyprus, Israel, and Lebanon, as well as the Palestinian territories. They can also strengthen Europe's efforts to diversify energy sources. However, a number of delimitation disputes could discourage international companies from bidding to participate in exploration and development of offshore gas fields. These disputes, against the background of broader conflicts, carry the constant risk of escalation. It is important that steps be taken towards the resolution of these disputes, but the lack of relationship between Israel and Lebanon as well as the continued division of Cyprus create obstacles to dispute resolution efforts.

As a first step, it is useful to clarify the issues at stake in terms of international law and notably the United Nations Convention on the Law of the Sea (Montego Bay, 1982; UNCLOS). This paper aims to provide legal analysis of the question of maritime boundaries between eastern Mediterranean states, namely Cyprus, Egypt, Greece, Israel, Lebanon, Syria, Turkey, and the United Kingdom (as far as the two Sovereign Base Areas of Akrotiri and Dhekelia are concerned). In doing so it looks at the role of the International Court of Justice and international tribunals in previous cases and the way in which the principles of UNCLOS have been interpreted.

In the next phase of the current project of the German Marshall Fund of the United States (GMF), to which this paper is a contribution, efforts will be made to elucidate the dispute settlement techniques that have proved successful in the past. It is instructive to examine efforts to resolve delimitation disputes elsewhere in the world. It is clear however that the primary condition for success in settling such disputes is the necessary political will.

The Nature and Extent of Maritime Zones
Customary rules of international law, as reflected also in the UNCLOS, grant to the coastal states the right to exercise sovereignty or certain rights within a number of maritime zones adjacent to their land territory. The rules in question apply to all oceans and seas, including enclosed or semi-
enclosed seas, such as the Mediterranean or parts of it. In this kind of sea, questions of maritime boundaries between states with opposite or adjacent coasts are likely to occur for different reasons ranging from the geographical peculiarities of the coastlines in question to the poor political relationship between the states concerned.

Under both customary international law and the UNCLOS, the different maritime zones subject to national jurisdiction are the following, moving from the coast seaward.

A) The marine internal waters are the waters located on the landward side of the baseline from which the territorial sea is measured. The baseline corresponds, depending on the geographical characteristics of the coastline, to the low-water line or, in particular cases, to one or more straight segments that connect some determined points located on land or islands in the vicinity of the coast. The internal waters are subject to the sovereignty of the coastal state.

B) The territorial sea, which includes also the seabed and its subsoil, is subject to the sovereignty of the coastal state, with the exception of the right of innocent passage for ships flying the flag of third states. Its breadth cannot exceed 12 nautical miles (n.m.) from the baseline (Article 3 UNCLOS). The territorial sea does not depend on any express proclamation by the coastal states concerned, but is granted to them as a mere consequence of the sovereignty on land (ipso iure).

C) In the contiguous zone, the coastal state may exercise the control necessary to prevent infringements of customs, fiscal, immigration, or sanitary laws and regulations applicable within its territory or territorial sea and to punish such infringements. In this zone, the coastal state may also exercise rights as regards objects of an archaeological and historical nature found at sea (Article 33; so-called archaeological contiguous zone). The contiguous zone may not extend beyond 24 n.m. from the baseline of the territorial sea. It is established on the basis of an express proclamation by the coastal state concerned.

D) In the exclusive economic zone, the coastal state enjoys “sovereign rights” for the purpose of exploitation of the natural resources, whether living or non-living, and production of energy from the water, currents, and winds, as well as “jurisdiction” with regard to artificial islands, installations and structures, marine scientific research, and protection and preservation of the marine environment. The other states enjoy the freedoms of navigation, overflight, and laying of submarine cables and pipelines, and of other internationally lawful uses of the sea related to these freedoms. The breadth of the exclusive economic zone cannot exceed 200 n.m. from the baseline of the territorial sea (Article 57). The exclusive economic zone is established on the basis of an express proclamation by the coastal state concerned.

E) The continental shelf includes the seabed and subsoil beyond the outer limit of the territorial sea. It is defined as

"the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance" (Article 76, para. 1).

In the continental shelf, the coastal state exercises sovereign rights for the purpose of exploring it and exploiting its natural resources (Article 77, para. 1), both mineral and living. The continental shelf does not depend on any express proclamation by the coastal state concerned, but is granted to it ipso iure (Article 77, para. 3). The rights of the coastal state over the continental shelf do not affect the legal status of the superjacent waters (Article 78, para. 1), that can be subject to the regime of either the exclusive economic zone or of the high seas.

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3 Under Article 122 of the UNCLOS, “enclosed or semi-enclosed sea” means a gulf, bay, or sea surrounded by two or more states and connected to another sea or the ocean by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal states.

4 Under the UNCLOS, straight baselines can be drawn in the cases of deeply indented coastlines or fringes of islands (Article 7), mouths of rivers (Article 9), bays (Article 10) or archipelagic states (Article 47).

5 For more details see Article 56 UNCLOS. Nobody knows what the difference between “sovereign rights” and “jurisdiction” is.

6 The living resources of the continental shelf are the so-called sedentary species. They are defined as the living organism of the seabed and subsoil “which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil” (Article 77, para. 2.). Sedentary species are subject to the sovereign rights of the coastal state, as are the mineral resources of the continental shelf.
F) The marine areas located beyond the zones subject to national jurisdiction constitute the **high seas**, that is defined as “all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a state, or in the archipelagic waters of an archipelagic state” (Article 86). On the high seas, jurisdiction over ships is exercised by the state that has granted its flag to them. The high seas are subject to a regime of freedom that encompasses different activities:

1. The high seas are open to all states, whether coastal or land-locked. Freedom of the high seas is exercised under the conditions laid down by this Convention and by other rules of international law. It comprises, inter alia, both for coastal and land-locked states:
   
   (a) freedom of navigation;
   
   (b) freedom of overflight;
   
   (c) freedom to lay submarine cables and pipelines, subject to Part VI [= Continental Shelf];
   
   (d) freedom to construct artificial islands and other installations permitted under international law, subject to Part VI;
   
   (e) freedom of fishing, subject to the conditions laid down in section 2 [= Conservation and Management of the Living Resources of the High Seas];
   
   (f) freedom of scientific research, subject to Parts VI and XIII [= Marine Scientific Research].

2. These freedoms shall be exercised by all states with due regard for the interests of other states in their exercise of the freedom of the high seas (…)” (Article 87).

G) The seabed located beyond the limits of the continental shelf is called the **Area** and is subject to the special regime of the common heritage of mankind (UNCLOS Part XI). For geographical reasons, no seabed falling under the Area regime exists in the Mediterranean Sea. In this semi-enclosed sea there is no point that is located at a distance of more than 200 n.m. from the nearest land or island.

**General Rules on Maritime Delimitations**

The UNCLOS contains three provisions on maritime delimitations, namely Article 15 relating to the territorial sea, Article 74 relating to the exclusive economic zone, and Article 83 relating to the continental shelf. No UNCLOS provision deals with the question of the delimitation of contiguous zones.

A) As regards the delimitation of territorial seas, Article 15 provides as follows:

“Where the coasts of two states are opposite or adjacent to each other, neither of the two states is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest point on the baselines from which the breadth of the territorial seas of each of the two 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.”

Article 15, which is based on Article 12, para. 1, of the previous Convention on the Territorial Sea and the Contiguous Zone (Geneva, 1958), is deemed to have a customary character and is commonly referred to as the “equidistance/special circumstances” rule. It gives priority to a delimitation effected by the equidistance line (also called the median line), which is a sort of geometrical balance of the projections into the sea of the coastlines of the states involved in a maritime delimitation. The equidistance line leads to a delimitation that can be carried out in precise way. However indented or fringed by islands the coastlines involved in delimitation may be, there is always one and only one equidistance line, whose construction results from geometry and can be effected through graphic or analytical methods.³

³From the terminological point of view, the “strict equidistance line” is the line which takes into account all coastal base points and the “simplified equidistance line” is a line which takes into account a reduced number of coastal base points. An “adjusted” or “modified equidistance line” is an equidistance line, either strict or simplified, in the drawing of which certain relevant geographical features have not been given their full potential effect.

⁴The drawing of an equidistance line can be done manually on map by graphic method. The method is based on the determination of the center of a number of circles tangential to the coasts of the two states. Every circle touches alternatively two basepoints on the coast of one state and one basepoint on the coast of the other state. The delimitation ends if, because of the distance from the coast, no more basepoints can be found or if a basepoint is located on the coast of a third state. The analytical method, which is effected by means of a computer, is conceptually identical. It has however the advantage of avoiding the imperfections due to the deformation of the cartographic projection or caused by the shrinkage of the paper support.
However, in allowing for exceptions to equidistance, Article 15 UNCLOS departs from a model of full geometrical precision. It does not specify what the special circumstances to be taken into consideration actually are. Nor does it clarify how a historic title is to be defined. Nor does it state in what manner, different from equidistance, the delimitation is to be effected if historic title or other special circumstances occur.

B) As regards the delimitation of the exclusive economic zone or the continental shelf between states with opposite or adjacent coasts, Articles 74 and 83 have an almost identical content, providing as follows:

“1. The delimitation of the exclusive economic zone between states with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.

2. If no agreement can be reached within a reasonable period of time, the states concerned shall resort to the procedures provided for in Part XV [= Settlement of Disputes].

3. Pending agreement as provided for in paragraph 1, the states concerned, in a spirit of understanding and co-operation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.

4. Where there is an agreement in force between the states concerned, questions relating to the delimitation of the exclusive zone shall be defined in accordance with the provisions of that agreement.”

The reading of Articles 74 and 83 leaves the impression that, despite their lengthy content, they do not provide any clear substantive regime. Rather than tackling the main substantive issue, they resort to procedural devices. They imply a general obligation of the states concerned to behave in good faith in order to reach an agreement on delimitation, with the consequence that no definitive delimitation can be unilaterally effected by one of the two (or more) states concerned. But Articles 74 and 83 do not say what the content of the rules is that should apply if the states concerned do not reach an agreement. The reference in para. 1 to Article 38 of the Statute of the International Court of Justice, which generally indicates what the categories of rules of international law are, does not provide any clear guidance on how to address the merits of a quite concrete question, that is how to draw a line on a map. The reference to the objective of achieving an equitable solution seems also pleonastic, as any agreement that has been freely negotiated by the parties embodies by definition an equitable solution. The assumption in para. 4 that where there is an agreement, delimitation is defined according to this agreement is so evident that it becomes a truism.

The vague content of Articles 74 and 83 may be explained on the basis of two reasons.

First, during the negotiations for the UNCLOS, states involved in thorny issues of maritime delimitation strongly opposed specific solutions that could have played in favor of their opposite or adjacent neighboring countries. Also states facing manifold issues of delimitation, depending on the characteristics of their different coastlines and of those of the different neighboring states concerned, preferred a vague provision that would grant them enough flexibility to be able to play different games in different fields. It was unwise for the UNCLOS drafters to force the situation by trying to provide for clear-cut solutions. This explains their choice to leave the very controversial issue of delimitation unresolved and thus to avoid opening a Pandora’s box, which could have precluded the adoption of the convention itself or its broad acceptance.

But the vague text of the relevant UNCLOS provisions can be also explained as a consequence of the seminal decision by the International Court of Justice in 1969 on the first case of delimitation of the continental shelf ever decided (North Sea judgment; Federal Republic of Germany v. Denmark and Federal Republic of Germany v. Netherlands). In one of the treaties of codification adopted before the UNCLOS, the Convention on the Continental Shelf (Geneva, 1958), the provision on delimitation of the continental shelf had a rather different content and provided for the so-called equidistance/special circumstances rule:

“Where the same continental shelf is adjacent to the territories of two or more states whose coasts are opposite each other, the boundary of the continental

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8 Article 83 has the same content, with the only change of “continental shelf” for “exclusive economic zone.”

10 Hereinafter: C.S. Conv. The UNCLOS replaces the C.S. Conv. in the relationship between states that are parties to both conventions.
The C.S. Conv. was more precise than the UNCLOS, insofar as, in the absence of an agreement, the use of the equidistance line was indicated. But the regime resulting from the Geneva Convention also left room for a certain margin of flexibility. Exceptions to the rule of the equidistance line were envisaged if special circumstances (but no answer was provided as to what such circumstances should be) justified another boundary line (but no answer was provided as to what such line should be).

When deciding the North Sea cases, the court disregarded a delimitation based on the equidistance line which, in the specific case, would have led to an inequitable result due to the concavity of the coastline of the Federal Republic of Germany. The court found that the use of the method of equidistance was not obligatory under customary international law and that there was no single method of delimitation that was in all circumstances obligatory for the parties concerned. In departing from geometry (that is the equidistance line), the court developed the theory of equity or equitable principles. The key to the reasoning lies in a carefully worded passage of the North Sea judgment:

“In short, it is not a question of applying equity simply as a matter of abstract justice, but of applying a rule of law which itself requires the application of equitable principles.”12

This paved the way for the rule of the equitable solution (or the equitable result) that was subsequently followed by the UNCLOS itself.

To avoid an inequitable result, the court decided for a delimitation effected under a method different from equidistance, the method of proportionality, whereby a reasonable degree

11 Equidistance itself was not completely discarded by the court, but it was considered as one among the various methods that could be employed to delimit: “The parties are under an obligation to act in such a way that, in the particular case, and taking all the circumstances into account, equitable principles are applied, - for this purpose the equidistance method can be used, but other methods exist and may be employed, alone or in combination, according to the areas involved” (North Sea judgment, para. 85).

12 North Sea judgment, para. 85.

of proportionality should exist between the extent of the continental shelf areas appertaining to a coastal state and the length of its coast. If the method of proportionality is applied, what influences the boundary line, instead of the shape, is the length of a coastline, as measured according to its general direction (and not following all the sinuosities).13

In fact, the court could have decided the North Sea case by applying the equidistance/special circumstances scheme that was embodied in the C.S. Conv. The concavity of the German coast can be seen as a special circumstance that calls for a delimitation effected under a method different from equidistance. But the court preferred to broaden the scope of the rule on maritime delimitations by referring to the concept of equitable principles.

After the 1969 judgment, several subsequent cases were adjudicated by the International Court of Justice14 international arbitral tribunals15 and, lastly the International Tribunal for the Law of the Sea.16 Such a notable body of international decisions has led to the determination of some “methods” that, in the light of the circumstances relevant in each specific case, were found appropriate to delimit maritime zones. In principle, the distinction between the general rule of the equitable solution and the specific methods of delimitation was left unchanged. But, in practice, with the passing of time, this distinction is becoming more and more blurred. Some “methods” (such as proportionality, reduced effect of islands, shifting of the median line, corridors, enclaves) have been elaborated by international courts and have in fact been “upgraded” from the condition of technical devices into that of “rules” applying where the relevant geographic circumstances occur.

In several decisions, international courts have chosen to draw first an equidistance line and then to consider whether there were factors calling for the adjustment or shifting of that line in order to achieve an equitable result. This may be seen as
a return to the “equidistance/special circumstances” rule, as embodied in the C.S. Conv. and as revisited in the light of the equitable principles theory. From the logical viewpoint, the best way to determine the equity of a solution is to draw the equidistance line, as a first criterion for reference, and then to evaluate whether such a delimitation does lead to an equitable solution or, on the contrary, special circumstance suggest another delimitation line. The first logical step in any process of delimitation is the drawing of the equidistance line, even if the final result may be at variance with such a line.

The following conclusions can be drawn from the practice of international courts that have been called upon to give concrete content to the abstract rule providing for the achievement of an equitable solution in the delimitation of the continental shelf or exclusive economic zone:

- The equidistance line plays the role of a basic reference to evaluate whether a delimitation effected on the basis of equidistance leads to an equitable solution.
- If not, the equidistance line may be adjusted according to relevant circumstances, in particular geographical circumstances, such as the length and shape of the coastlines or the presence of islands.
- Islands, which in principle enjoy the same status as continental territories, have been treated in different ways, depending on their location, size, and number: various solutions, such as full effect, reduced effect, no effect, the enclave, the corridor, have been elaborated to deal with the effect of islands on the delimitation line.
- Circumstances different from the geographical ones, such as those relating to geology, geomorphology, unity of deposits, history, security, or fishing, can also play a certain role, although to a lesser extent and depending on the peculiar context.

Maritime Zones in the Eastern Mediterranean Sea
As regards internal waters, Cyprus, Egypt, and Turkey apply legislation measuring the breadth of the territorial sea from straight baselines joining specific points located on the mainland or islands.

The coastal states concerned have established a 12-mile territorial sea, with the exceptions of the United Kingdom (3 n.m.) and Greece (6 n.m.).

Five states have established an exclusive economic zone. Upon ratifying the UNCLOS on August 26, 1983, Egypt declared that it “will exercise as from this day the rights attributed to it by the provisions of parts V and VI of the (...) Convention (...) in the exclusive economic zone situated beyond and adjacent to its territorial sea in the Mediterranean Sea and in the Red Sea.” By Law No. 28 of November 19, 2003, Syria provided for the establishment of an exclusive economic zone. Cyprus proclaimed an exclusive economic zone under the Exclusive Economic Zone Law adopted on April 2, 2004. By a framework law adopted on September 19, 2011, Lebanon established its exclusive economic zone. Three annexes define the limits of the zone between Lebanon and, respectively, Syria, Cyprus, and Palestine. On July 12, 2011, Israel deposited the list of the geographical coordinates for the delimitation of the northern limit of its territorial sea and exclusive economic zone with the United Nations.

The maritime areas belonging to Palestine off the coast of the Gaza Strip, as established under the Agreement between Israel and the Palestine Liberation Organization on the Gaza Strip and the Jericho Area (Cairo, 1994), constitute a special situation in Eastern Mediterranean.

Maritime Delimitation Treaties Concluded by Eastern Mediterranean States
So far, four treaties have been concluded to establish maritime boundaries in the Eastern Mediterranean Sea.

Cyprus – United Kingdom
A particular case is the treaty concerning the establishment of the Republic of Cyprus, signed in Nicosia on August 16, 1960 by Cyprus, Greece, Turkey, and the United Kingdom. Under Article 1 of the treaty, the territory of the new state comprises the island of Cyprus with the exception of the two Sovereign Base Areas (SBAs) of Akrotiri and Dhekelia, which remain under the sovereignty of the United Kingdom. The two British enclaves have a global area of about 259 km² and are located at the south and southeast part of the island.

17 The fact that the delimitation takes place in an enclosed or semi-enclosed sea, such as the Mediterranean, does not change the rules that regulate the drawing of the boundary line.

18 According to the Agreement, Israel shall transfer authority, as far as specified in the Agreement, to the Palestinian Authority. Under Article V, para. a, the territorial jurisdiction of the Palestinian Authority “shall include land, subsoil, and territorial waters, in accordance with the provisions of this Agreement.” Article XI (relating to security along the coastline and in the sea of Gaza) of Annex I sets forth three so-called Maritime Activity Zones (K, L and M) extending 20 n.m. from the coast. Zones K and M are closed areas, in which navigation is restricted to activity of the Israeli Navy. Zone L is open for fishing, recreational, and economic activities, in accordance with the rules specified in para. 2, b.

19 The treaty entered into force on August 16, 1960.
provision of the treaty obligates Cyprus not to claim, as part of its territorial sea, the waters adjacent to the two SBAs.

Section 3 of Annex A defines the waters pertaining to the SBAs. It obligates Cyprus not to claim the waters lying between the lines drawn from the four terminal points of the land boundary between Cyprus and the SBAs. It is likely that the implicit objective of this provision is to preserve freedom of military navigation, in particular to avoid the application of the regime of innocent passage to British ships proceeding to or from the SBAs.

The maritime boundary in question is rather unusual insofar as the treaty merely establishes an obligation of one of the parties not to claim as a part of its territorial waters the area lying between four lines drawn from its territory. The extension of the territorial sea claimed by Cyprus is irrelevant. Also irrelevant is the legal condition of the waters between the lines, which could in principle be either British territorial sea\(^20\) or high seas or even, where they are located beyond the 12-mile limit, the exclusive economic zone of Cyprus.

The boundary lines are composed of 3, 2, 3 and 3 segments, respectively, whose directions are defined by Annex A. The length of the last segment of every line is indefinite. While in the case of Dhekelia, the lines seem based on equidistance, in the case of Akrotiri, they depart from it and the precise determination of the method used for their drawing remains unclear. Furthermore, while the lines of Akrotiri diverge, the lines of Dhekelia converge at a distance of about 32 n.m. from the coast.

**Cyprus - Egypt**

On February 17, 2003, Cyprus and Egypt signed in Cairo an Agreement on the Delimitation of the Exclusive Economic Zone.\(^21\) The boundary line measures about 144 n.m. and is composed of seven segments.

The coastlines of the parties are opposite, with the relevant coast of Lebanon being longer than the relevant Cypriot coast. They are located at a distance varying from 90 n.m. to 130 n.m. from one another and tend to converge in a rather regular way. The coast of Lebanon does not present any significant features, apart from a string of tiny islands extending seawards from the Lebanese city of Tripolis, including the Palm Islands (Palm, Sanani and Ramkine Islands). The most external of them (Ramkine Island), located at about 10 km from the coast, was given full effect for the purpose of drawing the boundary. The relevant coast of Cyprus presents some indentations (Larnaka Bay

20. Despite the Treaty, the straight baseline system established by Cyprus in 1993 encloses the SBAs, as if they had no coastal waters of their own.


The existence of interested third states in the region is acknowledged by the agreement, which provides (Article 1, para. e) that the geographical coordinates of the two terminal points could be reviewed or extended as necessary in the light of future agreements to be reached with the other neighboring states concerned. Either of the parties is bound to notify and consult the other before reaching a final agreement with another state on delimitation in connection with the coordinates of the two terminal points (Article 3).

Yet the boundary line reaches and might even bypass the eastern triple point (Cyprus - Egypt - Israel). The impression is that point 8 is closer to Israel (100.1 n.m.) than to Cyprus (101 n.m.). The western terminal point is located far before reaching the triple point Cyprus - Egypt - Turkey.

**Cyprus - Lebanon**

In Beirut on January 17, 2007, Cyprus and Lebanon signed an agreement on the delimitation of their exclusive economic zones.\(^22\) The agreement, relating to the eastern part of the Mediterranean Sea, delimits most of the exclusive economic zone between the opposite coasts of Cyprus and Lebanon.\(^23\) The boundary line extends for about 84.5 nautical miles (n.m.) and connects 6 points with 5 straight segments.

The coastlines of the parties are opposite, with the relevant coast of Lebanon being longer than the relevant Cypriot coast. They are located at a distance varying from 90 n.m. to 130 n.m. from one another and tend to converge in a rather regular way. The coast of Lebanon does not present any significant features, apart from a string of tiny islands extending seawards from the Lebanese city of Tripolis, including the Palm Islands (Palm, Sanani and Ramkine Islands). The most external of them (Ramkine Island), located at about 10 km from the coast, was given full effect for the purpose of drawing the boundary. The relevant coast of Cyprus presents some indentations (Larnaka Bay

22. The agreement has not yet entered into force.

23. Due to the distance between the respective coasts, there cannot be any territorial sea or contiguous zone boundary between Cyprus and Lebanon.
and Akrotiri Bay) and two prominent features (Cape Greco and Cape Gata)\textsuperscript{25}.

The parties clearly state in the agreement that the delimitation is effected “on the basis of the median line such that every point along the length of it is equidistant from the nearest point on the baselines of each of the two parties” (Article 1, para. a). In note 2 of the annex, the parties confirm that they will use “the same principles” for the improvement of the positional accuracy of the “median line.”

The terminal points of the boundary line appear to fall slightly short of the equidistant triple points between Cyprus, Lebanon, and Syria, northwards, and between Cyprus, Israel, and Lebanon, southwards. The position of third states in the region is specifically mentioned in the agreement, which provides in Article 1, para. e, that the geographical coordinates of the two terminal points could be reviewed or adjusted as necessary in the light of future agreements to be reached with the neighboring states concerned. Under Article 3 of the agreement, the parties are bound to notify and consult each other, before reaching a final agreement with another state on a delimitation of exclusive economic zones relating to the coordinates of the two terminal points.

\textit{Cyprus - Israel}

On December 17, 2010, Cyprus and Israel signed an agreement in Nicosia on the delimitation of their exclusive economic zones.\textsuperscript{26}

The agreement provides for a delimitation effected on the basis of a “median line” (Article 1, para. a), that seems to be an equidistant line. It gives the geographical coordinates of twelve points that are joined by the eleven segments of the delimitation line. The terminal points 1 and 12 “could be reviewed and/or modified as necessary in light of a future agreement regarding the delimitation of the Exclusive Economic Zone to be reached by the three states concerned with respect to each of the said points” (Article 1, para. e). For geographical reasons, the neighboring states concerned implicitly referred to are Lebanon and Egypt.

\begin{center}
\textbf{Open Questions of Maritime Delimitation in the Eastern Mediterranean Sea}
\end{center}

A quick look at the map of the area shows that there are a number of maritime delimitation agreements that are still to be negotiated and concluded in the Eastern Mediterranean Sea, namely between Greece and Turkey, between Cyprus and Turkey, between Syria and Turkey, between Cyprus and Syria, between Lebanon and Syria, between Israel and Lebanon, between Egypt and Israel, and between Egypt and Greece. The future maritime boundaries of Palestine have to be added to the list.

\textit{The Claim by Turkey}

On March 2, 2004, Turkey sent a note to the United Nations secretary-general stating that it does not recognize the agreement between Cyprus and Egypt\textsuperscript{27} and reserves “all its legal rights related to the delimitation of the maritime areas including the seabed and subsoil and the superjacent waters in the west of the longitude 32°16’18’’. According to the note, “the delimitation of the exclusive economic zone and the continental shelf in the Eastern Mediterranean, especially in areas falling beyond the western part of the longitude 32°16’18’’, also concerns Turkey’s existing ipso facto and ab initio legal and sovereign rights, emanating from the established principles of international law.” Delimitation in the areas in question “should be effected by agreement between the related states at the region based on the principle of equity.” Longitude 32°16’18’’ corresponds to the meridian passing through the westernmost point of the island of Cyprus.

The different views expressed by the countries concerned are reflected in a number of subsequent statements that have been made on the matter of the maritime delimitation in this area by Cyprus, Greece, and Turkey.\textsuperscript{28} At the political level, the question is complicated by the fact that Turkey does not recognize Cyprus.

\textit{The Greek Island of Megisti}

The Greek small island of Megisti (called also Castellorizo) is located in the Mediterranean Sea, outside the Aegean Sea and very close to the Turkish mainland. Its effect on the future maritime boundary between Greece and Turkey could become a major matter of discussion between the two states concerned.

\begin{footnotesize}
\footnotesubtext{\textsuperscript{25} \textit{Cape Gata}, which is included in the British Sovereign Base Area of Akrotiri... was used for the measurement of the boundary line. This is a rare case of a basepoint located on a third country that has been used for the determination of a maritime boundary between two states.}

\footnotesubtext{\textsuperscript{26} It has entered into force on 25 February 2011.}

\footnotesubtext{\textsuperscript{27} Supra, para. 5.B.}

\footnotesubtext{\textsuperscript{28} See, for instance, the statement by Cyprus of December 28, 2004, the note verbale by Greece of February 24, 2005, the note verbale by Turkey of October 4, 2005 and the note verbale by Cyprus of October 19, 2006.}
\end{footnotesize}
The Turkish Republic of Northern Cyprus

In 1974, the northern part of the island of Cyprus was occupied by Turkey. In 1983, the “Turkish Republic of Northern Cyprus” ("TRNC") was proclaimed in this area. The United Nations Security Council has declared the proclamation legally invalid (Resolution No. 541 of 1983) and the “TRNC” is recognized only by Turkey.

In recent times, Turkey has challenged the legitimacy of maritime delimitation agreements concluded by Cyprus, stating that Greek Cypriots do not represent the island as a whole and are not entitled to conclude such agreements. Turkish Cypriot leaders insist that benefits from any resources discovered off the coast of Cyprus should also benefit the Turkish Cypriot community.

On September 21, 2011, Turkey signed an agreement on the delimitation of the continental shelf with the “TRNC,” according to a line connecting by 27 points determined on the basis of international law and equitable principles. The next step should be the issuance by the “TRNC” of licenses for exploratory drillings to the Turkish Petroleum Corporation. They would be conducted in areas falling under the Cypriot exclusive economic zone.

The Maritime Boundary between Israel and Lebanon

The problem raised by the delimitation agreement between Cyprus and Israel is that it overlaps with rights over the seabed and waters claimed by Lebanon. The marine area in question is considered promising from the point of view of gas resources. Until now, exploration has not begun in the disputed area.

In fact, terminal point 1, at the northern limit of the maritime boundary between Cyprus and Israel, has the coordinates 33° 38’ 40” Lat and 33° 53’ 40” Long, exactly the same coordinates as point 1 that identifies the southern terminal point of the agreement between Cyprus and Lebanon (and exactly the same coordinates of the terminal point of the exclusive economic zone claimed by Israel in 2011). As the southern terminal point of the agreement between Cyprus and Lebanon falls short of the equidistant triple point between Cyprus, Israel, and Lebanon, it follows that the northern terminal point of the agreement between Cyprus and Israel goes beyond the above-mentioned triple point. This suggests that Lebanon’s claim to a triangular area of about 430 square miles at its lateral boundary with Israel may be founded.

With notes of July 14, 2010 and October 19, 2010, Lebanon deposited with the secretary-general of the United Nations the charts and lists of geographical coordinates for the delimitation of the exclusive economic zone, respectively, between Lebanon and Palestine and between Lebanon and Cyprus. In conformity with Lebanon’s claim, the coordinates of seaward terminal point 23 (33° 31’ 51.17” Lat and 33° 46’ 8.78” Long) do not coincide with those of point 1, common to the agreements between Cyprus and Lebanon and between Cyprus and Israel, and correspond to what seems to be the equidistant triple point between Cyprus, Israel, and Lebanon.

In its turn, on July 12, 2011, Israel transmitted the list of geographical coordinates for the delimitation of the northern limit of the territorial sea and exclusive economic zone to the UN secretary-general. In this case, the terminal point coincides with those of point 1, common to the agreements between Cyprus and Lebanon and between Cyprus and Israel (33° 38’ 40” Lat and 33° 53’ 40” Long). But Israel points out that “the geographical coordinates of Point 1, as listed above, could be reviewed and/or modified as necessary in light of a future agreement to such point.”

In an ideal situation, the three states concerned would sit at the same negotiating table to jointly agree on the triple point of their maritime boundaries. At first sight, given the geographic circumstances of the area, it would seem that a delimitation effected according to the equidistance line could lead to an equitable result. Then the three states concerned would discuss and if possible agree on a joint exploration and exploitation scheme for the natural resources straddling the boundary lines. But this, due to political circumstances, seems unlikely for the time being.

28 Supra, para. 5.D.
30 Supra, para. 5.C.
31 The already mentioned note by Israel of July 12, 2011 (supra, para. 4) specifies that the geographical coordinates of the point in question “could be reviewed and/or modified as necessary in light of a future agreement regarding the delimitation of the exclusive economic zone to be reached by the three states concerned with respect to such point.”
32 It is a frequent practice in bilateral delimitation agreements to stop before reaching the triple point, whose determination would imply the participation of the third state concerned.
33 Lebanon does not recognize Israel.
Future Prospects
As already remarked, the UNCLOS provides for a general obligation of the states concerned to behave in good faith in order to reach an agreement on the delimitation of their exclusive economic zones or continental shelves. States are also required to make use of the different procedures for dispute settlement set out in Part XV of the UNCLOS, such as conciliation, arbitration, or reference to the International Court of Justice. However, a party may declare in writing that it does not accept any procedure of settlement of disputes in cases relating to sea boundary delimitations (see Article 298, para. 1, a, 1). The UNCLOS also provides that, pending a final agreement, the states concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature that do not prejudice the final delimitation. However, not all states are parties to the UNCLOS (Israel, Syria, and Turkey are not).

International law provides a number of means for the peaceful settlement of maritime boundary disputes, and in several cases they have proved successful. Hundreds of bilateral delimitation agreements have been concluded by neighboring or opposite states and several disputes on maritime boundaries have been settled by the International Court of Justice or by other judicial means. Opportunities for good offices, mediation, and conciliation could also be envisaged. In the Eastern Mediterranean Sea, the delimitation of most maritime boundaries do not pose insurmountable technical difficulties, if the geographical situation of the coastlines concerned is taken into consideration. However, complex political questions still prevent the start of a process designed to resolve boundary disputes.

Until the states concerned are ready to engage in such a process, it is important that they show restraint and avoid actions that could heighten tensions. Harsh language and especially military incidents at sea or in the air carry the risk of escalation, with consequent threats to international peace and security, and reduce the scope for involving qualified international companies in exploration and development of offshore gas fields in disputed areas. Meanwhile discreet contacts by international organizations or third country representatives may clarify the prospects for overcoming differences, especially between Israel and Lebanon. International law and previous experience in resolving maritime boundary disputes can serve as a guide. But political will is the key requirement in moving toward the resolution of longstanding disputes.

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