



THE SETTLEMENT OF DISPUTES CLAUSES IN BILATERAL DELIMITATION AGREEMENTS OF MARINE SPACES IN THE EAST MEDITERRANEAN SEA: A SURVEY

In this survey of the settlement of disputes clauses of delimitation bilateral agreements in the East Mediterranean Sea a distinction has been made looking at the participation to UNCLOS of the States involved.

States not bound by the Convention on the Law of the Sea and by the procedures of Part XV have envisaged in their bilateral delimitation agreements – with the exception of the Cyprus-Israel Agreement of 2010 – only negotiation (Turkey-Libyan Government of National Accord Agreement of 2019), or besides negotiation, other diplomatic procedures (Israel-Lebanon Agreement of 2022).

Settlement of disputes clauses contained in delimitation bilateral agreements conclude by contracting States of the Convention on the Law of the Sea, coherently with the choice of procedure made by those States under UNCLOS, in addition to negotiation, provide for arbitration if the States involved have not made the declaration of article 298 UNCLOS regarding disputes relating to the delimitation of marine spaces (Cyprus-Egypt Agreement of 2003, Cyprus-Lebanon Agreement of 2007) even when the other contracting State is not bound by the Convention on the Law of the Sea (Cyprus-Israel Agreement of 2010).

If, within the framework of UNCLOS, the States involved have made the declaration of article 298 with respect to disputes relating to the delimitation of marine spaces, as happened for Greece (16 January 2015) and Egypt (16 February 2017), the delimitation agreement concluded thereafter contains, coherently with this choice, only negotiation and not even arbitration (Greece-Egypt Agreement of 2020).

In any case, as for the delimitation bilateral agreements concluded by States participating to UNCLOS, attention must be paid to the role of section 1 of Part XV, in particular articles 280 and 281, for their role in preventing the application of section 2 of this Part; indeed, procedures of section 2, entailing binding decisions, operate only if the dispute has not been settled by the procedure chosen by the parties of the bilateral agreement and any other procedure is not excluded by the agreement.