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LL.M. Program

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TITLE

Alternative Dispute Resolution in Oil and Gas Sector

Which Legal Approach is deemed best when settling the

Lebanese – Israeli Conflict over Block 8?

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ALTERNATIVE DISPUTE RESOLUTION IN OIL AND GAS SECTOR. WHICH LEGAL APPROACH IS DEEMED BEST WHEN SETTLING THE LEBANESE – ISRAELI CONFLICT OVER BLOCK 8?

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Introduction

Balfour's pledge on 2 November 1917 was the spark to start the Arab Israeli Conflict, the statement turned the Zionist aim of establishing a Jewish state in Palestine into a reality when Britain publicly pledged to create a national home for the Jewish people there. This declaration is widely seen as the precursor to the 1948 Palestinian "NAKBA" when Zionist armed groups, who were trained by the British, forcibly expelled more than 750000 Palestinians from their homeland. Since then, wars have been rolled out in the Middle East to this day, for historical demographical geographical and religious reasons.

- 1948-1949: Israel's war of Independence and Palestinian "Nakba."
- 1956: Israeli-Egyptian war "Suez Crisis," Israeli invasion of Egypt the Sinai Peninsula.
- 1967: "6 Days War" when the Arabs and the Israeli clashed for the third time. Syria, Egypt, and Jordan against the Israelis.
- 1973: "Yom Kippur War" Israel signed ceasefire agreement on 18 January 1974, and on May 1974 respectively with Egypt and Syria.
- 1982: Lebanon War. On 5 June 1982 Israel invaded Lebanon. They withdrew their troops
  entirely by June 1985.
- 2006: July War in Lebanon. In July 2006 Hezbollah launched an operation against Israel to put pressure into releasing Lebanese prisoner, killing some Israeli soldiers in the process and capturing two. Israel launched an offensive into southern Lebanon to recover the captured soldiers.[1]

The Arab side claims that the cause of all these wars is Israeli ambitions to expand and plunder Arab natural resources. While the Israeli side believes that the Arabs are the primary

[1] The Editors of Encyclopaedia Britannica, Arab-Israeli wars Encyclopædia Britannica (2019), https://www.britannica.com/event/Arab-Israeli-wars#ref340993

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reason of its insecurity, and they have full rights to carry out operations to repel their danger and protect its safety.

Lebanon played a negative role in the Arab-Israeli war in the beginning, before it turned into a warhead of resistance in the region. In 1982, when Israeli forces invaded Lebanon, the reason was the attempt to crush the Palestinian Liberation Organization known as "PLO," which was firing rockets into Israel from the Lebanese territory. This invasion was the primary reason in the creation of the resistance movements in Lebanon and its growing strength, most notably Hezbollah.

Over the years, the party has become one of the most important regional players in Middle East politics. They were the ones who took the initiative of capturing Israeli soldiers in 2006 to carry out exchanges of prisoners. The causes of the Lebanese Israeli conflict are numerous; being part of the Arab Nation reasonably the most important is the Palestinian central cause, on the other hand, there is also a geographical issue, Israel still occupies a section of Lebanese territory known as the Shab'a farmlands and the Kafr Shuba hills. Recently, a new type of conflict has emerged: the maritime boundary in the Mediterranean Sea. After the discovery of oil on the seabed, the dispute over the delimitation of the marine boundary has begun.

Timeline for the oil and gas sector in Lebanon and the region

- 2001: Lebanon plans its Exclusive Economic Zone "EEZ".
- 2007: Negotiation of delimitation the Maritime borders between Lebanon and Cyprus
- 2009: Israel defines its EEZ.
- 2009: In May the EEZ coordinates is submitted to UN by the Lebanese Government.
- 2010: In August the Lebanese parliament adopts Oil Law, and the UN submitted mediation proposal for maritime dispute with Israel.
- 2010: In December, agreement between Israel and Cyprus on Maritime Boundaries.
- 2011: In June Lebanon clarifies its EEZ borders to UN, and in July Israel Disputes its.
- 2012: Offer proposed by USA to mediate the Maritime dispute between Lebanon and Israel.

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- 2012: In November Lebanon Appoints Oil Regulator "Lebanese Petroleum Administration".
- 2017: In January, the Lebanese Cabinet ratifies necessary decrees to begin delayed bidding round.
- 2017: In December, the Cabinet approves two bids on block 4 and 9.
- 2018: In May, the minister of Energy and Water approves exploration plans for blocks 4 and 9.[2]

The Lebanese Government approved the oil and gas exploration decrees in 2017, according to the government's decree number 42/2017, the Lebanese Exclusive Economic Zone is divided into ten blocks, two vital documents, the Tender Protocol (TP) and the Exploration and Production Agreement (EPA), are included in the second decree 43/2017. [3]

The acquisition of oil wells is the primary cause of destabilization and wars in the Middle East. How about two countries which already have a bloody history with each other.
Dividing the Exclusive Economic Zone to 10 blocks by the Lebanese Government, the conflict with the Israeli side began with the demarcation of the maritime boundary, especially in blocks 8 and 9 which are the core issue. What is the solution?

The Israeli invasion in 2006 against Lebanon is the most significant proof that war is not a suitable and feasible way to resolve disputes, after two 33-day attacks, the Israeli side failed to recover the soldier captured by Hezbollah, which carried out the operation to gain access to the prisoner exchange. After the war, both sides suffered material and human losses, but returned to the negotiating table and reached a mutually acceptable solution, which was the exchange of prisoners. So, no military actions suit best.

The existing dispute is in the delimitation of the maritime boundary out of 10 blocks; three are in disputed areas, mainly the block number 8. So, which legitimate approach is deemed best when settling this conflict?

Litigation might be a good and peaceful way to end this conflict, but it's expensive due to several appeal levels and length of time, as well as the award enforcement issue when it comes to the application of the award, where we will have a loser and a winner. Litigation

[2] Timeline, LOGI, https://logi-lebanon.org/Timeline
[3] Lebanon's oil and gas decrees published, LOGI, https://logi-lebanon.org/KeyIssue/decrees-published (last visited Mar 20, 2019).

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might be a scenario if one of the sides file a case before a tribunal which has jurisdiction in it. Avoiding this method is necessary, especially in conflicts related to oil and gas, so that the parties can exploit their revenues as soon as possible. The most appropriate way was alternative dispute resolution.

Alternative Dispute Resolution methods started years ago; its importance had significantly increased in 1976 when the former chief justice Burger asked, "Isn't there a better way"? And the alternatives movement was officially off and running. He convened the Roscoe E. Pound Conference in Saint Paul, Minnesota on the Causes of Popular Dissatisfaction with the Justice Administration.[4]

Over the years, many types of ADR were acknowledged. Mediation, facilitation, negotiation, arbitration, med-arbitration (combines both mediation and arbitration. Mediation is attempted at first and if it fails the dispute is referred to arbitration), mini-trial (which is not much a trial as it is a settlement process where at the end both sides attempt to settle the issue), early neutral evaluation (the court appoints an evaluator who evaluates the case after it has been filed and informs the parties about the strengths and weaknesses of the case), summary jury trial (which is conducted by order of the court. It is conducted by a neutral jury who pass a verdict. The court ask the parties to resolve the dispute after hearing the verdict)[5]. Nowadays, the most common type of ADR is Arbitration, mediation, and negotiation.

Arbitration:

Is a procedure in which a dispute is submitted, by agreement of the parties, to one or more arbitrators who make a binding decision on the dispute. When choosing arbitration, instead of going to court, the parties seek for a private dispute resolution procedure.[6]
Arbitration is identical to a court trial except there is no judges. The arbitrator (or panel of three arbitrators) is a neutral body that listens to the parties and conclude the case based on the evidence presented by the parties and their lawyers.

[4] JACQUELINE M. NOLAN-HALEY, ALTERNATIVE DISPUTE RESOLUTION IN A NUTSHELL (1992).
[5] What are the Different Types of Alternative Dispute Resolution (ADR)?, SBEMP(2018), https://sbemp.com/different-types-alternative-dispute-resolution/
[6] WHAT IS ARBITRATION? Available at https://www.wipo.int/amc/en/arbitration/what-is-arb.html

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Mediation:

Mediation is a procedure through which an impartial third party called a mediator helps the parties to reach a mutually acceptable agreement.[7]

It is a confidential procedure where the parties choose an impartial person, the mediator, to assist them in settling their dispute conjointly. The mediator does not have the power to decide the case, but rather helps the parties reaching their own agreement. Issues can be mediated at any time before or after a lawsuit has been initiated. Perhaps with the assistance of a mediator, sides who have agreed to mediate a disagreement will first try to resolve the matter among themselves. If no settlement is reached, arbitration or litigation may continue with the parties.[8]

Negotiation:

Is a basic way to get from others what you want. It is a communication, back and forth designed to reach a deal when you and the other side have shared and opposed interests. [9]

The standard legal response to a conflict between parties was to file a lawsuit or motion; that's how one of the parties initiate the litigation process. Most attorneys would likely select this choice instinctively. Many law students would prefer this sort of approach just because the litigation method is assumed to be a suitable way to solve the legal problems of a client. For law Student to focus exclusively on the litigation procedure is like medical students who only study surgery as a means of curing disease. That's not, of course, what

[7] What is Mediation? Australian Mediation Association, available at http://ama.asn.au/what-is-mediation/
[8] Pennsylvania Bar Association, Arbitration and Mediation, Available at https://www.pabar.org/clips/arbitrationandmediation.pdf.
[9] Ronald Fisher, Bruce Patton & William Ury, Getting to yes: negoatiating an agreement without giving in(2003).

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medical students are doing. They examine a wide variety of treatment topics and cure disease. Law students must also extend their focus on the problem - solving beyond the arena of litigation. Learning to identify the factors that make the process of choosing a particular method is essential. In the early nineteen - seventies, ADR assumed the attributes of a law reform movement when many analysts in the academic community started to have significant concerns about the potentially harmful effects of increased lawsuits.[10]

So why to Choose ADR? The Arbitration, for example, offers the parties certain flexibility and control as opposed to litigation, they can set policies in their arbitration contract regulating how the process will work. The standards of proof and discovery are simpler; faster, and low cost. The parties can choose the arbitrator, and most importantly, on contrary to the litigation that is open to be public, the entire process is private and confidential. Also, negotiation is voluntary, and the parties are free to accept or dismiss the results and may withdraw during the process at any point. It includes the party without recalling to a neutral third party. Its main characteristics are informality and confidentiality. Nevertheless, the Mediation looks like negotiation, a confidential procedure that avoids lawsuits, saves time and money with one key difference being that an impartial third party helps the different sides achieve a voluntary, mutually agreeable solution.

However, mediation has been used since 1945 to settle international conflicts varying from disputes over territorial integrity to fights over self-determination to battles over natural resource utilization. The primary cause of the recent conflicts is natural resources, mainly oil and gas, especially in Middle East. The Middle East is a wealthy region with oil and gas; that is to say, its management and acquisition has been and remains one of the world's intimidating, yet essential decisions. The oil and gas industry are one of the most crucial financial - revenue sectors. For this reason, for the benefit of all parties, the emerging disagreements over their exploration or management should be resolved quickly for the interests of all parties. It is known that oil and gas contracts inherently give rise to many forms of disputes, large and small and it is identified by three types: Upstream, Midstream, and downstream.

[10] Jacqueline M. Nolan-Haley, *Supra* at note 4, p.

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This kind of conflicts are initiated when natural resources are within the borders of a state. But what if the main problem is the demarcation of the boundaries that are rich in these resources? What if natural resources are located in a disputed geographical spot between two countries such as Lebanon and Israel?

The existing dispute is in the delimitation of the maritime boundary, out of 10 blocks, 3 are in disputed areas, mainly the block number 8. So, which alternative dispute resolution method is deemed best when settling this conflict?

For the reason that will be explained later, and after analyzing the advantages and the drawbacks of each method, however, mediation has a risk of failure, but it is likely to be the best compared to other types of dispute resolution.

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Chapter 1
Arbitration

Arbitration is the most formal alternative to litigation by the court. Disputing parties present their case in this procedure to a neutral and impartial third party that is authorized to make a judgment[11].

The Arbitration agreement may be signed before or after the dispute has arisen, and must specify the number of Arbitrators, the seat, language rules and scope of jurisdiction of Arbitrators. Usually, not all disputes can be resolved by arbitration. Penal cases, divorce custody, guardianship, inheritance, administrative and tax disputes cannot be arbitrated in most of countries.

Arbitration can be convened to resolve only one specific dispute (Ad Hock) or conducted by a permanently working arbitration center (Institutional). There is more than 100 international Arbitration institution such as International Chamber of Commerce (ICC-Paris), International Center for Settlement of Investment Disputes (ICSID), London Court of International Arbitration (LCIA), WIPO Domaine Name Dispute Resolution Center. Tribunal Arbitral du Sport (Sports Arbitration Tribunal).

Arbitration can be National or International. It is National when the parties are nationals of the same country, and it is International when there is a foreign element in the Dispute (one or all the parties to the dispute do not have the nationality of the State where arbitration is taking place or the subject of the dispute is located at or has been or is being carried out in another country).

Initiating Arbitration

Arbitration may be initiated by a contractual clause or an ad hoc arbitration agreement. The agreement can be quite precise and address such concerns as arbitrator selection, hearing administration, procedural rules, and substantive law. If the agreement does

[11] JACQUELINE M. NOLAN-HALEY, ALTERNATIVE DISPUTE RESOLUTION IN A NUTSHELL (1992), P.119

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not cover these details or an ad hoc arbitration agreement exists, the parties may turn to specific agencies administering the arbitration.[12]

Selecting arbitrators

Sole arbitrator might conducts arbitrations. However, it is not unusual to have a panel of three arbitrators mainly in commercial and international disputes, two of whom would be chosen by the sides and a third party nominated by a mutual decision of the arbitrators nominated by the party.[13]

Regarding the qualities of the arbitrators, it is generally known that they should be impartial and independent. According to UNCITRAL Rules as well as UNCITRAL Model Law, the Arbitrator is impartial if he has disclosed, in advance, all matters which could create substantiated doubt of his impartiality, moreover an Independent Arbitrator does not act in accordance with the instructions of one of the parties. They should be sincere, neutral and expert in the disputed matter. Since arbitrator's act in a quasi-judicial capability, judges are restrained by the same high requirements of impartiality. This usually means that arbitrators must avoid the appearance and reality of a conflict of interest as well as maintain the dignity and fairness of the arbitration procedure.[14]

The traditional Model of Arbitration

The traditional Arbitration model refers to a voluntary process where conflict is referred to as a neutral person for a decision. Its outcome from a contractual agreement in which sides concede that arbitration will replace formal legal proceedings in advance of a conflict, or after a dispute has arisen.

In theory, there are many advantages in traditional arbitration over the lawsuits process. It offers greater method and procedure flexibility than litigation. The parties select the arbitrators and exercise control over the proceedings in question. They assess the degree

[12] *Ibide,* P.151
[13] *Ibide,* P.152
[14] *Ibide,* P.153

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of formality that will regulate and the extent to which lawsuits trappings are applicable, from motions for pre-trial to discovery.[15].

It is faster and less confrontational method where there is an ease of representation. Usually, arbitrators have more expertise and knowledge than judges in the subject of the conflict. It is not even necessary for arbitrators to give reasons to support their awards.

Moreover, arbitration has been blamed for some reasons in practice. Efficiency may be lost when a panel of arbitrators organizes arbitration whose scheduling issues increase delay and cost. Some commentators disagree that efficiency is accomplished at the expense of the quality of justice and that the dilemma of appealing an arbitral award can give arbitrators a license to do wrong.

Arbitration is strictly adversarial, there will be a person or a panel of people whose job is to decide. In a given dispute, they must determine a winner and a loser. This method leaves no room for finding a solution to the issue. Like the litigation process, the parties and the arbitrator are working on the process, and then, like a judge, the arbitrator decides and choose a winner.

As the arbitrators are human, it is possible for them to commit mistakes, like the judges. But in this method, it could be a fatal mistake as arbitrations generally do not have any appeal right, unlike the tribunals, there is no mechanism to have somebody else to look at the case again and acknowledges the arbitrator's mistake and fix it. This right to appeal allows another bank of judges to examine that decision and say whether that followed the law. The parties have the right to address what they believe is a mistake and to have a third-party body determining whether it was a mistake or not.[16]

Once we have an arbitral award, another problem might arise.

The unsuccessful party will pay it's due to the other party voluntarily in most cases. However, in some instances the unsuccessful party may refuse to abide by the award and, as a result, enforcement proceedings are essential.

The enforcement mechanism varies from the judicial system you are attempting enforcement as well as from the arbitration regulations used during the proceedings.

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[15] *Ibide,* P.124

[16] Matt Johnston, The Problem with Arbitration and a SolutionLaw Offices of Matthew Johnston(2018), https://johnston-legal.com/2018/06/11/problem-arbitration-solution.

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The convention on the recognition and enforcement of foreign arbitral awards, in short, the New York Convention many states are parties to the convention such as Lebanon and Israel.[17]

The New York Convention requires one contracting state's national courts to recognize and enforce foreign arbitral awards in other contracting states. It is territorial and does not have any relevance to the nationality of the Parties or the nature or location of the subject matter or subject matter of the dispute.

The main objective of the convention is to ensure that foreign arbitral awards are recognized and enforced in the form of uniformity. The party seeking recognition and enforcement under the agreement is required to provide the original award or certified copy of the award as well as the original arbitration agreement.

Article 5 of the Convention identifies the basis for refusing recognition and enforcement by the courts and tribunals of states. These grounds are exhaustive means that only those grounds on which recognition enforcement can be refused. "The grounds are, first, the invalidity of the arbitration agreement. Secondly no proper notice of the appointment of the arbitrator or of the proceedings. Third, excess of authority by the tribunal. Fourth, the constitution of the tribunal not in accordance with the agreement of the parties. Fifth, the award is not binding or has been set aside. Sixth, the dispute is not arbitrable under the laws of the state where recognition or enforcement is sought. And finally, recognition or enforcement is contrary to the public policy of the state where recognition enforcement is sought.[18]"

The state's national courts, where such hearings occur. Hence, maintain a lot of authority to reject an application to that effect. Depending on the domestic law of the state where enforcement is sought, the court or tribunal competent to determine such proceedings.

The situation in ICSID Arbitrations is different. Article 53.1 of the convention provides that "The award shall be binding on the parties and shall not be subject to any

[17] NewYork Convention, Contracting StatesNew York Arbitration Convention, http://www.newyorkconvention.org/countries.

[18] NewYork Convention, United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 10 June 1958)New York Arbitration Convention, http://www.newyorkconvention.org/english.

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appeal or to any other remedy except those provided for in this Convention. Each party shall abide by and comply with the terms of the award except to the extent that enforcement shall have been stayed pursuant to the relevant provisions of this Convention[19].”

One of the main advantages of ICSID arbitration is that contrary to the New York Convention, domestic courts of the state, where recognition and the enforcement of sought cannot refuse such a request. Nevertheless, the opposite side of this is that ICSID has its procedure for dealing with allegations to annul arbitral awards on grounds like the New York Convention but not identical.[20]

Litigation and arbitration have many differences as we reviewed earlier. But in both, in the end, we have an award and accordingly a winner and a loser, unlike the other methods in alternative dispute resolution (mediation negotiation). When choosing this method, both parties should be aware of the consequences, and accept the risk to win or to lose the case.

The loser must respect the arbitral award and implement it; otherwise, it loses the most important advantage which is the speed in resolving disputes, and the parties will enter the cycle of the enforcement procedure.

In our case, the benefit of choosing this method is in the speed of its procedure, due to the sensitivity of the case, the parties can save time to solve the issue. However, there is a noticeable risk that the losing party will not accept the arbitrator's decision. Lebanon and Israel have a history of conflicts and wars. Therefore, it is unlikely that the award will be respected and implemented directly by one of them. One of the most notable examples is the Security Council resolution 1701, which ended the July war 2006, the two sides to this day are still violating it. On the other hand, Lebanon may not have an interest in choosing this method. It may be considered that recourse to the courts or arbitration, would imply the explicit recognition of the state of Israel and this point is unacceptable and unnegotiable.

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[19] :: International Centre for Settlement of Investment Disputes ::http://icsidfiles.worldbank.org/icsid/icsid/staticfiles/basicdoc/parta-chap04.htm.

[20] The Enforcement of International Arbitral Awards - State Immunity and the Enforcement & Validity of International Arbitral Decision, Coursera, https://www.coursera.org/lecture/arbitration-international-disputes/the-enforcement-of-international-arbitral-awards-ulhGH.

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Chapter 2
Negotiation

"A generation ago, the dominant view of decision - making was hierarchical in most places. The people at the bottom of the pyramids were supposed to obey the decisions taken by the people at the top of it. Same cases different places, at work, in the family, political life…

Today the case is quite different, where we have to rely on dozens, hundreds perhaps thousands of people, individuals, organizations, political parties, organizations… over whom we exercise no direct control. Giving orders to the employees, children, or colleagues nowadays will not lead us to achieve the same results, which we used to have it years ago. Negotiating is necessary to get what we want, more slowly in some places more rapidly in others. The pyramids altered into a network of negotiations".[21]

"Almost everything in our life depends on negotiation, like it or not you are a negotiator. It is a fact. You talk to your boss about a raise, to your wife where to eat dinner, to borrow clothes from your siblings. In politics leaders discussing the elections, ministers in their administrations, deputies in the parliaments, head of states to sign treaties with each other.

Negotiation is a fundamental method of getting from others what you want. Its communication back and forth intended to reach a compromise when you and the other side have shared and opposed interests."[22]

Every negotiation is different, but there are some elements which do not change. Those are seven:

Seven Elements

1. **Relationship:**

[21] Roger Fisher & William Ury, Getting to Yes, Third Edition, Preface p.4
[22] *Ibid,* Introduction, P.25

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A good relationship is needed to address differences and conflicts; the parties should work to be respectful, trustworthy and unconditional constructive. Building relationship will not solve the problem, but it will help the parties to understand each other's point of view, each party should put itself in the other's shoes to understand each one's concerns. Even when there is neither a prior nor likely a future relationship with the other side, a negotiator still has to weigh the impact on the outcome of this negotiation of the working relationship between the parties during the negotiation.[23]

2. Communication:

There's no negotiation without communication. It is a method of interaction back and forth for reaching a mutual decision. There are three significant issues. First, negotiators may not talk to each other, or at least not in such a way as to be understood, the second issue is not hearing what the other party is saying, and the third is the misunderstanding.[24]

Communication means listening more than speaking. Negotiation does not mean talking over and over, it is not a debate, and it should be clear and concise. The parties must speak about themselves to let others know what the crucial issue for them are and how they feel about the problem at hand.

On the other hand, listening is even more important than talking, being active listener by asking basic questions for clarification and by not interfering when the other party is speaking, paraphrasing by giving feedbacks and comments about what is said, or what is understood, by summarizing the main points that the other party has said will definitely affect the process in a positive way.

3. Interest:

The other side may not know what your interests are, and you may not know theirs.

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[23] THE HANDBOOK OF DISPUTE RESOLUTION, Michael L. Moffitt & Robert C. Bordone, Editors, 2005, Chapter 18, P.
279

[24] ROGER FISHER & WILLIAM URY, *SUPRA* AT NOTE *1, P.35*

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Interest is the answer to the following question: Why? It defines the concern.

The core idea is to avoid bargaining over positions. The parties of the negotiation should know what the others want and vice versa.

The more you clarify and back up your claims against attack, the more committed you become to it, the more you try to convince the other side of the impossibility of modifying your opening position, the harder it becomes to do so.[25]

The parties should move beyond their position by clarifying their interests and asking why, without sticking to a position, which can block the process of the negotiation.

4. **Options:**

The creation of options requires the negotiators to be creative. Parties should design options far from the zero-sum game that meets the interests of both parties: if one loses, the other wins.

It should not be as the assumption of a fixed pie: the less for you, the more for me. The possibility of mutual gain usually exists, here comes to the parties to create a clue that fulfills common interests for both.[26]

Since success in negotiation for you rely upon the decision you anticipate from the other side, you should do the same in your turn what can you do to make your choices simple.[27]

In a complicated situation, creative ideas are an absolute necessity. In any negotiation, it can open doors and create a range of possibly appropriate agreements for each side. Accordingly, before choosing among them, create many options. Invent first, decide later.

To harmonize, seek shared and different interests. In addition, try to make your decision easy.[28]

[25] *Ibid,* P.4-5
[26] *Ibid,* P.72
[27] *Ibid,* P.78
[28] *Ibid,* P.81

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5. Alternatives:

The reason you negotiate is to generate something better than the outcomes you can achieve without negotiating.

It can appear when there are other ways that parties can fulfill their interests satisfactorily. Before sitting around the negotiation table, the parties should determine their BATNA "Best Alternative to a Negotiated Agreement," so they know when to walk away. Your BATNA is not only a better measure, but it also has the advantage of being flexible enough to allow a creative result to be explored. [29]

The better you know your BATNA, the greater your power, the two parties ' relative negotiating power depends for the most part on how attractive the option of not reaching an agreement is to each.[30]

Consider the BATNA of the other side. You should also think about the various choices to a negotiated agreement available to the other side. The more you can learn about their alternatives. The better prepared you are for negotiation. You can estimate reasonably, what you can expect from the talks when you know their choices.[31]

6. Legitimacy:

"Fairness" is the dominant consideration for both sides.

The best option should have external requirements and principles; on the other hand, against the unjustified proposals of the other side, it could be seen as a shield. It frequently plays a key role in negotiations, failing negotiations is not unusual, for example, not because

[29] *Ibid,* P.102
[30] *Ibid,* P.104
[31] *Ibid,* P.107

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the option on the table is unacceptable, but because it is not realistic to one or both parties. People frequently try not to accept an unlawful solution.[32]

7. Commitment:

Each negotiating party should have a timeframe, plan, and steps to implement the agreement. Commitment as part of a negotiation is the parties ' loyalty to respect their words. It is an agreement, demand, suggestion, or word by one or more parties and any formalization of that accord. It can take place at any point in negotiation and encompass anything from a minor point of the process to final and full agreement, and anything in between.[33]

Negotiation Styles

Style can be adapted to diverse negotiating sequence of events - your main character does not alter.

Warm Style: Friendly, good listener Highlights mutual interests Positive and constructive Informative and open Produces a climate of trust, patient, quiet team player Trust the advice of others.

Tough Style: States position assertively dynamic, takes control Decisive and quick to act Seizes opportunity Takes the lead Rises to the challenge Gets the best for their side

Numbers Style: Facts, logic, detail oriented Reasonable and organized, Persistent and patient Organizes well, manages risk Sticks to policy and procedures Weighs all alternatives Confident in own skills

Dealer Style: Socially skillful, charming, cheerfully cynical avoids giving offence Adaptable, flexible, creative Persuasive, articulate Perseverant Thinks on feet Understands true 'win-win' Seeks opportunities to make it work[34]

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[32] THE HANDBOOK OF DISPUTE RESOLUTION, *Supra* at Note 3, P.281

[33] *Ibid,* P.284

[34] Stolz, L.
(2019). *https://www.bio.org/sites/default/files/Negotiation%20Strategies_Lesley%20Stolz.pdf*. [ebook] Available at: https://www.bio.org/sites/default/files/Negotiation%20Strategies_Lesley%20Stolz.pdf [Accessed 26 Mar. 2019].

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Preparation of Negotiations

Negotiation's most common and costly errors occur before talks even begin. Interestingly, usually, the problem is not an inadequate preparation, but a complete lack of preparation! It is therefore critical that you adopt a comprehensive methodology to help you prepare for negotiations.[35]

The actual negotiation takes place before sitting down at the negotiating table. Before any interplay with the other party, planning is a must.

During the talks, the party who has prepared more, has the upper hand, every single detail or information matters. Whoever wants to take the lead or to be dominant should do its best to know the situation of the other's side, by collecting as much information as possible mainly about their alternatives. Good negotiators know these basic ideas but the best work on other matters.

Learning about the other side's personality or characteristic will give him a position of power, it does not need colossal research; knowing their zodiac sign only might be useful.
Let's take Scorpio as an example. They are known as natural hunters, psychologists, investors, and investigators. Being honest the key since they have a great ability to uncover deceit and hidden things.[36] Scorpios negotiation style is known for not counting on the other person rather trusting himself to make the right decision.[37]

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[35] Deepak Malhotra & Max H. Bazerman, Negotiation Genius, P.19

[36] Laura Kryshtar, The Secret to Negotiate With Each Zodiac Sign and Get What You WantLaura Kryshtar(2013),http://laurakryshtar.com/2013/09/29/the-secret-to-negotiate-with-each-zodiac-sign-and-get-what-you-want

[37] Emily Ratay, How You Ask For What You Want, Per AstrologyYourTango(2018),https://www.yourtango.com/2018318073/how-you-get-what-you-want-zodiac-signs-astrology.

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Sagittarius; on the other hand, their feelings are shown transparently by their gestures. They make decisions based on their intuition.

They have a hard time saying "no" and feel the need to justify their decisions, and they run away from confrontation. They have a strong sense of justice and want to do what is right.[38]

When they negotiate, they like to make the outcome mutually beneficial. Rather than focus on what they do not want, they put all of their attention on negotiating for what they do want.[39]

Keeping eyes on facial expressions and body language is essential to understand what the other party is thinking about because of how they looked when they talked not what they spoke.

There are universal signs to indicate "yes" or affirmation when people are happy, they smile, nodding the head as well is used.[40]

When an adult tells a lie, it is as if his brain tells his hand to hold his mouth to block the false words.[41]

Usually, people often hold one or both palms out to the other person when they want to be open or truthful. When someone starts opening up or being honest, they are likely to reveal the other person to all or part of their palms.[42]

Someone who is feeling uncertain, unsure or negative about what they are hearing will place their cup to the opposite side of their body to form a single arm barrier. When they are accepting of what they are hearing, they put the cup to the front of their body showing an open or accepting approach[43].

Zopa

[38] Laura Kryshtar, *Supra* at note 15
[39] Emily Ratay, *Supra* at note 16
[40] Allan Pease & Barbara Pease, The definitive book of body language(2017), P. 18
[41] *Ibid,* P.26
[42] *Ibid,* P.33
[43] *Ibid,* P.103

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You can evaluate the zone of possible agreement, or ZOPA, once you have an idea of the reservation value of each party. The ZOPA is the set of all obtainable ultimate deal that both parties could agree on; one of the two parties will reject any point outside this scope.[44]

Time is Money

Negotiators are commonly so focused on "getting a deal" or "winning" that they fail to consider the value of the time they spend or waste pursuing fairness or victory. They often spend time doing so on minor negotiations that might be better spent consuming more crucial agreements, finishing other duties, or just calming.[45]

Win-Win

As long as a party is not the loser; he might ask what's so bad about win-lose negotiations. The problem with win-lose negotiations is the following.

Usually, the loser expectedly and tries to get even. The thinking of the loser goes something like this: "I'll get you. Maybe it isn't today. Tomorrow may not be, but I'm going to get you. You're going to bleed and don't even know. Negotiation on win-win is critical, not because you are a brilliant, kind human being, but because it's the convenient thing to do. It will help you get more out of what you want.[46]

Cultural differences

The cultural differences should also be considered by the negotiators. Cultural misinterpretation of expressions can generate humiliating outcomes, and the background of a

[44] Deepak Malhotra & Max H. Bazerman, *Supra* at Note 14, P.23
[45] *Ibid,* P.283
[46] Frank L. Acuff, How to negotiate anything with anyone anywhere around the world(2008), P.23

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person should always be taken into account before making assumptions about the meaning of his or her body language and gesture.[47]

Let us take the American's negotiators as example. The Americans prize direct and open communications, with such directness, they can merely insult their foreign counterparts in contrary to many cultures, particularly in Latin and Asia countries, where it is not the case. They are impatient and usually operate on a faster time clock than others. "Get it done yesterday" is a phrase used in many U.S. organizations. For them negotiating alone is preferred rather than in teams. The short term is emphasized. They tend to think about the quick deal rather than developing a long-term business relationship. Their experience with other cultures is limited; unlike most Europeans who speak more than one language including English, most Americans do not know any foreign language. They emphasize content over the relationships involved in the negotiation. More than the process and emotion, the focus on the mechanics of the deal. Though U.S. negotiators may be polite and agreeable, pay little heed to build a relationship. And finally, they are legalistic. In written contracts, it is typical for Americans to be very precise. The norm is often long detailed documents. Indeed, the U.S, society's litigious nature is the major contributor.[48]

While the Saudis do not like one uses bargaining tactics on them. They are tough negotiators when it comes to government or administrative projects. Saudis appreciate the value of investing in friendships to facilitate their business transactions. Their culture revolves around family ties and extended family connections so doing business through people they know, and trust has excellent value. For them, the expression "God will" is the Saudi's daily affirmation of this belief, and in general, they are not confrontational[49].

On the other hand, Israelis tend to be direct and are often taken to be irreverent; it is Israeli "tachlis" attitude. When negotiating with Israelis, it is likely to be short and straightforward; they like to get to the bottom line quickly. Facial expressions, for example,

[47] Allan Pease & Barbara Pease, *Supra* at Note 19, P.124
[48] Frank L. Acuff, *Supra* at Note 25, P.43
[49] Home, The arab culture in negotiations - Free International Relations and Politics Essay - Essay UK, https://www.essay.uk.com/free-essays/international-relations-politics/the-arab-culture-in-negotiations.php.

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have some influence on the procedure, Israelis will usually be more willing to help you when you approach them by requesting with smiling, rather than by demanding service[50].

These details can be abandoned, but considering them while preparing for negotiations would give the party advantages. In our case, the Lebanese side, while preparing for any direct or indirect negotiations (if it happens) can try to analyze the personalities and characters of members of the Israeli delegation. On the other hand, the Israelis are more attentive to the body languages of their counterparts, for example, right after every public speech of the Secretary-General of Hizbullah, Mr. Hassan Nasrallah when he delivered his speech, they analyze his body language.

Negotiation is generally the first dispute settlement method that is used when a dispute arises. This is because negotiation is capable of being quick, affordable and supplies an enforceable resolution.

There are two forms of frequently used negotiating methods, unassisted negotiation, and formal negotiation. Involvement of lawyers is the distinction between formal and unassisted negotiation. Unassisted negotiation is when there is direct negotiation between the concerned parties in the dispute. In formal negotiations all correspondence will go through the parties' respective lawyers.

One actual issue is that formal and unassisted negotiation is far from assured to succeed before resorting to some other more structured and organized dispute settlement mechanism is necessary. Any bargaining requires the parties to compromise regularly. It can cause problems if the attitude of both parties is uncompromising. Formal negotiation involves legal fees. Moreover, if the formal negotiation is not working, the parties may view it as a waste of time and money.[51] On the other hand, negotiation has its pros. In this sort of dispute settlement, the parties are the decision-makers, they shall retain and participate fully in their resolution. If they agree on a conclusion the parties will sigh on a fair, final and full settlement agreement. One of the most important points is the confidentiality of the whole

[50] How to Bargain in Israel, Nefesh B'Nefesh(2017), https://www.nbn.org.il/aliyahpedia/community-housing-aliyahpedia/setting-up-your-home-in-israel/ten-tips-for-negotiating-in-israel/

[51] Alternative Dispute Resolution Series - Negotiation, https://www.gibsonsheat.com/Articles/Litigation/Alternative Dispute Resolution Series - Negotiation.html (last visited Mar 22, 2019).

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procedure which can be crucial to maintain the parties' image or reputation. Despite the litigation's win-lose paradigm, it can result loss of friendship and respect; damage relationships and block the ability to resolve the issues in the future. When negotiating parties are in control of the outcome contrary to the court where the outcome is uncertain and unpredictable, and finally it reduces time and cost[52].

Negotiations can be an appropriate solution and an effective way to solve the issue of maritime delimitation, as previously discussed, there are seven elements for effective negotiations. In the conflict between Lebanon and Israel, there is lack of trust. Building a relationship without trust is impossible. Commitment is another element. There is no guarantee from both sides to apply the already made decisions. For these reasons, the probability of failure of this method is higher than its success to solve the issue of block 8.

[52] Stephen M.Gaddis, Benefits of Resolving Matters by Negotiation v. Litigation (2008).

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Chapter 3
Mediation

MEDIATION

Mediation is an extension of the negotiation process. Disputants who were unable to settle use a neutral third party to help them reach an agreement.

In mediation, a third party helps the contestants apply their values to the facts and achieve a result.[53]

Definition:

To reach a mutually acceptable agreement, the disputing parties work with a neutral third party, the mediator.

The mediator helps the parties reach a consensus. The parties themselves shape their understanding.[54]

Advantages and Disadvantages of Mediation

Advantages

The mediation process is viewed as more expeditious, inexpensive, and procedurally simple than adversarial problem solving.

Moreover, mediation supports the parties re-adjust their conflicting perspectives and view their concerns in a much broader framework than simply "legal" issues in a legal system, each side has favorable circumstances to classify the conflict from its viewpoint without limitations of civil rules or procedures. Disputing parties start to see themselves and their opponents differently.

The parties in this kind of Dispute resolution process have remarkably more self-determination than they would have in any other adjudication process, where there is a clear decision imposed by a judge or arbitrator. In mediation the parties dominate the result of

[53] JACQUELINE M. NOLAN-HALEY, ALTERNATIVE DISPUTE RESOLUTION IN A NUTSHELL (1992), P.54
[54] I*bid*, P.56

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the process, they have the final say, and this usually leads to a high degree of mediated agreement compliance.[55]

Mediation is voluntary; the parties are actively involved in resolving their disagreement and retain control, as all parties must agree to any settlement of their dispute through mediation, if no agreement is reached, both parties can walk away. It is possible to mediate without an attorney, other than the mediator who may be a lawyer. There is the option of selecting a mediator who is skilled in the subject of the dispute and qualified in the disputed parties ' negotiating tactic.[56]

Disadvantages:

As an independent process from the judicial system, Mediation might have some disadvantage, and thus lack the procedural and constitutional protections of adversarial justice, such as the right to legal proceedings and the right to counsel. The achieved agreement is assumed to be fair.

Moreover, there will be a risk of unfairness in the agreement if the parties who agreed to it without knowing what is available to them from legal point of view.

Furthermore, in these situations the result may be unjust to one party if the other has greater negotiating potential, whether from pure personality strength, familiarity with law, better understanding with the facts, or emotional or economic power.

Finally, profitable mediation depends upon the parties' readiness to come to the bargaining table in good faith.

Good faith is a challenging requirement to strengthen in any dispute resolution process including litigation. Some parties may be using the practice as a fishing expedition or simply to stall the litigation process or to buy time. The mediator has a major role to defend against these misconducts and be prepared to suspend or abolish the process if needed.[57]

[55] I*bid*, P.57

[56] AllBusiness Editors, Pros and Cons of MediationAll Business(2010), https://www.allbusiness.com/pros-and-cons-of-mediation-4129-1.html (last visited Mar 26, 2019).

[57] Jacqueline M. Nolan-Haley, *Supra* at Note 1, P.59

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Mediation process

Specific Activities:

The main tasks in these mechanisms are the exchange of information and negotiating. These activities can be performed in joint meetings, private meetings, or both. The proceeding begins when the debating parties tell their stories in face to face to each other. The mediator may decide to break out into private caucus sessions after the first hearing of each person's way of thinking about the issue at hand and counting on the difficulties involved.

When the mediation is private, and its proceedings are confidential, it works best. Confidentiality helps the mediator to develop a productive relationship and to build trust with the parties and vice versa. When there are confidentiality parties will cooperate more and grant information. It builds a comfort zone where the parties can share their requirements and needs without retaliation or anxiety.

The mediator's work may be described generally as follows:

1. Screen case
2. Explain the process to the parties
3. Assist parties with information exchange and bargaining
4. Assist parties in defining and drafting the agreement.[58]

1. Screening

The mediator should conduct two necessary examinations earlier any mediation begins

a. Is this a matter, which is accurately the subject of mediation?

b. Are these parties prepared for this series of actions?

[58] I*bid,* P.60

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2. **Explain the process to the parties**

In the presence of both sides at the joint session, it is helpful for the mediator to clarify the series of actions even though one or both of the parties may already understand how mediation works.[59]

3. **Mediator Assists Parties with Information Exchange and Bargaining tasks:**

a. Collection of relevant information
b. Framing the problems
c. Isolating points of agreement and disagreement
d. creating options
e. Encouraging compromise to bring closure.[60]

4. Mediator help the parties in formulating the settlement

Mediation agreements can be either written or oral and vary considerably based on the circumstances. The problem is that, a point of agreement during the talks of the parties can be lost when it comes to write.

The mediator may also consider whether the parties wish to add a clause to return to mediation if the agreement is violated.[61]

Role of the Mediator

[59] I*bid*, P.62
[60] I*bid*, P.65
[61] I*bid*, P.66

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The mediator is the dominant person, during all these phases, he is the man in charge, interprets concerns, relays issues between the parties and refocuses the problems. How these mechanisms are carried out depends entirely on the mediator's approach and the level of hostility between the parties.[62]

Mediator Skills

There is no magic formula for successful mediation. But there are some basic qualifications that every mediator should have

1. Listening: The mediator who listens attentively will hear both sides concerns and recognize the emotions attached to them. Listening skills are crucial. To obtain facts, clues, information and model behavior, mediators listen to the contested parties. Usually, it is hard for lawyers to practice the art of listening. While their clients are talking or telling the story, they may interrupt them by asking questions over and over. He has to focus on understanding what was said and relaying this understanding back to the parties. The mediator uses active listening strategies such as framing or paraphrasing on what he has heard and found out about the parties to guarantee that he understands them and vice versa.[63]
2. Questioning: Clues and information are also gained by questioning and interrogating, a process that should always reaffirm the mediator's neutrality and impartiality. Clarification and explanation given by the parties confirm what has been said and removes false and misleading information.[64]
3. Observation: The mediator can gain information by examining what the parties are doing and how they are acting towards and in each other’s attendance as well as in their private sessions. A good mediator also knows to read between the lines, like focusing on their body language and eye contacts.[65]

Watching a mediator at work is watching him speak. What, where, to whom, and when he says something, are the essential tactical elements that shape strategies.

[62] I*bid*, P.68
[63] I*bid*, P.70
[64] I*bid*, P.73
[65] I*bid*, P.75

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Mediators enter a case with a strategy in mind which is linked to their role definition. The state mediators, intent on making a deal, seek to accomplish this by using a building plan of action.

They try to identify preference issues around which an acceptable package or deal can be formed using the intervention meeting agreement.

Dealmakers then use their persuasive and pressing powers to persuade the committees to make concessions on these priority issues. Persuasive and influential powers are reserved until the parties themselves are unable to make further moves.[66]

Mediators spend the majority of their time in meetings. The substantive concern in dispute is introduced, discussed, and perhaps resolved throughout the table, separately with the parties, and off the record with chief negotiators. The mediator influences the parties ' participation in the management of these meeting forums, regulates the information flow, and thus projects his preferred view of the proceedings.

Opening meetings, mediators are urged to introduce themselves, learn about the issues separating the parties, and lay down ground rules for subsequent sessions. It is also recommended that joint meetings conclude the mediation to give the parties' time before the final ratification to review the agreed provisions. During mid-stage mediation, separate meetings with the parties reasonably enable the mediator to acquire information more precisely about the parties ' preferences and allow him to "try on" alternative dispute solutions.[67]

Types of mediation

In mediation, the parties take on a significantly more active role in the development of dispute resolution. In court, the parties are responsible for all communications towards a judge or jury who then decide how to solve the case at hand.

While all types of mediation share this fundamental contradiction from adversarial court litigation, three particular types of mediation have emerged: (1) Facilitative Mediation; (2) Evaluative Mediation; and (3) Transformative Mediation.

[66] Deborah M. Kolb, The mediators(1985), P.46
[67] I*bid*, P.46

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Each of these types of mediation varies according to main measures, including the requirements of the parties, the role of the mediator, and the central mediation ultimate purpose.

1- Facilitative Mediation:

The interpersonal disputes occur at a fundamental level when two or more people have different understandings of a factual sequence of events that have emerged in the past. Some conflicts may have included a single event, while others may have taken many years to unravel. These past scenarios become ambiguous for one or more sides when analyzed in a manner that violates thought - driven conceptions of how the other party or parties "should" have behaved themselves during the past event or sequence of developments.

These theories of what "should" have happened previously in many situations violate deeply held notions that have become an essential part of the presumed "self." To the extent this is the case, a party will have a compelling interest in protecting that self-image and will react defensively and often aggressively, when other parties to the dispute, attempt to justify their past actions, or merely analyze them. These complexities of self - protection in emotional and defensive attitudes may require a neutral and impartial intermediary who can effectively disseminate this tension to the point where a direct and productive exchange is likely between the parties. The mediator assumes a facilitative role in promoting productive interaction between the parties in this case. This role is at the heart of facilitative mediation.

2- Evaluative Mediation

In the second classification of mediation, the obstacles in a negotiated settlement have less to do with relationship dynamics between the parties and more to do with a lack of transparency in likely future outcomes of each party's relative positions. In evaluative mediation, the mediator's role is based on his or her professional expertise in providing parties with a clearer understanding of their respective positions ' legal merits.

Evaluative mediation is more commonly invoked in situations involving complex factual scenarios, in these cases, the parties lack any real mutual understanding of what

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justifications are probably to be successful or unsuccessful under ongoing case law and/or legal doctrine. The sides wish to achieve a level of accuracy with clarity offered by the evaluative mediator that will position them to negotiate a resolution to their dispute that sidesteps more expensive and contentious confrontational litigation.

3- Transformative Mediation

Transformative Mediation is accessible to parties interested in taking over and using the transformative capability inherent in confrontation as a springboard for individual and/or spiritual growth. In addition to addressing the practical and legal elements of their inherent dispute, the parties discuss these higher ideals in transformative mediation.

As previously mentioned, accurate scenarios tend to meet the definition of "conflict" when explained in a sort of way that infringes one's conditioned understandings of "right or wrong," or "good or bad," and other dualistic notions that can add to one's core sense of self, generally referred to as "ego." The transformative potential inherent in conflict begins with an understanding that these dualistic conceptions outcome from learned conditioning that in most cases long precedes that outstanding fact-based type of situation that leads to the present dispute between the parties.

The conflict thus presents a unique incentive for parties to contest and transcend many core values that one might come to see as having highly restricted past experiences as well as adversely affected past interpersonal relationships. The transformative mediator will work to develop an atmosphere of mediation in which all parties can feel secure and safe enough to articulate and discover on a deeper level the background and responses to conflict in doing so, parties may sometimes come to believe that the way and/or degree to which they have responded to other parties is the outcome of typical reactions obtained in response to scenarios that took place much earlier in life with little or no temporary connection to the ongoing issue.

A professional transformative mediator works with parties to develop their knowledge, understanding, and awareness of the conditioning learned and habitual reactions. In doing so, parties walk away with the heightened realization that long-held learned

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conditioning does not need to dictate their latest choices and future actions. Thereby Parties leave mediation with significantly raised self - understanding, as well as an accomplished sense of freedom resulting from the loosened grip of long-held, entrenched views.[68]

In our case, mediation seems the most convenient way, of course, it can't be assured, but it is the most realistic. Its failure is linked to the attempting deception of the parties. To reach a solution that satisfies both sides and ends the dispute between them, both the Lebanese and Israelis must take part in the talks in good faith. Not respecting the decisions will inevitably lead to the failure of mediation, the importance of the mediator lies to play the role of guarantor for the excellent implementation of decisions.

[68] Basic Types of Mediation | Facilitative, Evaluative, Transformative, MICHAEL LUBOFSKY(2018), https://lubofsky.com/types-of-mediation/

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Chapter 4
Lebanese Israeli Conflict

Lebanon and Israel are two neighboring countries, but they are enemies for several historical reasons, and recently the oil and gas issue in the Mediterranean Sea, the delimitation of the maritime boundary and the conflict around Block 8 and 9.

Of course, July War is the most significant proof of the failure of this method of settling disputes; peaceful means are more appropriate.

Amicable or peaceful methods are numerous, including recourse to international tribunals, which are either ordinary international courts (whichever court that might have jurisdiction over this case) or international arbitration. The difference among them is that the ordinary courts take longer and are inherently costly, while international arbitration is quicker and less expensive. However, the problem with resorting to courts (regular or arbitral) is that there will be a judgment. A party will lose, and the other will win. This method could create a new challenge between two states that were already enemies in the non-application of the judicial award. So, they will face a dilemma of enforcement of the arbitral award.

The second method is the negotiations. However, given the specificity of the situation in the Arab-Israeli conflict, the Arab countries do not recognize the state of Israel, according to them it is occupied Palestine, and there is no State named Israel. Sitting on a negotiation table itself might be considered a recognition of the State of Israel which is impossible. Negotiation is a diplomatic procedure far away from war or legal proceedings. It costs less than the arbitration and may even be faster if both parties coordinate and work hard to reach a solution that satisfies everyone. Yet, the controversy over the recognition of State of Israel will be ceaselessly presented on the negotiating table, due to historical oppositions, and everlasting combat over the oil and gas sector in terms of material revenues. The likelihood of the failure of negotiations is much more than its success as both sides have been enemies for decades.

The third method is Mediation. Appointing a third party, a mediator, to supervise the talks is another option. United Nations can play this role, through its different organs,

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especially that this kind of functions will not be an unfamiliar task in conflicts between States in general and in the Lebanese Israeli conflict in particular. It played a crucial role in the demarcation of the land boundary. United Nations Security Council by its resolution 425 and 426 in 1978 and following the invasion of the Israeli forces into Lebanon, has established "the United Nations Interim Force in Lebanon" (UNIFIL). The mandate of UNIFIL was to confirm the withdrawal of Israeli forces from southern Lebanon, restore the international peace and security, and to assist the Lebanese Government in ensuring the return of its authority in the area. In June 2000 The UN recognized the "Line of Withdrawal," or so-called "Blue Line" for the sole purpose of confirming the full withdrawal of the Israel Defense Forces (IDF) from Lebanese territory. This Line does not in any way represent an international border and does not predispose the future border arrangements between Lebanon and Israel. It is 120 km long and described as the best approximation of the 1923 Boundary line and the 1949 Armistice Demarcation Line. However, both sides have some reservation, but they have committed to respecting the line in its entirely, and they also accepted UNIFIL as the sole guardian of the Blue Line and the final arbitrator on violations of it[69].

Wasting time is not in favor of Lebanon and Israel. The parties must find a solution to this problem and begin oil drilling operations to benefit from the material revenues of this sector.

Historical enmity and problems are numerous. Some of them are linked to the Arab-Israeli conflict and the central Palestinian issue, others are associated exclusively to Lebanon, such as the Shebaa Farms and Kafr Shuba Hills conflict, the problem of Israel with Lebanon and Hezbollah, the party that arose in 1982 after the Israeli invasion into Lebanon, which entered into Lebanese politics after 1992, it is the party with an organized military presence in southern Lebanon on the border with Israel which poses a direct threat to Israel's existence.

All these problems and differences can be overlooked to achieve the best interests — the financial benefits of the oil and gas sector revenues.

[69]UNIFIL Mandate, UNIFIL(2016), https://unifil.unmissions.org/unifil-mandate.

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Chapter 5
Conclusion

Lebanon and Israel have not known peace for years. A bloody history full of wars and battles.

Lebanon, as an Arabic country is naturally lined up alongside the Arab brethren in the conflict against Israel. The regional circumstances in the Middle East forced the Palestinian liberation organizations to transfer their military presence to Lebanon and restarted its military activities against Israel by firing rockets from the Lebanese territory, which had led Israel to launch aggression against Lebanon to crush the organization. The Israeli invasion in 1982, was the main reason for the creation of many Islamic resistance movements, one of the most important was Hizbullah, with its growing strength during the years, the decision of war and peace became in its own hands, up until the last armed conflict when they initiated an operation to capture Israeli soldier at the border to start the prisoners exchange process. There are many reasons for the Lebanese Israeli conflict since forever, lastly the dispute concerning the delimitation of the maritime boundary after the discovery of oil and gas fields in the Mediterranean Sea.

Many scenarios and methods could be applicable to solve these issues. The July war excluded the use of force as a method to reach a solution, invading Lebanon or firing Israel with rockets will not lead to a result; on the contrary, it will raise new ones. The Israeli aggression against Lebanon in 2006 did not achieve its objectives (the liberation of soldiers). However, the solution was the indirect negotiations under international auspices, which resulted in the exchange of prisoners.

The problem of oil exploration must be solved as soon as possible. Recourse to international tribunals has advantages and drawbacks; being a substitute for war is the most

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crucial advantage. While Arbitration is better than ordinary courts, it is quick and less costly, but the problem is in the execution of the decision that will be in the interest of a party at the expense of the other, and an expected dilemma of enforcement will rise.

Negotiation is a better solution than legal and judicial procedures, faster and less costly than them, and there will be neither a winner nor a loser, it will depend on the goodwill of the parties. But the problem is that there the lack of trust between the parties to respect the decisions, so the likelihood of its failure is more significant than its success.

The best method to solve this issue is mediation. Nevertheless, it is not 100% guaranteed, definitely there will be a low percentage risk of failure, the presence of a third-party, a neutral independent and impartial physical or legal personality, to lead the discussions, to supervise sides behavior, and the proper. application of the decisions and the agreements, makes the probability of its success higher way more than its failure.

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