



Strategic Security Analysis

Recipe for Success: Israeli and Lebanese Analytical Perspectives on the Maritime Delimitation Negotiations

Eastern Mediterranean Initiative



The Geneva Centre for Security Policy

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About the authors

The paper draws on analyses made by experts from Israel and Lebanon in the context of the Eastern Mediterranean Initiative (EMI), a dialogue platform that brings together non-governmental experts from around the Eastern Mediterranean region.

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Key points

- The Israel-Lebanon maritime boundary agreement is not a direct agreement between the two countries, but rather two separate agreements with the United States.
- It is unique: the first such agreement reached between countries with no diplomatic relations, the first between adjacent states in the Eastern Mediterranean, and the first in the region to be resolved through indirect negotiations facilitated by a mediator.
- A confluence of domestic and geopolitical events contributed to the signing of the agreement, including elections in Israel, the deterioration of Lebanon's economy and the country's descent into political crisis, and the consequences of Russia's invasion of Ukraine for the global energy market.
- Effective mediation between parties was more important than the degree of trust the parties had in the mediator or the mediator's relative neutrality on the issue. The United States was not an unbiased mediator, but because of its own incentives to deliver an agreement and its leverage over both parties it was the only possible one.
- International oil and gas companies influenced the negotiations, but did not directly participate in them. Due to their vested interest in securing their existing or prospective investments, they used public communications and discrete engagements with the Israeli and Lebanese governments to encourage a deal.
- This agreement could serve as a model for other maritime disputes by demonstrating at least two things. Firstly, solutions can be achieved when parties delink their maritime negotiations from the core issues in their bilateral relationship. Secondly, if two sides are committed to reaching an agreement, the international law of the sea is sufficiently flexible for them to find a solution, even when one party is a signatory of the UN Convention on the Law of the Sea and the other is not.

It is the first maritime boundary agreement reached between countries that have no diplomatic relations – a situation that continues, despite the agreement.

Introduction

On 11 October 2022 Israel and Lebanon reached a historic agreement to delimit the two countries' territorial seas and exclusive economic zones (EEZs)¹ in the Eastern Mediterranean region.

The agreement is consequential for several reasons. Firstly, it is the first maritime boundary agreement reached between countries that have no diplomatic relations – a situation that continues, despite the agreement. Secondly, it is also the first maritime delimitation agreed between adjacent states in the Eastern Mediterranean; previous delimitation agreements in the region involved opposite states.² Lastly, it is the first maritime boundary dispute in the region to be resolved through indirect negotiations facilitated by a mediator. The maritime boundary deal is not a direct agreement between Israel and Lebanon, but rather two separate agreements with the United States³.

This Strategic Security Analysis, which surveys the context, process, and implications of the maritime boundary deal, draws on analyses made by experts from Israel and Lebanon in the context of the Eastern Mediterranean Initiative, an inclusive dialogue platform consisting of experts from around the region supported by the Geneva Centre for Security Policy.

Background to and genesis of the negotiation process

Since the late 1990s many efforts have been made to define the maritime boundaries of the Eastern Mediterranean in order to explore for and exploit the region's offshore resources. In 1999 and 2004 the Israel Planning Administration outlined legal policies and plans for offshore exploration for gas and oil. Small-scale production began in 2004, but explorations in 2009 and 2010 by Noble Energy and the Delek Group revealed two major gas fields – named Tamar and Leviathan – that transformed Israel's energy outlook from energy importer to potential energy exporter. This development impacted Israel's domestic and regional energy policies. It also incentivised Israel to delineate its maritime boundaries so as to maximise future offshore exploration. In 2010 Israel and Cyprus reached an EEZ agreement on their common maritime boundary, and in 2011 Israel submitted its proposed northern maritime boundary to the United Nations (UN), which was commonly known as "Line 1" (see Map 1). It also secured export agreements with Egypt and Jordan. These processes benefitted Israel diplomatically, enabling it to be among the deciding voices in the Eastern Mediterranean's new regional architecture.

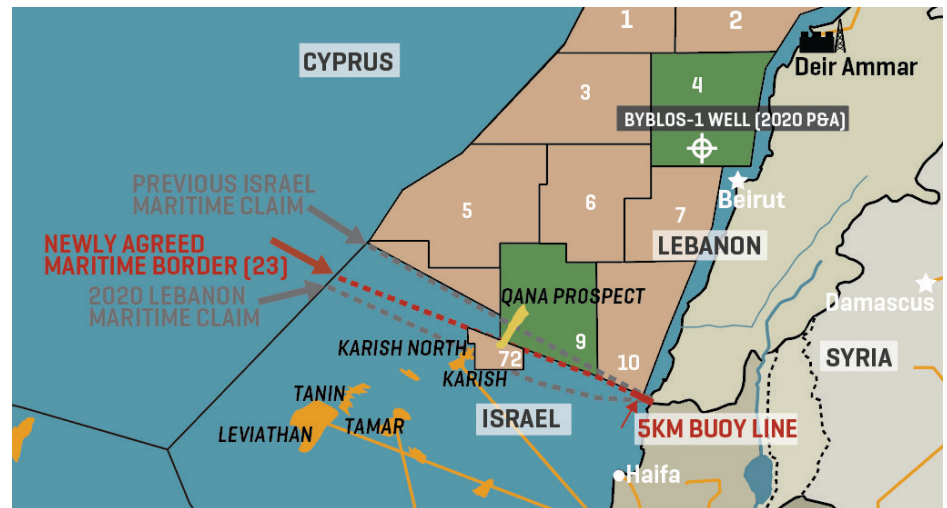
Lebanon also endeavoured to become a gas-producing country. Pushed by neighbouring Cyprus, which wanted to delimit its EEZ in order to attract international oil and gas companies to explore in its waters, Beirut and Nicosia reached a maritime boundary agreement in 2007, but the Lebanese parliament never ratified the agreement. When Israel and Cyprus reached a maritime boundary agreement using the coordinates from the Lebanon-Cyprus EEZ agreement, using Point 1⁴ as the starting point to demarcate their boundary, Lebanon, which was not a party to the Cyprus-Israel negotiations, was in the process of revising its methodology for maritime delimitation and objected to the conclusions – and most importantly the boundary lines – contained in the Cyprus-Israel agreement. Lebanon identified its maritime border as lying south

of Line 1, which was to become known as “Line 23” (see Map 1), and the Lebanese government sent the coordinates to the UN in 2011. The result of these events produced 860 square kilometres of disputed maritime territory between Israel and Lebanon.

Map 1: The Israel-Lebanon maritime boundary

ISRAEL & LEBANON AGREE NEW MARITIME BORDER

■ GAS FIELD/PIPELINE ■ BLOCKS ON OFFER ■ TOTAL/ENI



Source: Middle East Economic Survey (MEES)⁵

Several factors, including Lebanon’s economic collapse, the coronavirus pandemic, and concerns over how Israel would respond to such unilateral action, delayed developments in Block 9.

Frustrated that this dispute might prevent future exploration, Lebanese officials turned to the United States in 2012 in the hope that Washington would be able to broker an agreement. However, this process – led by Frederic Hof – failed to produce an accord. For its part, Israel refrained from issuing tenders in the disputed area out of the belief that the parties would inevitably return to the negotiating table and a desire to reduce potential tensions. Lebanon decided to proceed unilaterally, continuing with identifying its offshore blocks, which were divided into ten parts; resuming its preparation of the legal and technical documents necessary to launch the first round of bidding; and establishing the Lebanese Petroleum Administration as the regulator of the sector. Israel filed official complaints to the UN about these activities.

During the ensuing decade no offshore discoveries were made in Lebanon’s waters. Beirut launched its first bid in 2013, but due to multiple political deadlocks it was unable to finalise the bid until 2018. Only one consortium of three companies (Total, Eni and Novatek) applied, and won two blocks. In April 2020 Total undertook its first exploratory drilling in Block 4, located north of Beirut, but the well was dry⁶. Total also planned to drill in Block 9, of which a small percentage of the space overlaps the disputed zone with Israel. But several factors, including Lebanon’s economic collapse, the coronavirus pandemic, and concerns over how Israel would respond to such unilateral action, delayed developments in Block 9. The second licensing round was postponed four times. Although Lebanese officials were eager for the country to discover offshore resources, its energy sector lagged behind those of its Eastern Mediterranean neighbours, and continues to do so.

With parliamentary elections being held in Israel and indirect presidential elections in Lebanon, the conditions seemed crucial for the parties to make the necessary concessions to achieve an accord.

Why the deal was made

The Israeli context

Several internal and external factors encouraged Israel to resume the maritime boundary negotiations with Lebanon. Firstly, Israel's national security establishment quietly pushed for a deal. Since October 2019, when economic protests first swept across Lebanon, Israeli officials openly expressed concern that the worsening situation in the neighbouring country could negatively impact Israel's core security interests. This concern only increased following the August 2020 Beirut port explosion⁷, and remained a central position among those who advocated for a maritime boundary deal with Lebanon. These fears were realised in July 2022, when Hezbollah sent multiple drones towards the Karish field⁸, located near the disputed maritime zone. Although most Israelis assumed that a conflict with Hezbollah was a matter of when it would occur, not if, the prospect of a violent conflict affirmed the position of the camp advocating for an agreement and increased this camp's visibility among the Israeli public and policymakers.

Secondly, Israeli officials were influenced by changes in the global energy market. The global shift away from fossil fuels accelerated the timetable for extracting natural gas, incentivising Lebanon to strike a deal. At the same time, Europe's need to wean itself off Russian fossil fuels in the wake of the Ukrainian conflict presented a new incentive to compromise for the sake of meeting Europe's short-term and medium-term energy needs. US officials similarly identified Eastern Mediterranean hydrocarbons as one of several sources that could resolve Europe's energy crisis.

Lastly, domestic and commercial incentives were also factors. With parliamentary elections being held in Israel⁹ and indirect presidential elections in Lebanon¹⁰, the conditions seemed crucial for the parties to make the necessary concessions to achieve an accord.

The Lebanese context

Various internal and external factors helped to reanimate Lebanon's maritime boundary negotiations with Israel.

Two internal factors propelled Lebanon to enter negotiations: the country's political and economic situation. Lebanon's political class was in disarray, losing its previous control over the country. On several occasions between 2019 and 2022 hundreds of thousands of Lebanese citizens took to the streets demanding reforms, social justice, improvements to their economic well-being and a change in the political system. US sanctions were clamping down on high-ranking officials. The Beirut port blast damaged or destroyed thousands of buildings across a broad swath of the capital, leaving more than 200 people dead, over 7,000 injured and an estimated 300,000 homeless, and causing approximately US\$15 billion in property damage^{11 12}. Lebanon's political class needed to act, and the maritime boundary dispute was one area where the United States would be ready to listen. More than anything else, however, pushing the negotiations forward was an act of survival.

Over the course of the negotiation process the priorities of Lebanon's political class shifted from political to economic interests. With the continued collapse of the economy and pressure from the international community to enact reforms that would go against the interests of the political class, a maritime boundary agreement would potentially reopen the doors to natural gas development. If Lebanon's political class

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managed to secure a commitment from Total and the United States that exploration activities would start in Block 9 immediately following the signing of an agreement, it could start a chain reaction that would support Lebanon's position vis-à-vis the International Monetary Fund, to which the country had to apply for loans to support its failing economy¹³. If Total made a discovery worthy of exploitation, this would potentially deliver stability, fresh flows of foreign currency, and the start of Lebanon's economic recovery – all with limited pain for the country's political class.

US, French and Israeli enthusiasm to strike an agreement reinforced the internal factors at work in Lebanon.

The negotiation process

The only way for both parties to resolve the dispute over the maritime boundary was through mediation.

Israel naturally preferred direct negotiations, which in its view could clarify disagreements and effectively bridge differences of opinion. In addition, direct negotiations could help to build trust between the negotiating parties as they advanced towards an agreement. But because Lebanon did not recognise the State of Israel, direct negotiations were never a realistic option.

Although Lebanon preferred the involvement of the UN, Beirut realised quite quickly that the international organisation lacked the influence necessary to bring Israel to the negotiating table. Israel ruled out UN-led negotiations because it saw the international body as a biased entity that lacked sufficient influence to see complicated negotiation processes through. Both parties eventually agreed that negotiations needed to be mediated by an actor other than the UN, but that the international organisation – and more importantly, the international law of the sea as reflected in the UN Convention on the Law of the Sea (UNCLOS) to which Lebanon is a signatory, but Israel is not – provided a framework through which an agreement could be approved. The UN also provided space at Naqoura for indirect talks to take place¹⁴.

The United States was the only potential mediator that was seriously considered. Israel had an understandable trust in the United States, while Lebanon saw it as the only actor capable of pressuring Israel. From the Lebanese perspective, therefore, the United States had the potential to be an effective and acceptable mediator, even if it favoured Israel.

US mediation efforts should be divided into two main periods: one designed to renew the negotiation process between the two sides, and the other that focused on the substance of the negotiations to achieve an agreement. The US officials tasked with managing this file affected each of these periods.

Two US mediators – Frederic Hof and Amos Hochstein – stood out more than the others. Hof's mediation efforts between 2010 and 2012 had a profound impact on the negotiation process by setting the bar for subsequent negotiations. While his efforts did not produce an agreement, all future negotiations were centred on the legitimacy of the process he administered and the so-called "Hof Line", which allocated 55% of the 860 square kilometres disputed zone to Lebanon and the remaining 45% to Israel¹⁵.

Hochstein twice led the negotiations. His first effort, during the Obama administration, failed to bring the sides together, but familiarised him with the Lebanese political class and helped him to understand Lebanon's need to address its domestic energy issues. But his second attempt,

International oil and gas companies actively influenced the process from outside the negotiating table.

under the Biden administration, proved more fruitful, successfully steering the domestic politics of both sides while also managing the negotiation process.

The role of international oil and gas companies

Negotiations between Israel and Lebanon did not happen in a vacuum. International oil and gas companies, chiefly Energean and Total, actively influenced the process from outside the negotiating table. Energean, which was developing the Karish field, encouraged a settlement that would ensure the security of its investments. The company was under significant pressure when negotiations were relaunched under Hochstein, and the Lebanese team presented a maximalist approach that claimed territory beyond the disputed area and put the Karish field into a “grey zone”. Later the Lebanese team changed tactics from claiming the Karish field to presenting a “Karish field for Qana field” ultimatum.

Energean stayed quiet during the first phase of the negotiations, publishing press releases on its plans to construct a floating production, storage, and offloading (FPSO) facility and announcements that the inaugural extraction was going according to schedule. Even when the situation escalated in June and July 2022 with the arrival of the FPSO unit at the site, Energean consistently distanced itself from the negotiations. As Hezbollah’s threats intensified, however, Energean changed its tactics, delivering regular communications on its progress at the Karish field, while reiterating that the technical tests were not real production in order to assuage Lebanese concerns. Just days before the deal was announced, Energean released a statement regarding a new offshore discovery just south of the Karish field¹⁶, indirectly reminding the Israeli government of the economic opportunities at stake.

In contrast, Total made it clear to the Lebanese officials that it was not prepared to begin offshore explorations prior to the completion of negotiations, a position that placed tremendous pressure on the Lebanese negotiating team to find a solution. Later, Lebanon wanted guarantees that Total would start exploration once the deal was concluded. It needed Total’s approval of some terms related to the exploration of the prospect – mainly vis-à-vis the company’s responsibility to financially compensate Israel if a percentage of the Qana field or any future discoveries crossed into the Israeli EEZ. Total did not act alone, however, and was encouraged by the French government.

In summary, without Energean’s and Total’s external involvement in the process, it is possible that a deal would not have been reached.

The mediator’s interests

US mediation was a core component of the negotiation process and the United States was the only mediator that was seriously considered by both Israel and Lebanon. This is not to say that the United States did not have its own set of interests and incentives to reach a deal. Without these interests, it is unlikely that the US officials who acted as mediators would have been directed to engage the parties over the course of an entire decade and three different US administrations.

US interests in resolving the Israel-Lebanon dispute over the past decade included a desire to (1) reduce tensions between Israel and its neighbours; (2) defuse a potential security threat posed by Hezbollah; (3) contribute to increased regional stability and cooperation in the Eastern Mediterranean; (4) support Israel’s interests in exporting its natural gas; (5) undermine Iran’s influence in Lebanon; and (6) strengthen US allies during the war in Ukraine and find new energy sources for Europe¹⁷.

Substance of the talks

Israeli perspective

As far as Israel is concerned, national security interests always take precedence. This principle also applies to the maritime boundary dispute with Lebanon, a country with which Israel has a long history of distrust and conflict. From an Israeli perspective, Lebanon is a failed state where Hezbollah dictates the country's domestic politics, and conflict between Israel and Hezbollah is inevitable. Because of this perspective, many Israelis saw the chance to defuse tensions and avoid a possible escalation as serving their country's national security interests. The unique circumstances in which the negotiations took place – while Lebanon was facing unprecedented economic and political crises – were seen in Israel as a potential opportunity to help stabilise Lebanon. Israel's economic interests were important, specifically with regard to securing the country's share in future gas discoveries, but were secondary to its national security interests.

Israel viewed the possible agreement as an important achievement: establishing a mutually agreed-upon maritime boundary could stabilise the fraught relationship between the two countries. The possibility of normalising relations with an enemy country such as Lebanon did hover in the background, but it did not occupy a central place in Israeli thinking and calculations towards reaching an agreement. Instead, Israel saw an agreement as a way of committing Lebanon to the Eastern Mediterranean's rapidly developing regional energy landscape and, in the event that gas was found, contributing to the region's relative commercial and geopolitical value.

Lebanese perspective

The Lebanese negotiating team entered the negotiations with differences in opinions and positions among the political class that were soon publicly revealed. The team insisted that Line 23 was arbitrary and lacked any methodological foundation. They demanded that Line 29 should be the maritime boundary between the Israeli and Lebanese EEZs (see Map 1), which relied on the methodology developed through the case law of international courts and tribunals. This methodology uses a three-stage approach of (1) drawing an equidistant line;¹⁸ (2) looking for special circumstances to justify any changes to this initial line; and (3) checking for any disproportionate effects in the line that is finally drawn.¹⁹ Based on this methodology, Lebanon had the right to claim an additional area of 1,430 square kilometres beyond the contested 860 square kilometres. The Lebanese team argued that the starting point for the maritime boundary should be Ras El Naqoura, and that the Tekhelet Rock near the Israeli shoreline should not be taken into consideration because of its disproportionate effect. Israel and the United States rejected both points.

Not everyone in Lebanon agreed with the negotiation team's strategy, and the negotiations shifted from the Lebanese and Israeli representatives to an internal negotiation among the Lebanese themselves. This domestic dispute – between various camps in the Lebanese political class – continued from December 2020 to February 2022. Over this period the Line 29 position lost support and was eventually shelved.

The negotiations moved from a legally based approach to a more pragmatic economic one. The political class focused on saving the Qana prospect after President Aoun rejected Lebanon's maximalist position. The discussion inside Lebanon shifted to oil and gas and the

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need to find creative solutions to finalise a maritime deal that would allow Lebanon to exploit its potential gas resources. It was no longer about rights, methodologies, mismanagement and political deals. The Lebanese officials in charge of the negotiations pivoted from focusing on international law and maritime delimitations to emphasising the economic gains of a potential agreement. It no longer mattered what UNCLOS said: what mattered for the Lebanese officials was a deal that would allow the country to start exploration in its EEZ.

Basically, the negotiations were one way to advance Lebanon's hydrocarbon agenda. In light of the crises facing the country, this soon became a necessity, and the Lebanese officials were therefore more open to creative solutions, which meant more actors, mainly the international oil companies with interests in the region, had to be involved in the negotiations. Having a mediator like Hochstein, who had the confidence of the White House and had previously worked in the energy industry, was of added benefit to the process.

Key lessons learned from the process

Timing/window of opportunity

Factors such as elections in Israel and the war in Ukraine created a confluence of events that supported the efforts of Israeli and Lebanese officials to reach an agreement. The last phase of negotiations was launched when the Lebanese economy was at its lowest ebb and the Lebanese political class was desperate for a lifeline. Lebanon's dire situation presented an opportunity that was seized on by the United States and Israel, and also by the decision-makers in Lebanon, as a way out of a severe crisis. The crisis involving the drones that Hezbollah launched towards the Karish gas field in July 2022 was also an incentive (or an excuse) for Israel to agree to concessions. Thus, an internal or external crisis can be conducive to reaching a final settlement and to encouraging concessions. Both sides saw avoiding an escalation of these crises as an incentive that served their interests.

Public opinion

In the Lebanese case, public opinion was part of the negotiation process. The media extensively covered every technical round; experts and non-experts alike had a say in the negotiation tactics and approach. The issue therefore became a matter of public discussion and scrutiny.

By contrast, public opinion played a minimal role in Israel. More attention was drawn towards the process during the incident of the Hezbollah drone attack, because it was seen as a national security issue. Interest also picked up as negotiations reached their conclusion during an Israeli election cycle where opposing political parties tried to utilise the event to serve their agendas. Only once the agreement was signed did the Israeli government present its full case to the public.

Role of the mediator

It would have been impossible for Israel and Lebanon to hold direct negotiations. Other legal options, such as international arbitration, were also not realistic. As explained above, both parties saw indirect negotiations through a mediator as the only possible path forward. The choice of the mediator was also a crucial factor in the negotiation process. Even though the Lebanese complained of US bias towards Israel, they called on the United States to be the mediator because they knew that Washington possessed leverage over both sides and could deliver an accord.

Natural resource discoveries in disputed zones can lead to solutions and not necessarily to escalation or war.

The effectiveness of the mediation between the parties can arguably be more important than the relative degree of trust they have in the mediator or his/her persona. During the process different US mediators took the lead, so ultimately a resolution of the dispute may have had less to do with “who” was conducting the negotiations than with the timing and intensity of the negotiations, and the maturity of the parties in terms of their willingness to accept a mediated process and reach a resolution over the existing alternatives. The lesson is that one does not have to find the perfect unbiased, neutral and objective mediator for a negotiation process to be successful. Often it is the mediator with both incentives and interests who can be the most effective.

Beyond delimitation

Each party entered into the negotiations with different incentives, but with the same objective: to resolve the dispute. Lebanon wanted economic gains and a political success; Israel wanted stability and security on its northern border; and the United States wanted a diplomatic achievement that would support its wider strategic goals. All the incentives were met in this agreement. To fulfil their respective needs the sides did not have to fully agree about the precise technicalities of the boundary delimitation process. Instead, they found a creative formula that both focused on resource swapping and incorporated the interests of international oil companies (IOCs). Especially if one or both sides have a problem in even recognising the legitimacy of the opposite party, the use of intermediaries such as IOCs can be useful in negotiations of this kind.

Negotiating resources

Halfway through the negotiations the discussions moved from the technicalities of maritime boundary delimitation to resource swapping. The focus for Lebanon was its ability to exploit its resources beyond the lines and boundaries that were discussed. However, this approach presented risks because the existence of the resources had not been confirmed (Karish is a proven field and is about to start production; gas has yet to be discovered in the Qana field). There is a debate among energy experts as to how much retrievable offshore natural gas can potentially be found in Lebanon’s waters. But the assumption that there is sufficient gas to make further exploration worth pursuing – and that a resolution of the maritime dispute is the only way to encourage IOCs to explore for and develop these assets – contributed to the completion of negotiations. Unproven reserves were seen as an opportunity and created the perception that an agreement would create a win-win situation. However, expectations must be managed in the future to avoid misunderstandings and further crises.

An important lesson can be drawn from this experience: that natural resource discoveries in disputed zones can lead to solutions and not necessarily to escalation or war. At the same time, creative formulas also have their weaknesses, because they are less straightforward and have more loopholes. In this case, the role of the third player – a mediator or other trusted interlocutor – is crucial.

Israel's and Lebanon's achievement resided in delinking the core issues in their bilateral relationship from the potential solutions to the particular maritime boundary dispute.

Regional implications

Can these conditions be replicated elsewhere in the Eastern Mediterranean? Early signs suggest that the Israel-Lebanon agreement has encouraged some regional actors to thaw their own frozen negotiations. Lebanon and Syria reportedly attempted (but failed) to restart negotiations on their maritime boundary dispute²⁰. Turkey hailed the agreement, suggesting that it could serve as an example for the maritime disputes surrounding the island of Cyprus²¹. Egypt, Israel and the Palestinian Authority are also trying to advance talks on developing the long-ignored Gaza Marine field²², while Israel and Cyprus have promised to resolve their outstanding issues over the Aphrodite-Yishai field²³.

Israel's and Lebanon's achievement resided in delinking the core issues in their bilateral relationship from the potential solutions to the particular maritime boundary dispute. In doing so the parties found a creative formula that did not address their core issues or advance the sides towards the wider normalisation of their relationship, but was enough to resolve their differences on one issue. This served the complementary interests of both sides, chiefly to advance their respective energy interests.

Another point that is instructive to other regional actors is the role of the international law of the sea. Israel and Lebanon reached an agreement once the focus was on finding solutions rather than using the international law of the sea as a way of legitimising one side's claim against the other's. Provided that the two sides are interested in reaching an agreement, the international law of the sea is flexible enough for any two parties – even those who do not officially recognise each other, like Israel and Lebanon – to find a creative solution that is mutually agreeable, including when one party is a signatory of UNCLOS and the other is not.

The Israel-Lebanon maritime boundary agreement suggests that the right balance of timing, compatible interests and an appropriately invested mediator can yield a breakthrough. Resolving maritime disputes is not only about extracting resources, but also about removing sources of conflict and gradually developing trust between aggrieved parties. Even if the hydrocarbon age is slowly coming to an end, there are multiple reasons why the United States, the European Union, and Eastern Mediterranean states should pursue similar types of maritime agreements in the future.

Conclusion

The Israel-Lebanon agreement is a unique – but potentially replicable – example of how a committed, mediated process between two parties found a creative solution that addressed a common issue without resolving the entirety of their bilateral disputes. The insights gained by examining both the process of mediated negotiations between 2010 and 2022 and the terms of the agreement itself should provide a roadmap for future maritime delimitation negotiations in both the region and elsewhere. Identifying the right balance of timing, compatible interests, and invested mediator proved to make the difference for Israel and Lebanon – but most of all the key factor was the two countries' readiness to delink their historical grievances from what was ultimately a commercially driven set of interests that served both parties – and potentially averted future escalation and regional conflict.

Endnotes

- 1 The international law of the sea divides the sea into several maritime jurisdictional zones – among which the territorial sea and the exclusive economic zone (EEZ) – in which States have different rights and obligations. The *territorial* sea is a strip of sea that extends up to 12 nautical miles from the coastal baseline. The coastal State generally enjoys full sovereignty in its territorial sea. The *EEZ* is a maritime zone extending up to 200 nautical miles from a coastal State's baseline, within which the State has sovereign rights to explore, exploit, and manage the natural resources found in the water column, on the seafloor, and in the subsoil. These resources may include fish stocks, oil and gas reserves, and minerals. While Part V of the UN Convention of the Law of the Sea establishes the specific legal regime of the EEZ, several of its provisions are considered to be part of customary international law, as was confirmed in a 1985 Judgment of the International Court of Justice (“The exclusive economic zone” in R. Churchill et al. (2022) *The law of the sea. Fourth edition*, Manchester University Press, pp. 253-299).
- 2 Adjacent coasts are “coasts lying either side of the land boundary between two adjoining States”, while “opposite coasts [is] the geographical relationship of the coasts of two States facing each other. Maritime zones of States having opposite coasts may require boundary delimitation to avoid overlap” (DOALOS – UN Division for Ocean Affairs and the Law of the Sea (2000) *Handbook on the Delimitation of Maritime Boundaries*, New York, United Nations, p. 146, 157).
- 3 For a legal analysis of the contents of the agreement, see C. Yiallourides et al. (2022) “Some Observations on the Agreement between Lebanon and Israel on the Delimitation of the Exclusive Economic Zone”, *British Institute of International and Comparative Law*, 26 October, <https://www.bicil.org/blog/47/some-observations-on-the-agreement-between-lebanon-and-israel-on-the-delimitation-of-the-exclusive-economic-zone?cookiesset=1&ts=1676996316>.
- 4 Point 1 is the southernmost point of the 2007 Cyprus-Lebanon EEZ delimitation agreement (C. Yiallourides et al., 2022).
- 5 P. Stevenson (2022), “Israel & Lebanon Strike ‘Historic’ Maritime Border Deal”, *Middle East Economic Survey*, 14 October, <https://www.meese.com/2022/10/14/geopolitical-risk/israel-lebanon-strike-historic-maritime-border-deal/d967c670-4bba-11ed-89f2-8dccc67b9879e>.
- 6 Oil & Gas Journal (2020), “Total comes up dry on Block 4, offshore Lebanon”, 29 April, <https://www.ogi.com/exploration-development/article/14174991/total-comes-up-dry-on-block-4-offshore-lebanon>.
- 7 G. Balkiz et al. (2020), “Lebanon explosion: Thousands injured across capital Beirut”, CNN online, 5 August, <https://edition.cnn.com/2020/08/04/middleeast/beirut-explosion-port-intl/index.html>.
- 8 Reuters (2022), “Hezbollah sends drones toward Israeli gas rig in disputed waters”, 2 July, <https://www.reuters.com/world/middle-east/israel-shoots-down-unarmed-hezbollah-drones-heading-gas-rig-security-source-2022-07-02/>.
- 9 Reuters (2022), “Israel’s election campaign kicks off, polls predict further deadlock”, 15 September, <https://www.reuters.com/world/middle-east/israels-election-campaign-kicks-off-polls-predict-further-deadlock-2022-09-15/>.
- 10 J. Prentis (2022), “Lebanon braces for a drawn-out battle for the presidency after elections”, in *The National News*, 27 May, <https://www.thenationalnews.com/weekend/2022/05/27/lebanon-braces-for-a-drawn-out-battle-for-the-presidency-after-elections/>.
- 11 Alarabiya News (2020), “Beirut explosion: Cost of damage exceeds \$15 billion says President Aoun”, 12 August, <https://english.alarabiya.net/News/middle-east/2020/08/12/Beirut-explosion-Cost-of-damage-tops-15-billion-says-president>.
- 12 Reliefweb (2020), “Beirut Explosion Situation Report #4”, 25 August, <https://reliefweb.int/report/lebanon/beirut-explosion-situation-report-4-august-25-2020>.
- 13 Fitch Ratings (2022), “Israel-Lebanon Maritime Deal May Support Credit Profiles in the Long Term”, 14 October, <https://www.fitchratings.com/research/sovereigns/israel-lebanon-maritime-deal-may-support-credit-profiles-in-long-term-14-10-2022>.
- 14 UNIFIL (United Nations Interim Force in Lebanon) (2020), Statement on the progress on maritime negotiations between Lebanon and Israel, 1 October, <https://unifil.unmissions.org/unifil-statement-progress-maritime-negotiations-between-lebanon-and-israel>.
- 15 N. Blanford (2022), “Lebanon-Israel maritime border dispute picks up again”, in *MENASource*, Atlantic Council, 16 June, <https://www.atlanticcouncil.org/blogs/menasource/lebanon-israel-maritime-border-dispute-picks-up-again/>.
- 16 Asharq Al-Awsat (2022), “Energy Firm Starts Tests at Sensitive Israel-Lebanon Border Gas Field”, 9 October, <https://english.aawsat.com/home/article/3921076/energy-firm-starts-tests-sensitive-israel-lebanon-border-gas-field>.
- 17 C. Kraus (2022), “An Israel-Lebanon Border Deal Could Increase Natural Gas Supplies”, in *The New York Times*, 27 September, <https://www.nytimes.com/2022/09/27/business/energy-environment/israel-lebanon-natural-gas-europe.html>.
- 18 The equidistant line or median line is “a line every point of which is equidistant from the nearest points on the baselines of two States” (DOALOS - UN Division for Ocean Affairs and the Law of the Sea (2000), *Handbook on the Delimitation of Maritime Boundaries*, New York, United Nations, p. 156).
- 19 States can delimit their maritime boundaries either by (direct or indirect) negotiations that result in an agreement establishing a boundary; or by resorting to an international court or arbitral tribunal that will determine the boundary. In the latter case, international courts and tribunals have developed a standardized methodology consisting of a three-stage approach, described in detail in the *Maritime Delimitation in the Black Sea (Romania v. Ukraine)* (International Court of Justice, 2009). However, while courts and tribunals have almost systematically applied the process since the Black Sea case, the methodology has not become a mandatory or customary rule of international law (“The delimitation of maritime boundaries” in R. Churchill et al. (2022), *The law of the sea. Fourth edition*, Manchester University Press, pp. 300-371).
- 20 D. Sabaghi (2022), “A new challenge: Lebanon’s maritime border dispute with Syria”, in *The New Arab*, 3 November, <https://www.newarab.com/analysis/new-challenge-lebanons-maritime-dispute-syria>.
- 21 Ministry of Foreign Affairs, Republic of Türkiye (2022), *Press Release No. 323 reg. the Signing of the Maritime Boundary Delimitation Agreement Between Lebanon and Israel*, 27 October, https://www.mfa.gov.tr/no_-323_-lubnan-ile-israil-arasinda-deniz-yetki-alanlari-sinirlandirma-anlasmasinin-imzalanmasi-hk.en.mfa.
- 22 Middle East Monitor (2022), “PA, Egypt, Israel, Hamas make Gaza Marine breakthrough”, 5 December, <https://www.middleeastmonitor.com/20221205-pa-egypt-israel-hamas-make-gaza-marine-breakthrough/>.
- 23 D. Zaken (2022), “Israel, Cyprus to resolve disagreement over maritime gas field”, in *Al-Monitor*, 4 October, <https://www.al-monitor.com/originals/2022/09/israel-cyprus-resolve-disagreement-over-maritime-gas-field>.



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Maison de la paix
Chemin Eugène-Rigot 2D
P.O. Box 1295
1211 Geneva 1
Switzerland
Tel: + 41 22 730 96 00
e-mail: info@gcsp.ch
www.gcsp.ch

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