



## ISRAEL–LEBANON – AGREEMENT

### POSSIBLE MAINS QUESTION

1. Agreement to settle dispute between countries are dictated by great powers. Comment.
2. Maritime boundary agreement between Israel and Lebanon is a result of energy crisis in Europe due to Russia Ukraine war.

Israel and Lebanon announced on 11 October 2022 that they reached a historic agreement to establish a permanent maritime boundary between them. The agreement was formally signed by Prime Minister Yair Lapid and President Michel Aoun, separately, on 27 October 2022. The agreement was mediated by the United States

As per the 1982 UN Convention on the Law of the Sea (UNCLOS), countries can claim up to 12 nautical miles from their coasts as territorial waters (One nautical mile is approximately 1.15 miles). UNCLOS also allows countries to claim a further 200 nautical miles as an exclusive economic zone (EEZ) for fishing and mineral rights.

In the event that the waters between two countries are not wide enough to allow for claims of that size, the agreed midpoint becomes the boundary. Oil and gas fields can extend beyond such boundaries; in such cases, internationally established mechanisms are often used to split costs and revenues proportionally.

The UNCLOS uses similar delimitation provisions both for EEZ and Continental Shelves. Articles 74(1) and 83(1) stipulate that ‘the delimitation... between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law... in order to achieve an equitable solution’.

UNCLOS also encourages states to explore temporary solutions at delimitations through joint efforts. Articles 74(3) and 83(3) of the Convention specifies that ‘Pending agreement ... the states concerned, in a spirit of understanding and co-operation, shall make every effort to enter into provisional arrangements of a practical nature ... Such arrangements shall be without prejudice to the final delimitation’.

However, to draw a maritime border and EEZ boundary, countries that share a coastline must agree on two points: the point of origin of the median line (typically where their land border reaches the sea), and its angular bearing from the coast. Given that both points had been a subject to dispute, Israel and Lebanon’s sharply differing views on maritime boundaries, therefore, represented a significant challenge in dispute resolution.



## Israel-Lebanon Maritime Boundary Dispute: A Tangled Web

Military skirmishes took place between the Lebanese Army and the Israel Defence Force (IDF) in the Galilee, after the Jewish state was formed in May 1948. An agreement was reached between the two sides in 1949, termed the Armistice Demarcation Line (ADL), which reiterated the 1923 Paulet-Newcombe border agreement established between the then colonial powers, the French and the British.

In the aftermath of the Israeli military intervention in southern Lebanon against the Palestine Liberation Organisation (PLO) in 1978, the United Nations Security Council (UNSC) adopted Resolutions 425 and 426 urging withdrawal of Israeli forces and called for the 'strict respect for territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries'.

Subsequently in 1982, Israel launched 'Operation Peace for Galilee', and did not withdraw from southern Lebanon till May 2000. On 7 June 2000, the United Nations established the Blue Line between Lebanon and Israel for the purposes of determining whether Israel had fully withdrawn from that country. While Israel insisted that it withdrew from Lebanese territory completely, Lebanon still had reservations on the Blue Line given that it contended that it infringed on some Lebanese villages.

As for principle of maritime boundaries being co-terminus with land borders, the 1923 Paulet-Newcomb Agreement states that 'the border leaves the Mediterranean Sea at the known point Ras-el-Nakura and follows the peak crest to landmark I, located 50 meters north of the Palestinian police post in Ras-el-Nakura'.

While Ras en Naqoura/Rosh Ha Nikra is broadly recognised as a reference point for boundary delineation, there existed significant divergences over exact coordinate border markers among rocks located at the base of Ras an Naqoura/Rosh Ha Nikra cliff.

After the May 2000 withdrawal, the State of Israel unilaterally installed a line with ten buoys, which became known as the Line of buoys (LoB) as a marker for maritime boundary, which was not recognised by Lebanon

The basis of the dispute related to differing perception of median line and resultant divergences over position of tri-junction between Israel, Cyprus and Lebanon.

Cyprus and Lebanon entered a bilateral agreement compliant with UNCLOS to delimit their maritime border in 2007. This agreement was not ratified by the Lebanese Parliament due to the unresolved nature of its maritime dispute with Israel.



The intensification of territorial dispute through claims and counter claims, in a proximate sense, resulted from conflicting ownership claims over potential gas fields, apart from long-standing historical contentions.

In March 2010, a report by the US Geological Survey on the ‘Assessment of Undiscovered Oil and Gas Resources of the Levant Basin Province, Eastern Mediterranean’ estimated the unexplored potential reserves in the Levant Basin at around 1.7 billion barrels of recoverable oil and 122 trillion cubic feet (TCF) of recoverable gas.

With both Israel and Cyprus having designated their EEZ in 2010, this large quantity of reserves prompted the Lebanese government to define its EEZ, in an attempt to secure its offshore natural resources.

Israel aired its objections to the UN Secretary General in February 2017 when reports noted that Lebanon was contemplating awarding offshore gas exploration licenses in the disputed area.

Lebanon, on its part, also objected to Israeli activities in territorial waters contended by it, as in January 2020, when it flagged the alleged violation of its EEZ by a survey ship.

## US Mediation

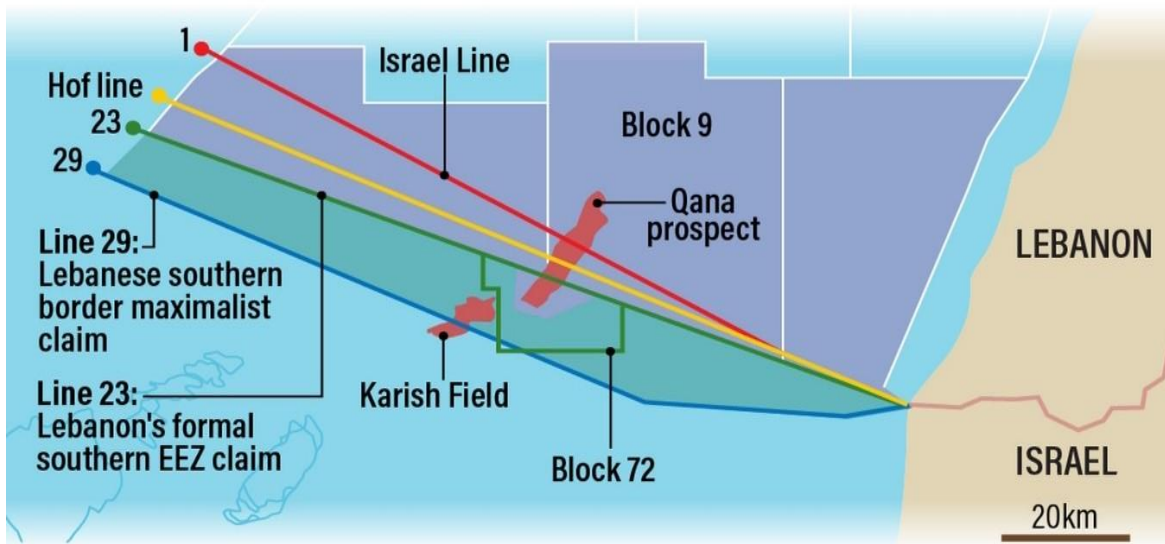
Due to the lack of diplomatic relations between Lebanon and Israel, third-party mediation was the apparent option for dispute settlement. While initially Lebanon preferred UN mediation, Israel not being a party to the 1982 UNCLOS posed a legal complication. Israel’s historical distrust with UN mediation was an additional factor. Therefore, the United States, under the Barack Obama administration, emerged as the logical mediator in 2011.

In 2012, the US appointed its Special Envoy to Syria and Lebanon, Frederic Hof, to negotiate a settlement over the dispute. The ‘Hof Line’ was proposed as a compromise, using UNCLOS delineation methods.

Even while the US mediated negotiation was ongoing, Lebanon commissioned a study by the United Kingdom Hydrographic Office (UKHO) to review its maritime boundary coordinates. The UKHO report proposed two potential lines demarcating the southern border of the EEZ – the first line gave Lebanon an additional 300 square kilometers, while the second added 1,430 square kilometers to Lebanon’s 2009 maritime border, which became known as ‘Line 29’.

After the failure of Hof mediation, Lebanese interlocutors began to insist on ‘Line 29’ as the limit of Lebanese claim. While previously ‘Line 23’ had created partial claims of both the countries over the prospective gas field, Qana, Lebanon now laid partial claim over Israel’s Karish gas field, as per ‘Line 29’.

## LEBANESE MARITIME BORDER



### Lebanese Maritime Border

Amos Hochstein, an Israeli-born American diplomat and energy expert, took over from Hof during the Obama administration's second term.

During the Trump administration, mediation efforts to seek settlement continued through David Satterfield and David Schenker.

After the Biden administration came to power, Hochstein returned as the US Mediator and a fresh round of shuttle diplomacy was launched.

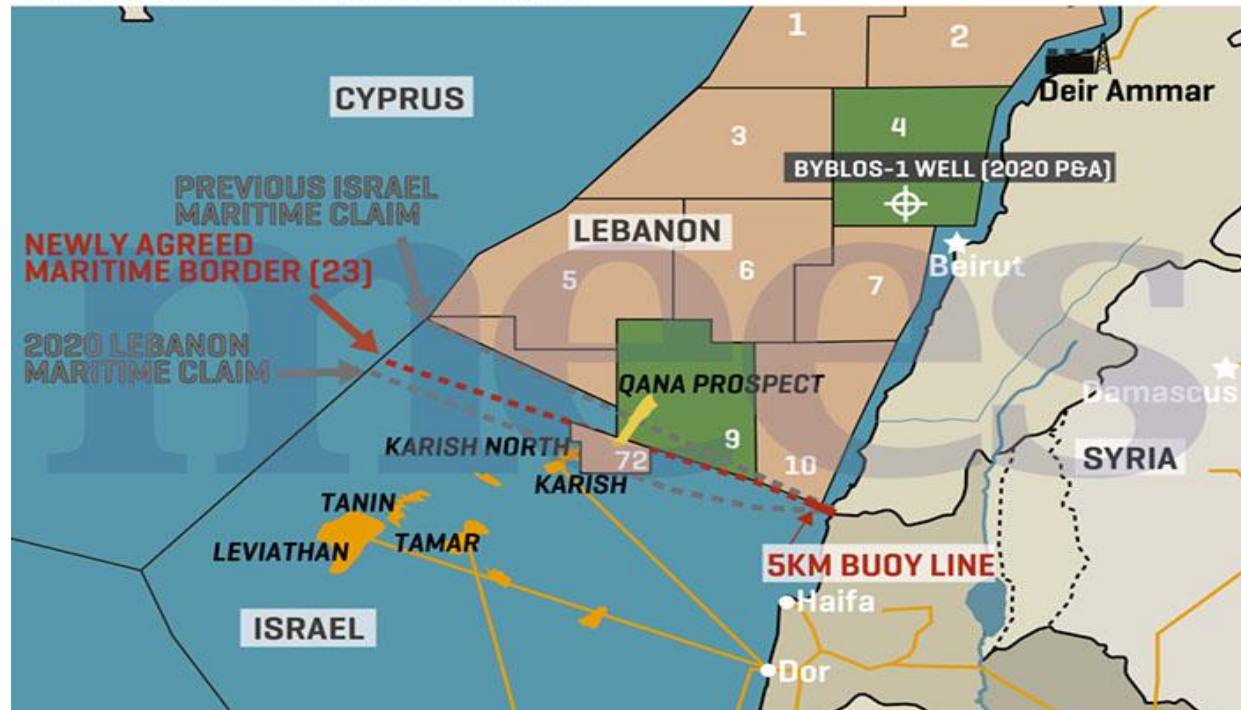
Israel made concessions on the boundary line, foregoing its claim based on 'Line 1'. Lebanon recognised Israel's control of a three-mile stretch of water close to shore and shifted its claim back to 'Line 23'. The resulting deal has been termed as "historic" by both sides.

Based on the equidistance method, the agreed MBL broadly aligns with Lebanon's 'Line 23'. Lebanon has been assigned prospecting right over the Qana gas field even though a portion of the reservoir extends into the Israeli EEZ. While the agreement provides for a revenue sharing agreement for gas extracted from the Qana gas field, the agreement avoids politically sensitive issue of bilateral recognition between countries.



## ISRAEL & LEBANON AGREE NEW MARITIME BORDER

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



### Israel–Lebanon Maritime Border Agreement

The dispute resolution clause in the Agreement [Section 4(A)] stipulates that ‘any differences concerning the interpretation and implementation of this Agreement’ must be resolved ‘through discussion facilitated by the United States’.

It may bring security, stability, and mutual economic benefits. It also promotes the rule of international law, peaceful settlement of disputes, and regional economic cooperation. The agreement is expected to give a fillip to the resolution of pending maritime boundary contentions, between Lebanon and Cyprus as well as perhaps between Lebanon and Syria, going forward.

For Israel, Karish became the third offshore gas producing field, after the Tamar and Leviathan fields, on 23 October.

Around 70 per cent of Israel’s energy needs currently are being met by natural gas. By 2042, more than half of its current gas reserves can potentially be exported. As per Israel’s current agreements with Jordan and Egypt, around 135 bcm is contracted to be exported.



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In June 2022, Israel along with Egypt, signed a MoU with the European Union, as part of which Israeli gas will be transported to Egypt and from there to the EU markets. Israel has a 10 year contract with Egypt, signed in 2018, for supply of gas from the Leviathan field.

Egypt and Israel are also part of the East Mediterranean Gas Forum (EMGF), along with Italy, Jordan and the Palestinian Authority, formed in January 2020 and headquartered in Cairo. Though cost and other issues have been flagged, the ambitious 2,000 km EastMed pipeline is also being pursued by these countries. The pipeline will run from Israel to Cyprus, Crete, Greece and Italy.

Prime Minister Yair Lapid, therefore, while welcoming the signing of the maritime boundary agreement with Lebanon, stated that the deal ensures the 'energy security of the State of Israel and will bring in billions in revenue that every family in Israel will benefit from'.<sup>41</sup> As for Lebanon, the French energy major, Total, will start exploring for gas in the Qana field in 2023. Lapid noted that Israel will receive at least 17 per cent of the revenues from the Qana-Sidon field, as and when it will become operational. The revenue sharing agreement will be negotiated by Israel directly with Total, without Lebanese involvement.