

LEBANON - ISRAEL MARITIME BORDER AGREEMENT: FROM THE LINE OF TENSION TO THE REGIONAL STABILITY

HAMZA HAŞIL

INTRODUCTION

he Eastern Mediterranean, an extremely critical crossroads in terms of geopolitics, has been transformed into a new field of struggle with the discovery of hydrocarbon deposits. The disputes between the countries neighboring the

Eastern Mediterranean regarding their maritime borders are at the center of this power struggle. The inadequacy of international maritime law to provide solutions to the current crises related to maritime borders can lead to violations of rights, and conflicts occur between countries as a result of these violations. The maritime border dispute

The fragmented structure in Lebanon, instability in the country, the occasional increase in Hezbollah's threatening discourse and unpredictable behaviors, the foreign actors' efforts to safeguard their interests in the region, and Israel's maximalist demands in every field show that, although an agreement has been officially signed between the Parties. the potential threats which could trigger new crises between two countries. have not been completely eliminated.

between Lebanon and Israel is also closely related to the inadequacy of the legal infrastructure related to maritime borders or the arbitrary interpretation of maritime law. In fact, the maximalist demands of both sides regarding the maritime border in order to protect their national interests had increased the risk of a hot conflict even at the time of the negotiations. Nevertheless, despite the fact that the risk of a hot conflict seems to have disappeared with the agreement signed through the mediation of the USA, it should not be ignored that some variables in the equation may pave the way to new crises at any time. In other words, the fragmented structure in Lebanon, instability in the country, the occasional increase in Hezbollah's threatening discourse and unpredictable behaviors, the foreign actors' efforts to safeguard their interests in the region, and Israel's maximalist demands in every field show that, although an agreement has been officially signed between the Parties, the potential threats that could trigger new crises between two countries have not been completely eliminated.

BACKGROUND OF THE MARITIME BOUNDARY DISPUTE BETWEEN LEBANON AND ISRAEL

Although border disputes between Lebanon and Israel have been experienced since the establishment of Israel, the uncertainty along the southern borders of Lebanon dates back to a period long before the year 1948. Therefore, it should be noted that the mandate administrations that had controlled the region at that time have a significant amount of responsibility for the creation of this border uncertainty/dispute.1 The most important development that led to the deepening of the border problems between Lebanon and Israel was the Israeli occupation of southern Lebanon in 1978 during the Lebanese Civil War. Although Israeli forces began to gradually withdraw from the country in 1985, the full withdrawal was completed in 2000. After Israel's withdrawal from the region, a delegation appointed by the UN determined the border between the two countries. This 120-kilometer-long border determined by the UN is known as the Blue Line. Therefore, it is seen that, until the 2000s, the Lebanese-Israeli border dis-

¹ Frederic Hof, The Israeli-Lebanon Border: A Primer, *The Washington Institute for Near Eastern Policy*, 25 April 2000.



putes had been limited to land borders. As a matter of fact, the Blue Line is not based on an agreement concerning the maritime border between the two countries. The fact that a text of agreement on the maritime border was not created in these years or the issue of the maritime border dispute was not brought to the fore is due to the fact that at that time this was not considered a vital issue for either party.2 With the discovery of natural gas reserves off the coast of Haifa by Israel in 2009, the interest in potential hydrocarbon deposits in the seas increased, and the border dispute between Lebanon and Israel was extended into the sea. One must not forget that the problems created by historical developments lie at the root of the current maritime border dispute between Lebanon and Israel. The conflicting claims

of both countries on the Exclusive Economic Zone (EEZ) have led to the escalation of the border dispute, and this issue has become one of the most important issues between the two countries.

Lebanon does not officially recognize Israel. This situation creates a legal puzzle regarding the Lebanese-Israeli border and does not allow the determination of the maritime border between the two countries. Lebanon's previous attempts to define the borders of the EEZ have also failed due to the uncertainties related to the land border. Although the Lebanese government made an agreement with the UK Hydrographic Office (UKHO) in 2002 and 2006 for the studies to be made for the determination of the EEZ, no conclusive results were obtained from

² Elizabeth Picard ve Alexander Ramsbotham, Reconciliation, Reform and Resilience: Positive Peace for Lebanon, Accord: An International Review of Peace Initiatives, No 24, June 2012.

Decree 6433 blocks Lebanon's claims with reference to Line 29. Although its amendment is an important issue in Lebanon, no concrete steps have been taken in this direction. Despite attempts by some deputies and cabinet members to amend the decree. the current political instability has not allowed such an initiative to be taken.

the UKHO's studies. Thereupon, the Lebanese government wanted to eliminate the uncertainty about the borders of the EEZ by making bilateral agreements with the countries in the region. As a result, in order to determine the EEZ boundary, an agreement was concluded with the Greek Cypriot Administration (GCA) on January 17, 2007. However, the signing of the EEZ delimitation agreement with Israel by the Greek Cypriot Administration in December 2010, despite the agreement made with Lebanon, became one of the critical turning points for today's maritime border dispute between Lebanon and Israel. So much so that the agreement between Israel and the Greek Cypriot Administration meant that Lebanon could lose its rights to an area of 860 square kilometers.

The bilateral agreements that Lebanon and Israel concluded independently of each other have led to the emergence of a new crisis area in the Eastern Mediterranean. With the purpose of ending this crisis before it escalates, Washington, through Ambassador Frederic C. Hof, submitted a proposal to resolve the maritime border dispute. Hof's proposal

was that two-thirds of the 860 square kilometers of disputed area in Block 9 would be given to Lebanon and the remainder to Israel. In other words, a proposal was prepared so that 500 square kilometers of an area of 860 square kilometers would be given to Lebanon. Despite its willingness to take control of the 500 square kilometers area proposed by the USA, Beirut refused to hand over the remaining 360 square kilometers to Israel. Hof's proposal was shelved after Lebanon did not step back from this policy.3 Although Hof's proposal was not accepted in 2012, it was brought up again in subsequent diplomatic initiatives under the US mediation.

In 2010, the Lebanese government submitted to the UN coordinates indicating the the country's EEZ, which had been prepared in light of the work of the Lebanese Army in 2009. With this new border. the boundaries of the agreement made in 2007 with the Greek Cypriot Administration were changed, and Line 23 was put into operation. Line 23 represents a 131-kilometer-deep border extending from the Nagoura region in southern Lebanon towards the Mediterranean at an angle of approxi-

^{3 &}quot;What Is the Proposal of Former American Mediator Frederic Hof?", Arab News, 13 February 2018.

mately 291 degrees. After Israel's agreement with the Greek Cypriot Administration, the EEZ areas of Lebanon and Israel overlapped. Hence, an area of 860 kilometers became controversial. With the issuance of the decree number 6433 in October 2011. Lebanon determined an area of 22,700 square kilometers next to its territorial waters within its EEZ border. Despite Decree 6433, Beirut reassigned UKHO to conduct an assessment of its southern borders. In the report prepared by the UKHO, it was foreseen that, with a different measurement, the southern borders of Lebanon could expand by an area of 1,430 square kilometers. In the light of these assessments, Naval Staff Colonel Mazen Basbous, who started a new study for the southern borders of Lebanon, announced Line 29 as the new maritime border. And the south border of the country's EZZ was based on this new line determined by the Lebanese Army Command.4

On the other hand, Decree 6433, blocks Lebanon's claims with reference to Line 29. Although the amendment of this decree is on the agenda as an important topic of discussion in Lebanon, no concrete steps have been taken regarding this issue. In spite of the attempts made by some deputies and cabinet members to amend the decree, the current political instability did not allow such an initiative to be realized. The prolongation of the process of determining a new president and the deep divergences between political parties show that it is not possible for a political consensus to emerge in Lebanon in the short term. This situation, as it delays the amendment of decree 6433, means that Lebanon's thesis based on Line 29 cannot be strongly defended.

US State Department Energy Security Advisor Amos Hochstein, who acted as a mediator between Lebanon and Israel, stated that the issues related to Line 29 were not brought to the agenda and that only negotiations were held on issues related to Line 23. There was no statement from the Lebanese government denying Hochstein's statements. The main objective of the Lebanese government in the negotiations was to maximize Lebanon's interests in the region as much as possible by obtaining some additional gains with the possible arrangements to be made under the US mediation over Line 23, which they had previously submitted to the UN.

Therefore, the demand that the Kana Gas Field, a part of which remains behind Line 23, be completely left to Lebanon became a priority issue. Karish Field, which was evaluated within the context of Line 29, was not at the center of the negotiations. In other words, the fact that the Lebanese government did not take Line 29 as a reference in the negotiations caused this gas field to be left to Israel's initiative.

Some sections of Lebanon's society were outraged that Line 29 was not taken as a reference in the negotiations. 13 members of the "Forces of Change" in the Lebanese parliament have stated that they would support a bill based on Line 29 that would allow Karish to be included within Lebanon's official maritime border. But this view in parliament did not play any decisive role in the Lebanese government's negotiations with Israel.

^{4 &}quot;Government Monitor - Lebanon's Southern Maritime Border Dispute: The Amendment of Decree, No 6433", The Lebanese Center for Policy Studies,19 May 2021.

⁵ Michael Young, "A New Tool for Tehran", Malcolm H. Kerr Carnegie Middle East Center, 7 July 2022.

⁶ The Sensitive Stage Has Been Reached in Determining the Lebanese Sea Boundary", Şarkul Avsat, 17 June 2022.



DISPUTED GAS FIELDS AND FOREIGN COMPANIES

The Karish and Kana gas fields have come to the fore as the disputed gas fields between Lebanon and Israel as a result of their conflicting claims. However, while detailed studies have been carried out by Israel regarding the reserves in Karish and the necessary platforms have been established for the transfer of gas through pipelines, it is not possible to claim that the situation is the same for the Kana Gas Field. Although there are strong data points indicating the possible existence of gas in the Kana field, these have not been proven yet. As a matter of fact, the consortium carrying out gas exploration activities in the Lebanese EEZ will probably make a statement on this issue after it completes the necessary work. Nevertheless, the Russian Novatek company, one of the three foreign energy companies that has the right to seismic exploration and drilling in Lebanon's EEZ in the Eastern Mediterranean, gave up these rights and terminated its activities in Lebanon, despite its 20% share. Thus, a significant crack occurred in the consortium established to search for oil in blocks 4 and 9. After the withdrawal of the Russian company, the Lebanese Petroleum Administration wanted to pave the way for the continuation of the work by taking over its shares. However, other partners, French Total and Italian ENI, think that the partner with this 20% share should also make the necessary investment for the continuation of the activities. Since Lebanon bought Novatek's shares instead of distributing them to Total and ENI, it also has to provide financial support, in line with its share, for exploration and drilling activities. Given the fact that drilling previously done in the 9th block has cost 60 million dollars; it is foreseen that the drilling to be carried out in the 4th block will require a similar level of financing. Consequently, the Lebanese government has the obligation to provide between 1015 million dollars in investment.7 As a new government has not yet been formed in Lebanon; the interim government does not want to take responsibility for such a decision. Although it was not possible to obtain the desired result from block number 4. a large reserve to be found in block number 9 can have a leverage effect on the Lebanese economy. If such a discovery is made, Lebanon will not only have to be content with the tax income that is obtained from the use of the oil fields by foreign companies, but it will also enjoy direct income from the oil as a partner. Therefore, the new government will face important problems regarding the gas fields and have to make decisions, especially on the issues related to shares previously held by Novatek. With the agreement reached as a result of negotiations, Karish Gas Field, which is located in Israel's field of activity, has ceased to be a matter of discussion, and the future of the area has been left to the full discretion of Tel Aviv. Israel made a total investment of 1.6 billion dollars. which covers the development projects in the Tanin Gas Field as well as in the Karish Gas Field, which was discovered in 2013. Morgan Stanley, Natixis Bank Hapoalim, and Societe Generale banks played an important role in providing the financing for these projects. Having acquired the shares of privately owned Kerogen Capital in 2021, Energean, a UK-based energy company, gained all the shares of the Karish Gas Field as its operator. While the company completed all the necessary infrastructure for gas production, it had problems starting production activities due to the fact that a part of the Karish Gas Field is located in a disputed area with Lebanon. As a result of the maritime border agreement with Lebanon, mediated by the USA, Israel resolved these concerns.

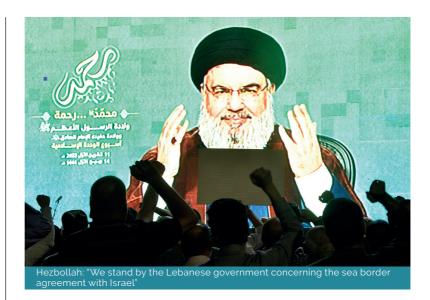
HEZBOLLAH'S STANCE

Although, in theory, Hezbollah seemed to be in a game -changing position in the Lebanese-Israeli maritime border negotiations, in practice, developments took place in a very different direction. During the negotiations, Hezbollah continued to make threatening statements against Israel. However, it would be incorrect to evaluate these threats in a way disconnected from the nature of Hezbollah's relations with Israel since 2006. In other words, Hezbollah, which prefers to use harsh language at the highest pitch, has not been able to go beyond the level of discourse against Israel's activities in the region for about 16 years. However, while the negotiations continued, Hezbollah's most serious attempt was to send three unarmed unmanned aerial vehicles (UAVs) to the Karish Gas Field.8 While the UAVs sent were destroyed by Israel, this attempt was touted as a warning to Israel by Hezbollah. As Israel's preparations in Karish reached the final stage, Hezbollah leader Hassan Nasrallah increased the level of threat in his rhetoric and warned Israel not to start extracting gas from Karish without reaching an agreement with Lebanon. On July 26th, in relation to the tension in Karish, Nasrallah openly threatened Israel by stating that there were no Israeli targets they could not hit at sea or on land.9 Thereupon, a strong warning message was conveyed by Israel to

⁷ "Will Lebanon's Oil and Gas Gamble Pay Off?", Lorient Today, 30 September 2022.

⁸ "Hezbollah Sends Drones Toward Israeli Gas Rig in Disputed Waters", Reuters, 2 July 2022.

⁹ "Sayyed Nasrallah: No Israeli Target Out of Hezbollah's Precision Missiles Reach", *Al-Manar*, 26 July 2022.



Hezbollah has not taken a clear position in relation to the discussions related to the adoption of Line 23 or Line 29. While Hezbollah, similar to its position on the Sheba farms issue. could create an area of long-term crisis in the sea with Israel by defending Line 29, it has not made any such claim and welcomed the conclusion of the intergovernmental agreement.

Hezbollah through American and French military and diplomatic channels. In addition, Israeli Defense Minister Benny Gantz stated that if Hezbollah took any action against Israeli activities in Karish, Lebanon would pay the price. 10 As the negotiations continued, such threatening statements continued to be made by both Israel and Hezbollah. However. there has been a noticeable decrease in Hezbollah's rhetoric as the negotiations matured and strong messages started to be sent from the Lebanese government on its willingness to conclude the agreement. On the other hand, as Hezbollah continued to be seen as a

threat by Israel, the Lebanese government felt the need to make a statement on this issue so that the agreement would not be overshadowed. On September 23rd, Lebanese Foreign Minister Abdallah Bou Habib stated that Hezbollah would not cause any problems with an agreement to be made between Lebanon and Israel.11 With the statements made by Lebanese President Michel Aoun and Israeli Prime Minister Yair Lapid, it was announced that an agreement had been reached between the two sides. While Lapid described the agreement as a historical success. Aoun indicated that the latest of-

[&]quot;If Nasrallah Attacks Karish Gas Field, Lebanon will Pay the Price", The Jerusalem Post, 15 September 2022.

[&]quot;Hezbollah will not Stop Maritime Deal with Israel", The National News, 23 September 2022.

fer by the USA was satisfactory.¹² Upon the acceptance of the last offer presented by Hochstein by both governments, eyes were turned to Hezbollah. Official sources from the Lebanese government stated that Hezbollah accepted the terms of the agreement between the two sides on the same day that the two sides agreed on all terms, that is, on October 11, 2022.¹³

Considering the pragmatic nature of the organization, Hezbollah's silence on this agreement and, perhaps more accurately, its approval behind the scenes, cannot be considered a surprising development. Although Hezbollah has not entered into an important conflict with Israel since the 2006 war, it has tried to consolidate its legitimacy in Lebanon and unite the base that supports it by strengthening its opposition to Israel at the level of discourse. Even though Hezbollah made some strong statements during the negotiations under US mediation, these did not mean to imply that the agreement should be aborted but, on the contrary, that it should be concluded as soon as possible. Especially on the Karish issue, Hezbollah did not claim that this field did not belong to Israel, but that Israel could not extract gas from this field without reaching an agreement with Lebanon. Therefore, Hezbollah has not taken a clear position in relation to the discussions related to the adoption of Line 23 or Line 29. While Hezbollah could cause a long-term crisis in the seas with Israel by defending Line 29, as it did with the Sheba farms issue, it has not made any such claim and welcomed the conclusion of the intergovernmental agreement. Indeed, Hezbollah is aware that the riches of the high seas are Lebanon's strongest hope to come out of the economic bottleneck it faces currently. With this stance, Hezbollah has succeeded in reinforcing its political legitimacy in the eyes of the Lebanese people without engaging in any hot conflict against Israel. Therefore, it is possible to claim that Hezbollah has profited a lot from the conclusion of this Agreement in line with its own interests, while the debate still continues over whether it is Lebanon or Israel that profited more.

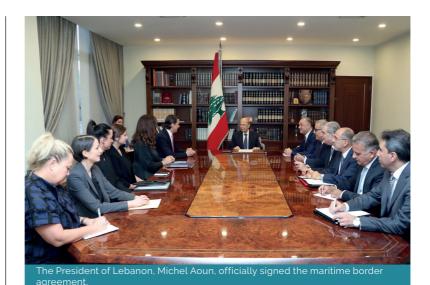
RECONCILIATION ACHIEVED THROUGH US MEDIATION AND PARTIES' EXPECTATIONS

Lebanon and Israel came to the edge of a war as Lebanon started to carry out unilateral activities in the disputed fields through a consortium it had created in 2017, and Israel announced that it would go out to tender for the work to be done in the Karish field. which was also claimed by Beirut. The fact that there was no official diplomatic relationship between Lebanon and Israel further strengthened the possibility of a hot conflict. At that point, the USA, as a mediator, created an indirect diplomatic channel between the parties. This situation gave prominence to the dialogue in the solution of the crisis, and on October 27, 2022, the crisis was resolved with the conclusion of the agreement. The agreement was welcomed by the decision -makers of both countries, and the parties stated that their national interests were protected within the framework of the agreement.

With the agreement signed, while the maritime border between the two countries was clearly drawn, the fate of the Karish and

¹² "Lebanon, Israil Clinch Maritime Border Deal", Reuters, 11 October 2022.

¹³ "Lebanon's Hizbullah Green-Lights Maritime Border Deal with Israel", *Reuters*,11 October 2022.



Another important aspect of the agreement is the continuation of the US mediation role. With the inclusion of an article in this regard, the USA has been given the right to play a kind of guarantor role. Therefore, Lebanon and Israel are not the only winners. The USA has also gained prestige from the conclusion of this agreement.

Kana Fields, which caused significant differences of opinion, also became clear. The Karish Field, which sparked the most debate due to the claims of Lebanon originating from Line 29, was left entirely to Israel. While the negotiations were still going on, on October 9th, Energean, the company working on hydrocarbons in the region on behalf of Israel, took concrete steps and stated that it had connected the Karish Field to Israel's gas network. It also started gas flow tests. Although the Karish Field was unconditionally ceded to Israel, the same does not apply to the Kana Field. The Tel Aviv administration allowed Lebanon to work on the Kana Field, part of which is located

within the EEZ of Israel, But, it has bound this permission to certain conditions. If the consortium operating in the region on behalf of Lebanon makes an exploration in Kana, Israel will receive a share of the gas to be extracted from the field. In other words, provided that Israel does not interfere with the work carried out in Kana by the Beirut administration, it will be given a share of the gas obtained from there, taking into account the part of the field that remains within the borders of Israel.14 This share will not be paid directly by the Lebanese government, but by Total energy company, the largest partner of the consortium. If an agreement cannot be reached between Israel

^{14 &}quot;Full Text: Final Version of Israel-Lebanon Maritime Border Deal", Haaretz, 12 October

and Total, it will not be possible to produce in the 9th block of Kana on the Israeli border. Therefore, it can be said that Israel has not completely withdrawn from Kana and will continue its presence there, at least on a commercial level. Another important aspect of the agreement is the continuation of the US mediation role. With the inclusion of an article in this regard, the USA has been given the right to play a kind of guarantor role. Therefore, Lebanon and Israel are not the only winners. The USA has also gained prestige from the conclusion of this agreement.

It is possible to say that the terms of the agreement have satisfied both parties. However, there were also those claiming that Lebanon's sovereignty in disputed waters was limited as it accepted Line 23 as the basis of the agreement instead of Line 29. However, it should also be noted that the issue of Line 29 is only a claim, and this line has never been approved as a maritime border by the Lebanese parliament. Line 23 is the line that is recognized by the state authorities regarding Lebanon's maritime border. With the decree numbered 6433, it was ensured that this line is the official maritime border of Lebanon in the south, and this line was presented to the UN as the official border. Therefore, it should also recognize that the legal basis of the criticisms directed at Lebanon with regard to Line 29 is problematic and that Lebanon's bringing Line 29 to the agenda before the agreement could be a strategy to strengthen its hand in the negotiations.

The Beirut administration sees the agreement as a way out of the economic crisis the country experiences. From this point of view, the agreement will have two types of benefits for Lebanon. First of all, if a large reserve can be discovered in Kana, which is seen as a potential hydrocarbon deposit, the income to be generated from it can create a leverage effect for the Lebanese economy. The second point is that Lebanon may become a more attractive country for foreign investors with the partial confidence that will be created in the region after the agreement with Israel. In addition, Lebanon, which has eliminated, with this agreement, one of the most important foreign policy problems from its agenda, could now focus on solving the problems in its domestic political affairs, especially the crises related to the election of the President. Therefore, with the maritime border agreement, Lebanon has largely succeeded in securing the gains it wanted to achieve through diplomacy without having to compromise its sovereignty rights.

Israel, which has recently taken steps for a normalization of relations with some Arab countries, is in search of creating a safe hinterland. Israel's lack of diplomatic relations with Beirut and its troubled past prevented Tel Aviv from attempting any normalization. Nevertheless, Israel, which has established an indirect relationship with Lebanon through Washington as a result of the maritime border agreement, has managed to reduce the threats that may be directed against it from Lebanon. In fact, even Hezbollah, which has had strong objections to Israel's activities in the Eastern Mediterranean, has finally consented to the agreement between these two governments. This means that the Hezbollah threat is partially reduced. Therefore, the most important gain

that Israel has achieved with this agreement has been in the area of security. In addition, the integration of the gas in Karish with Israel's natural gas network shows that Tel Aviv can generate economic income very quickly from this field. Therefore, with this agreement, Israel, on the one hand, has minimized the risks related to its security, and, on the other hand, it has prepared a suitable ground where it can create economic prosperity.

CONCLUSION

It is extremely important that an official agreement could be signed between two countries that are theoretically at war and have been in a mode of continuous conflict with each other for most of their modern history. It is also a remarkable development that both countries did not see hot conflict as the first option to defend their interests in the region and instead preferred diplomacy, albeit indirectly. In the past, Lebanon and Israel have had different experiences with each other, and diplomacy was not even considered an option in most of the cases. Therefore, the maritime border agreement has historical importance for the parties. Although it is clearly seen that there is a partial softening in bilateral relations with the agreement, it is not correct to interpret this agreement as a normalization attempt as the repercussions of the crises on the land border still continue to have their impact in

the region." Besides, Hezbollah, which is located in the south of Lebanon, has always had the potential to take action against Israel at any time, independently of the government. These factors, in particular, show that it is too early to talk about normalization. The fact that Israel's interlocutor will not be the Lebanese government but the Total energy company in the event of a discovery in the Kana Field is an important detail that shows that the parties are not yet ready for the establishment of bilateral relations. Another important detail is that, despite the conclusion of the Agreement, the USA will continue to act as a mediator between the two countries. In conclusion, the agreement between Lebanon and Israel has definitively resolved the maritime border problem between the two countries; it has reduced the tension in other problematic areas; and most importantly, it has made a significant contribution to regional stability.

Hamza Haşıl

Hamza Haşıl graduated from the Middle East Technical University (METU) in 2015 with a major in History and a minor in Sociology. He received a scholarship from the Kuwaiti government and studied Arabic at the Kuwait University Philology Center between 2015-2016. He completed his master's degree at the Department of Middle Eastern Studies of METU, and he continues his doctoral studies at the Department of Area Studies of Ankara Social Sciences University. Hasıl, who conducts research on the geopolitics of the Levant and East Africa-Red Sea, is closely interested in the Syrian civil war after the 2011 uprisings. He has been working as a researcher at ORSAM's Levant Studies Coordinatorship since June 2018. He speaks advanced English and intermediate Arabic, as well as Persian and French at the beginner level.



Ankara - TURKEY ORSAM © 2022

Content of this publication is copyrighted to ORSAM. Except reasonable and partial quotation and use under the Act No. 5846, Law on Intellectual and Artistic Works, via proper citation, the content may not be used or re-published without prior permission by ORSAM. The views expressed in this publication reflect only the opinions of its authors and do not represent the institutional opinion of ORSAM.

Center for Middle Eastern Studies

: Mustafa Kemal Mah. 2128 Sk. No: 3 Çankaya, ANKARA Adress

Phone : +90 850 888 15 20 Email : info@orsam.org.tr Photo : Anadolu Ajansı (AA)