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MEDIATING THE MEDITERRANEAN:
THE ISRAELI-LEBANESE MARITIME BORDER

Aaron Silverman

The governments of Israel and Lebanon have reached a historic U.S.-mediated agreement, putatively putting an end to the countries' decades-long dispute over their maritime borders and related disputes over access to lucrative natural resources in the Eastern Mediterranean.¹ The agreement definitively settles the neighboring countries' maritime boundary, leaving the *Karish* natural gas field within Israel's territorial waters and the *Qana* natural gas field mostly within Lebanon's territorial waters, with a small portion extending into Israeli waters.² Lebanon will pay royalties to Israel on revenues from the *Qana* field.³

The agreement comes after eleven years of on-again, off-again negotiation and mediation efforts between the two nations.⁴ The process was particularly difficult due to the fraught geopolitical situation of the Middle East.⁵ Israel and Lebanon have no normalized diplomatic relations and Lebanon has laws barring contact with Israeli officials.⁶ As recently as October,

¹ Maya Gebeily & Mayaan Lubell, *Israel, Lebanon Finalise Maritime Demarcation Deal Without Mutual Recognition*, REUTERS (Oct. 27, 2022), <https://www.reuters.com/world/middle-east/lebanon-israel-set-approve-maritime-border-deal-2022-10-27/> [<https://perma.cc/ZZ8L-LX6A>].

² Robert Barron et al., *Could the Israel-Lebanon Maritime Border Deal be a Game-Changer?* U.S. INST. OF PEACE (Oct. 13, 2022), <https://www.usip.org/publications/2022/10/could-israel-lebanon-maritime-border-deal-be-game-changer>, [<https://perma.cc/T44Y-28YH>].

³ *Id.*

⁴ Sarah Dadouch, *As Israel, Lebanon Seal Maritime Deal, Hezbollah Does Awkward Balancing Act*, WASHINGTON POST (Oct. 27, 2022), <https://www.washingtonpost.com/world/2022/10/27/lebanon-israel-hezbollah-maritime-deal/> [<https://perma.cc/NK66-ZNPN>]; see also Udi Evental, *Stormy Waters: Israel and Lebanon Negotiate Their Maritime Borders*, ATLANTIC COUNCIL (Nov. 20, 2020), <https://www.atlanticcouncil.org/blogs/menasource/stormy-waters-israel-and-lebanon-negotiate-their-maritime-border/> [<https://perma.cc/FT2B-VHPF>].

⁵ See Dadouch, *supra* note 4; see also Evental, *supra* note 4.

⁶ Seth J. Frantzman, *Israel-Lebanon Maritime Deal Juggles Region's Security, Energy Targets*, DEF. NEWS (Oct. 25, 2022), <https://www.defensenews.com/global/mideast-africa/2022/10/25/israel-lebanon-maritime-deal-juggles-regions-security-energy-targets/> [<https://perma.cc/WG7W-3BY9>]; Gebeily and Lubell, *supra* note 1.

Israel was preparing for potential military escalation along the Lebanese border and Lebanon-based militant group, Hezbollah, was sending drones to attack Israeli gas rigs off the coast.⁷

As a result, the mediation efforts were indirect, with U.S. Department of State energy envoy, Amos Hochstein, shuttling frequently between Israel and Lebanon.⁸ The final deal had no joint signing ceremony and the Lebanese president signed a letter approving the deal at his official residence while the Israeli prime minister signed separately in Jerusalem.⁹ Lower-level delegations from each country did meet in a tent in a UN peacekeeping base along the countries' land border to submit their signed copies of the deal to U.S. officials, officially bringing the deal into force.¹⁰

Mediation is the most common form of peaceful conflict resolution used for interstate disputes.¹¹ Interstate conflicts can be mediated by a variety of third parties: individuals; states; regional organizations, like the Organization of African States; and international organizations, like the United Nations.¹² States tend to mediate other states: 49.8% of mediated interstate disputes are mediated by states, far more than any other mediator type.¹³ Mediators of interstate conflicts typically employ three types of mediation strategies: *communication-facilitation*, in which the mediator provides information to the parties and encourages them to talk, directly or indirectly, *procedural*, in which the mediator controls the structural aspects of meetings, and *directive*, in

⁷ Frantzman, *supra* note 6.

⁸ Omri Nahmias, *Israel-Lebanon Maritime Border Talks Progress Thanks to Amos Hochstein*, JERUSALEM POST (Sept. 25, 2022), <https://www.jpost.com/50-most-influential-jews/article-717739> [<https://perma.cc/JRS9-FQPS>].

⁹ Gebeily and Lubell, *supra* note 1.

¹⁰ *Id.*

¹¹ Scott Sigmund Gartner, *Third-Party Mediation of Interstate Conflicts: Actors, Strategy, Selection, and Bias*, 6 ARB. L. REV. 269, 272 (2014), <https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1063&context=arbitrationlawreview> [<https://perma.cc/N8K9-EUAP>].

¹² *Id.* at 275.

¹³ *Id.* at 276.

which the mediator structures the outcome, sometimes contributing resources to make one outcome more attractive.¹⁴

Directive strategies have been successful in previous interstate mediations in the Middle East. For instance, U.S. president Jimmy Carter guaranteed a billion dollars in aid to Israel and Egypt to secure those countries' signing of the 1978 Camp David Peace Accords.¹⁵ In the Israel-Lebanon mediation, the U.S. appears to have employed both communication-facilitation strategies, with Mr. Hochstein and other U.S. officials operating as conduits for indirect communication between the two sides, as well as directive strategies, with the U.S. throwing weight behind the ultimate deal by promising to spend hefty sums for gas extracted as a result of the deal, particularly in light of the Western shift away from Russian gas following the Ukraine invasion.¹⁶

Another tactic that helped the success of the mediation was the decision to shift from international legal arguments toward addressing the core interests of both Israel and Lebanon.¹⁷ While the last decade of negotiations produced a variety of potential maps with multiple, competing boundary lines representing the countries' rival legal arguments, the recent agreement didn't include a map, reflecting the sides' consensus that the benefits to each of an agreement outweigh the technical merits of any specific set of claims.¹⁸ The U.S. and other governments are

¹⁴ See JACOB BERCOVITCH & SCOTT SIGMUND GARTNER, *INTERNATIONAL CONFLICT MEDIATION: NEW APPROACHES AND FINDINGS* 29 (Routledge, 2009).

¹⁵ Gartner, *supra* note 11, at 285-86.

¹⁶ See Hadas Gold, et al., *Israel and Lebanon Finalize Mediterranean Border Agreement, Opening Up Potentially Rich Oil and Gas Fields*, CNN (Oct. 27, 2022), <https://www.cnn.com/2022/10/27/middleeast/israel-lebanon-sign-gas-deal-intl> [<https://perma.cc/QN4U-PTXD>].

¹⁷ Gabriel Mitchell, *Is the Israeli-Lebanese Maritime Boundary Agreement Replicable?* WAR ON THE ROCKS (Nov. 11, 2022) <https://warontherocks.com/2022/11/is-the-israel-lebanon-maritime-boundary-agreement-replicable/> [<https://perma.cc/W43Q-KBGX>].

¹⁸ *Id.*

optimistic that the agreement can be replicated elsewhere in the region,¹⁹ particularly for disputes also related to maritime boundaries and resource extraction.²⁰

¹⁹ See, e.g., FED. FOREIGN OFF., STATEMENT OF THE FEDERAL FOREIGN OFFICE ON THE ISRAEL-LEBANON AGREEMENT ON THE COURSE OF THEIR JOINT MARITIME BORDER (Nov. 10, 2022) (Ger.), <https://www.auswaertiges-amt.de/en/newsroom/news/israeli-lebanese-agreement/2557518> [<https://perma.cc/QAT7-UGFH>].

²⁰ See Mitchell, *supra* note 17; see also Israel Kasnett, *Israel Green Lights Gas Field off Gaza, but Concerned Hamas will Use Revenue for Terror*, JEWISH NEWS SYNDICATE (Nov. 2022) <https://www.jns.org/israel-green-lights-gas-field-off-gaza-but-concerned-hamas-will-use-revenue-for-terror/> [<https://perma.cc/6U4Q-2KU3>].