

LEBANON'S EXCLUSIVE ECONOMIC ZONE: BETWEEN OPPORTUNITIES AND CONFRONTATION

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I. Introduction

On the tenth of July 2011, Israel adopted a maritime boundary for its own exclusive economic zone (EEZ) creating an overlapping zone with Lebanon's EEZ sent to the United Nations a year earlier in July 2010. The maritime border dispute between Lebanon and Israel covers an area of 850 square kilometers. The significance and importance of this dispute is related to the discovery of important hydrocarbon resources in the Eastern Mediterranean basin. This new dispute along with Chebaa Farms raised political, legal, and economic issues between the two countries.

II. Legal Aspects

According to international regulations and to the "Law of the Sea" (UNCLOS) of 1982, the delimitation of an EEZ required a proclamation and a clear, expressed intention of the state's domestic laws. In case of overlapping claims, UNCLOS articles 74 and 83 state the need to find an agreement on the basis of international law "in order to achieve an equitable solution."

In the Eastern Mediterranean several agreements among states have used the 'equidistance line' as a basic reference, and, in absence of any agreement a median line has to be drawn as an equidistance line from the base lines. This leaves the door opened to negotiation and has customary value in the international jurisprudence. The Mediterranean Sea can be defined as a semi-enclosed sea. Consequently, according to UNCLOS IX states have a general obligation to cooperate when facing a disagreement.

Following the new interests raised by the US geological survey that estimated hydrocarbon resources in the Levant Basin at the level of 1.5 billion barrels of oil and 122 trillion cubic feet of gas, Lebanon decided to sign a first delimitation of its EEZ with Cyprus in defining six equi-distant points along a West line between the two countries. The Lebanese Parliament did not ratify this agreement. The Council of Ministers has adopted on 21st of May 2009, a new delineation which is different from the 2007 agreement and a new list of geographical coordinates was sent to the UN Secretary General in July 2010 adding to the six points agreed with Cyprus for triple-point border in the North (with Cyprus and Syria) and in the South (with Cyprus and Lebanon). These are points 7 North and 23 South. This second delimitation has taken as a reference a map of the British Admiralty and it has used a drawing median lines equi-distant from the base lines as recommended by the 'Law of the Sea.'

The agreement with Cyprus stated in Article One that future delimitations should be revised in accordance through specific agreement with concerned states. Most likely, the lack of ratification of the 2007 agreement was probably due to political pressure from Turkey. Complying with the Montego Bay Convention, the Parliament adopted "a law of petroleum resources in maritime waters." This law did not properly identify the area to be exploited. To rectify that, the parliament adopted on the 25th of August 2011 through the law 163 (the delineation and declaration of the maritime zone of the Republic of Lebanon). The UN was notified on the 16th of November 2011.

The agreement between Cyprus and Israel on the 17th of December 2010 using twelve points of coordinates, unfortunately, ignored the margin left on the Cyprus-Lebanon agreement of 2007 by taking the point 'one' as the terminal point of the northern limit of the Israeli EEZ. Consequently, the Cyprus-Israel agreement

overlaps a surface of 850 square kilometers of Lebanon's rights over the maritime area.

In July 2011, the Israeli cabinet approved a map based on the Cyprus-Israel agreement, ignoring Lebanon's protest. Lebanon sent an official letter of protest to the UN Secretary General in September 2011 underlining that the Cyprus-Israeli agreement is incompatible with the geographical points that Lebanon had previously deposited with the United Nations. We can conclude that the Israeli strategy regarding the maritime border with Lebanon is political and economic and does not abide by juridical and geographical evidence.

It is important to note that 2D and 3D seismic surveys made by Spectrum, a UK-based Norwegian company, together with Petroleum Geo-Services (PGS) revealed that Lebanon's potential for hydrocarbon resources is greater than the other countries in the area. Consequently, twenty-six companies announced their interests in exploring Lebanon's gas and oil resources. However, we should note that Lebanon has much to do to reach the level of development of its neighbors – Syria, Cyprus, and Israel who have reached advanced stages of exploiting their resources. I believe Lebanon should take the necessary steps to start its development plan taking into consideration the international context of the gas market which is undergoing important changes since 2008 (Qatar – shale rocks – new technology for discovery in deep water).

III. Conclusion

To settle the dispute between Israel and Lebanon, the UN remains as the key institution as it has all the skills and legitimacy to solve such problems between nations. If the UN General Secretary is not entitled to take any action on maritime borders between Lebanon and Israel, the UN special coordinator in Lebanon can propose to mediate in this dispute as he did for the delineation of the Blue Line.

From the point of view of international law, there is no legal ground for the Israeli claim; consequently, Israel should recognize Lebanon's EEZ as part of customary law and review all other facts presented by Lebanon rather than leaving the issue as a source of possible tension and threat to be used by its enemies.

The Lebanese government should adopt a clear contractual fiscal framework to ensure a sustainable development of its oil and gas sectors. The management of petroleum revenues should not be politicized. Equally important is the development of the administrative capacity to manage the sector.