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A conflict analysis on the Maritime Border Dispute between  
Lebanon & Israel

Abbas Ismail

Master in International Studies

Supervisor:  
PhD. Giulia Daniele, Integrated Researcher  
CEI\_ISCTE-University Institute of Lisbon

October, 2021



SOCIOLOGIA  
E POLÍTICAS PÚBLICAS

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Department of History

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## **Dedication**

To those who have dedicated their lives to the struggle for peace and justice

&

To the Lebanese and Israeli people who are ready to look to the future and leave the past behind

## Acknowledgement

**D**uring the preparation of this dissertation, I received great support and guidance.

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## Abstract

The sea is an essential component of national sovereignty and security, trade, energy production, mineral extraction, travel and is the source of today's blue economy. However, coastal countries can only fully benefit of it, if their maritime boundaries are solved with their neighbours. Currently, half of the world's maritime boundary disputes remain unresolved. The three most common methods of resolving, managing or transforming boundary disputes are negotiation, mediation and arbitration. Nevertheless, these procedures are difficult when two countries are in a state of war and do not have diplomatic relations. This is the case of Lebanon and Israel. Lebanon agreed to sit down at the negotiating table with Israel in October 2020 to finally demarcate the maritime border in the eastern Mediterranean, which was achieved through ten years of shuttle diplomacy by the USA. The indirect negotiations took place shortly after Israel had normalised its relations with the United Arab Emirates and Bahrain. This study analysed a decade of maritime border conflict between Lebanon and Israel from December 2010 to May 2021 and examined whether these rare negotiations could lead to the establishment of diplomatic relations between the two countries. The case study was analysed using three different conflict analysis tools (conflict assessment, relational conflict mapping, stakeholder analysis) and discussed by using the theoretical concept of diplomacy and conflict resolution. The results show that Lebanon would like to maintain the status quo of the current situation, but a maritime border agreement would allow for lucrative gas deals and bring the country out of its current economic crisis. However, this would not necessarily guarantee peace between the two countries and is unlikely to have a positive impact on the prospects for diplomatic normalisation between the two countries.

**Key words:** *Maritime border dispute; Maritime Diplomacy; Lebanon and Israel; Conflict Resolution; Mediation; Negotiations*

## Resumo

O mar é uma componente essencial da soberania e segurança nacional, comércio, produção de energia, extracção de minerais, viagens e é a fonte da economia azul hoje em dia. No entanto, os países costeiros só podem beneficiar plenamente se as suas fronteiras marítimas forem resolvidas com os seus vizinhos. Actualmente, metade das disputas de fronteiras marítimas do mundo continuam por resolver. Os três métodos mais comuns de resolução, gestão ou transformação de disputas de fronteiras são a negociação, a mediação e a arbitragem. Por outro lado, estes procedimentos são difíceis quando dois países se encontram em estado de guerra e não têm relações diplomáticas. Este é o caso do Líbano e de Israel. Em outubro de 2020, uma pequena esperança surgiu após o Líbano ter concordado em sentar-se à mesa das negociações com Israel para finalmente delimitar a fronteira marítima no Mediterrâneo oriental, o que foi conseguido através de dez anos de diplomacia com a ajuda dos EUA. As negociações indirectas tiveram lugar pouco depois de Israel ter normalizado as suas relações com os Emirados Árabes Unidos e o Bahrein. Este estudo analisou uma década de conflito fronteiriço marítimo entre o Líbano e Israel de dezembro de 2020 até Maio de 2021 e analisou se estas raras negociações poderiam conduzir ao estabelecimento de relações diplomáticas entre os dois países. O estudo de caso foi analisado utilizando três instrumentos diferentes de análise de conflitos (avaliação de conflitos, mapeamento de conflitos relacionais, análise das partes interessadas) e discutido utilizando o conceito teórico de diplomacia e resolução de conflitos. Os resultados mostram que o Líbano gostaria de manter o status quo, mas um acordo de fronteira marítima permitiria negócios lucrativos de gás e tiraria o país da sua actual crise económica. Contudo, isto não garantiria necessariamente a paz entre os dois países e é pouco provável que tenha um impacto positivo nas perspectivas de normalização diplomática entre os dois países.

**Palavras-chave:** *Conflito de fronteiras marítimas; Diplomacia marítima; Líbano e Israel; Resolução de conflitos; Mediação; Negociações*

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## Acronyms

|   |        |
|---|--------|
| Eastern Mediterranean Gas Forum                         | EMGF   |
| Exclusive Economic Zone                                 | EEZ    |
| Global Partnership for the Prevention of Armed Conflict | GPAC   |
| International Tribunal for the Law of the Sea           | ITLOS  |
| Israel Defense Forces                                   | IDF    |
| Issue Correlates of War                                 | ICOW   |
| Lebanese Armed Forces                                   | LAF    |
| Levant Institute for Strategic Studies                  | LISS   |
| Palestine Liberation Organization                       | PLO    |
| Permanent Court of Arbitration                          | PCA    |
| The Times of Israel                                     | TOI    |
| Trillion Cubic Feet                                     | TCF    |
| United Arab Emirates                                    | UAE    |
| United Nations  | UN     |
| United Nations Interim Forces in Lebanon                | UNIFIL |
| United Nations Security Council                         | UNSC   |

## Introduction

“As the old proverb says, those who rule the waves will be able to maintain the hegemonic power” (Wibowo, 2014, p. 12). Many were surprised when Lebanon finally agreed to enter into negotiations with Israel, mediated by the US, to settle a decades-old maritime border dispute. Both countries have technically been in a state of war since the 1948 Arab-Israeli war and have neither diplomatic relations nor an agreement on their land borders. These negotiations, which began in October 2020, were the first non-security talks between the two enemies, to draw their maritime border and clear the way for hydrocarbon exploration in a potentially gas-rich area.

Though conflicts are usually seen as negative, conflict situations can be beneficial if they serve to mediate tensions among parties (Bercovitch et al., 2009). The conflict between Lebanon and Israel is considered one of the longest-running conflicts in the Middle East. For more than 72 years, several attempts have been made to reach a peace agreement and establish diplomatic relations, but without success. The undefined land and sea border is clearly the root cause of the serious political conflict and military confrontation between the two countries. With the recent gas discoveries, tensions have risen further, but they also brought the delegations to the negotiation table. Negotiation is the common way to avoid, settle, manage, and transform a conflict and reach a common agreement (Zartman, 2009). However, it depends whether these negotiations will help to advance the peace process and establish of diplomatic relations, or whether the conflict will escalate further.

This study analyses a decade of maritime border conflict between Lebanon and Israel from December 2010 to May 2021, focusing on key actors, events and factors that escalated relations between the two countries towards a maritime border agreement. Consequently, this research attempts to answer the following question: *How do the maritime border negotiations between Lebanon and Israel affect the development of diplomatic relations between the two states?*

The maritime border negotiations with Israel will determine the future of Lebanon's foreign policy and the country's economic crisis, so it is important to understand the current negotiation process between the two countries in detail. While there have been many studies and publications on this maritime border conflict and Lebanese-Israeli relations in general (Schulze, 1998; Aboultaif, 2016; Evental, 2020; Haytayan, 2021), none have focused

specifically on how this negotiation process affects or contributes to the development of diplomatic relations between the two states.

As well, this is a contemporary topic and therefore it requires further scientific attention. This work provides a comprehensive analysis of the evolution of Lebanon-Israel's maritime border negotiations and conflict in the Eastern Mediterranean in the last decade that could also help decision-makers understand the dynamics of this dispute and work towards its stability.

This dissertation is divided into six chapters. Chapter 1 presents the methodology as an exploratory, qualitative and interpretative approach in the form of a case study. In chapter two, the theoretical conceptualization brings together contributions from various academic disciplines and is divided into several sections. It discusses and compares different theories and concepts of conflict resolution, conflict management and conflict transformation to create a useful theoretical framework. In Chapter 3, methods of the three different main approaches (negotiation, mediation and arbitration) are first discussed in general terms and then narrowed down to their application in maritime boundary disputes. In the context of this topic, special attention is paid to mediation and negotiation. Chapter 4 calls for legal regulation based on International Law of the Sea. In this chapter, special emphasis is on the United Nations Convention on the Law of the Sea (UNCLOS), maritime diplomacy and maritime conflict resolution. Furthermore, various examples of other case-studies are briefly touched upon and the chapter ends with a brief discussion of different mechanisms for resolving maritime boundary disputes.

Chapter 5 analyses the case-study, in particular the current status of the maritime border conflict between Lebanon and Israel until May 2021, using three different conflict analysis tools by Levinger (2013) including conflict assessment, conflict mapping and actors analysis. The analysis draws on primary and secondary data from various sources which are listed in the methodology chapter and finally attempts to answer the research question. Lastly the conclusion summarize the study, identifies limitations and end with the making of suggestions for future research.

# Chapter I:

## Methodology

### 1.1 Research Design & Strategy

This research uses an exploratory qualitative and interpretative approach. According to Creswell and Creswell (2018), exploratory research is conducted when little has normally been written about a topic. Therefore, this design was chosen as this topic is considered young in academia. Moreover, exploratory research is one of the most important methods of qualitative research, which helps to understand the "how and why" and other factors that still need to be defined.

Using the conflict analysis framework, this study first examines the reasons for the failure of the peace agreements and diplomatic relations between Lebanon and Israel. Second, it looks into milestone events that contributed to the escalation and perpetuation of the maritime border conflict. Third, relational conflict mapping is conducted to provide a graphical representation of the actors involved and their relationships to each other. Lastly, to complete the analysis and relate it to the present time (May, 2021) a stakeholder analysis is conducted in terms of positions, interests, issues, powers and willingness to negotiate. More detailed information about these frameworks are described in the two sections below.

### 1.2 Case Study

As case study, the Lebanese-Israeli maritime border conflict is analysed in using three different conflict analyses frameworks and instruments which are explained below. This approach enables to become aware of the conflict's current and historical context. Furthermore, it also identifies critical characteristics and explores whether and how the characteristics interact with one another. A case study approach is defined by George and Bennett (2005) as an episode of history to develop or test historical explanations that might be applicable to other incidents by evaluating complex relationships. The importance of the use of case studies is also highlighted by Bhattacharjee (2012) as a means of providing multiple levels of analysis for the phenomenon of interest, especially in complex relationships, in which there are multiple stakeholders and interacting series of events.

### 1.3 Data Collection and Data Analysis

#### 1.3.1 Data Collection

In the specificity of this research, the critical review of the maritime conflict between Israel and Lebanon is based on primary and secondary data from different sources, including

reviews from political figures and experts, United Nations and governmental publications and news reports from different news agencies. The specific data sources are showed in the two tables below.

| <b>Title</b>  | <b>Author // News Agency</b> | <b>Date</b> |
|---|------------------------------|-------------|
| State expansion and conflict in and between Israel/Palestine and Lebanon. | O. Barak                     | 2017        |
| Israel's Covert Diplomacy in Lebanon                                      | K.E. Schulze                 | 1998        |
| Lebanese divided Over hopes for Wider peace with Israel                   | S. Schweikle<br>DW News      | 21/10/2020  |
| Lebanon-Israel talks unlikely to Yield 'historic' US policy win           | T. Allinson<br>DW News       | 02/10/2020  |
| Pity the nation: Lebanon at war   | R. Fisk                      | 2005        |
| 34 Days: Israel, Hezbollah, and the war in Lebanon. Palgrave Macmillan.   | A. Harel & A. Issacharoff    | 2009        |

Table 1.2.1: Data sources for chapters 5.1 and 5.4

| <b>Title</b>   | <b>Author</b>  | <b>Date</b> |
|--|--|-------------|
| Gas Finds in East Mediterranean May Change Strategic Balance.  | Y. Knell   | 2013        |
| The Leviathan Field Triggering a Maritime Border Dispute Cyprus, Israel, and Lebanon.  | E. Aboultaif   | 2016        |
| East Mediterranean Gas: Opportunities and Challenges, Mediterranean Politics   | Khadduri, W  | 2012        |
| Maritime mediation between Lebanon and Israel: Looking beyond the Hof Line. The Daily Star Newspaper - Lebanon.                  | Haytayan, L.   | 23/03/2021  |
| Israel-Lebanon Offshore Oil & Gas Dispute: Rules of International  | Wahlisch, Martin   | 2011        |
| letter to the UN SG concerning the Agreement ...between Israel and the Cyprus on the Delimitation of the Exclusive Economic Zone | A. Mansour<br>Minister for<br>Foreign Affairs and<br>Emigrants of<br>Lebanon | 20/06/2011  |
| The Legal Framework of Lebanon's Maritime Boundaries: The Exclusive Economic Zone and Offshore Hydrocarbon Resources             | V. Gowlland-Debbas   | 2012        |
| Stormy waters: Israel and Lebanon negotiate their maritime border  | U. Evental<br>Atlantic Council   | 20/11/2020  |
| Lebanon to Adopt 'game changer' stance in maritime Border negotiations with Israel. The Daily Star Newspaper - Lebanon           | The Daily Star   | 28/10/2020  |
| Drowning in crises, Lebanon now galvanized to solve offshore gas row with Israel   | Times Of Israel  | 10/05/2021  |
| Israel and Lebanon hold 'heated' second round of maritime Border talks   | Times Of Israel  | 28/10/2020  |
| War of the MAPS: Lebanon and Israel battle over sea border in new round of talks   | Times Of Israel  | 11/11/2020  |
| Drowning in crises, Lebanon now galvanized to solve offshore gas row with Israel   | Times Of Israel  | 10/05/2021  |
| Lebanon steps up demands in maritime talks, angering Israel  | Times Of Israel  | 12/04/2021  |

|   |  |            |
|---|--|------------|
| Israel and Lebanon wrap up six-hour-long maritime border talks                                      | Times Of Israel                        | 04/05/2021 |
| Hezbollah and the dilemma of negotiations with Israel. Middle East Monitor                          | S. Kiwan                               | 18/11/2020 |
| Are Israel And Lebanon heading for another war? Breaking Defense                                    | C. Mezher                              | 13/08/2021 |
| Lines in the Sea: The Israel-lebanon maritime border dispute  | S. Hinderson. The Washington Institute | 02/05/2021 |
| Resolving the Lebanese-Israeli Border Dispute: What's in it for Washington?                         | J. Haboush Middle East Institute       | 04/10/2019 |
| Hezbollah softens stance on Israel maritime border dispute after Lebanese rage                      | J. Haboush Al Arabiya English          | 10/08/2020 |
| Hezbollah and the dilemma of negotiations with Israel   | Kiwan Middle East Monitor              | 18/11/2020 |
| The Lebanon-Israel maritime border Dispute, explained   | TRT World News                         | 04/05/2021 |
| Hezbollah, Amal oppose Lebanon's team in Israel talks   | A. Asmar                               | 14/10/2020 |
| Lebanon's first offshore gas drill is a huge disappointment. Business and Economy                   | T. Azhari Al Jazeera                   | 27/04/2020 |
| Lebanon, Israel hold second round of Maritime demarcation talks                                     | Al Jazeera                             | 28/10/2020 |
| Lebanon and Israel talks resume over Disputed maritime border                                       | Al Jazeera                             | 04/05/2021 |
| Lebanon Israel Launch talks over maritime border dispute  | Al Jazeera                             | 14/10/2020 |
| Lebanon and Israel hold Talks on Disputed Sea Border despite state of war                           | BBC News                               | 14/10/2020 |
| Lebanon, Israel POSTPONE fifth round of maritime talks  | Houssari Arab News                     | 01/12/2020 |
| Israel-Lebanon sea Border Talks Postponed   | Perry & Williams Reuters               | 30/11/2020 |
| Lebanon, Israel fifth round of maritime talks end   | M. Zaatari The Daily Star              | 04/05/2021 |
| Drowning in crises, Lebanon now galvanized to solve offshore gas row with Israel                    | L. Berman The Times of Israel          | 10/05/2021 |
| Lebanon sinking into one of the most severe global Crises   | World Bank                             | 01/06/2021 |
| Resolving the Lebanese-Israeli Border Dispute: What's in it for Washington?                         | J. Haboush Middle East Institute       | 24/10/2019 |
| Hezbollah softens stance on Israel maritime border dispute after Lebanese rage                      | J. Haboush Arabiya English             | 10/08/2020 |
| Lebanon poll Shows drop in Hezbollah support, even Among Shia; Plurality Back Israel Boundary Talks | Pollock, D Washington Institute        | 01/12/2020 |
| Lebanon's New Government Is Bad, But It Isn't Hezbollah   | K. Chehayeb                            | 05/03/2020 |
| Hezbollah, Israel TRADE Fire in Dangerous Mideast Escalation  | Kellman, & Karam, Ap News              | 06/08/2021 |
| Prospects of us mediation in The Lebanon-Israel Border Talks  | Sharaf // Arab Center Washington DC.   | 14/04/2021 |
| Is A Lebanese Role In The Regional Gas Forum A Feasible, Sound Idea?                                | M. Harari The Jerusalem Post           | 28/05/2021 |

|  |                                    |            |
|--|------------------------------------|------------|
| Why Lebanon won't make peace with Israel so long as Hezbollah is around. | S. Frantzman<br>The Jerusalem Post | 06/08/2020 |
|--|------------------------------------|------------|

Table 1.2.2: Data sources for chapter 5.2 and 5.4

### 1.3.2 Data Analysis

For this research, the conflict analysis framework by Matthew Levinger (2013) is used. This includes, conflict assessment, conflict mapping and actors analysis for understanding the multi-dimension aspects of the conflict and developing effective conflict resolution strategies. In this way, Levinger (2013, p. 87) has identified conflict assessment frameworks as qualitative analytical tools which help to provide a common set of questions about the nature and potential progression of conflict. He also mentions that this framework gives an insight into the field of consensus and critical disagreement, plus a common vocabulary for discussing options for preventive action.

#### **Conflict assessment framework**

This study first examines the reasons for the failure of the peace agreements and diplomatic relations between Lebanon and Israel. Second, it analyses milestone events that contributed to the escalation and perpetuation of the maritime border conflict.

#### **Conflict relational mapping**

This provides a graphical representation of the actors involved and their relationships to each other. This helps visualize the dynamic of the conflict and identify the main actors. It is important to stress the role of conflict mapping in this discourse, as a micro-analytical approach that serves to visualize the complex dynamics of a conflict (Levinger, 2013). Furthermore, this technique is a graphical representation of the relational, space and time dimensions of a conflict. In particular, this type of map obtains valuable information about a conflict, which helps analysts and policymakers to better understand the drivers that are most likely to shape the course of a conflict.

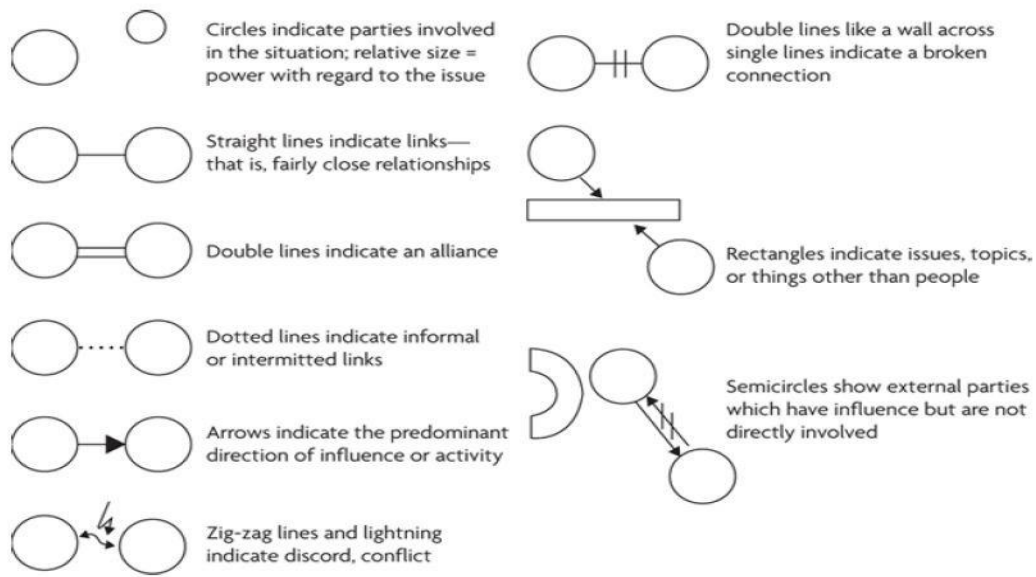


Figure 1.2: Graphic symbols<sup>1</sup> used in conflict mapping<sup>2</sup>

More in detail, it shows the relationships between the different actors in a graphical way. Levinger (2013, p. 174) explains the symbols and how the bigger circles represent the main stakeholders, with greater relative power in relation to the issue in question. Single lines are used to indicate relationships and arrows are used to show the predominant direction of influence between two parties. Furthermore, double lines show an alliance, while zig-zag lines show a dispute between the actors. Last, half-circles represent external third parties who have a significant impact on the conflict.

## Stakeholder analyses

Finally, also a stakeholder analysis was conducted in terms of positions, interests, issues and powers. The stakeholder analysis is an essential part of this research. This part has been complemented with a table from the Global Partnership for the Prevention of Armed Conflict<sup>3</sup> (GPPAC) (2012) to list specific factors. In this study, the stakeholder analysis focused on the

<sup>1</sup> Levinger (2013, P. 173) mentioned, that a set of graphical elements for conflict mapping was designed by the Gesellschaft für Technische Zusammenarbeit (GTZ), based on the work of Simon Fisher. These different graphical elements are illustrated below.

<sup>2</sup> Figure 1.5 is derived from the book Conflict Analysis- Understanding Causes, Unlocking Solutions, by Levinger (Page 175). Under the Figure in the book, it is mentioned: “Source: Gesellschaft für Technische Zusammenarbeit, “Conflict Analysis for Project Planning and Management: A Practical Guide” (draft, August 2001), 61; based on Simon Fisher, ed., Working with Conflict: Skills and Strategies for Action (London: Zed Books, 2000), 23–24” P.176.

<sup>3</sup> Global Partnership for the Prevention of Armed Conflict et al. (2012): Adapted from CDR Associates, Boulder, Colorado (various training manuals).



positions, interests, issues and powers. The GPPAC (p. 27) states, the purpose of this tool is to create a conflict profile for each key stakeholder. This explains the actors' positions or demands behind these interests and the basic needs that might be associated with them. The assessment process proceeds to identify the key issues in the conflict, the sources of the party's power and influence, and lastly, an assessment of the party's willingness to negotiate. Other purposes are to understand the parties and their relationship in the conflict; to develop a deeper understanding of the motive logic of each side; to identify the power dynamics between the parties, and to understand how the parties behave at and away from the negotiating table. Lastly, this tool helps in a negotiation to provide information that could help break a deadlock.

As a stakeholder analysis is important for policy makers as they can use it to identify key actors and the conflict. Levinger (2013) highlights two main questions that should be asked. Who contributes to the conflict? And who helps build peace? The actors can be seen as a set of characters that drive the drama of the conflict. All actors have their history, motivations, resources and distinct relationships with other actors. For completing this analysis, Levinger (2013, p. 125) listed the following questions:

- “• Who are the primary actors in the conflict?
- Who are the secondary actors?
- Who else influences events?
- What are the resources and capacities of each actor?
- What are the existing relationships and channels of communication within and among the rival groups?”

According to the author, primary actors are the main stakeholders in a conflict who influence the outcome. Secondary actors include internal or external stakeholders that have a substantial interest in the conflict but are involved less centrally. External actors are stakeholders who have influence but are not directly involved in the conflict. Among secondary or external actors, there are adjacent states, major global powers that have an interest in the conflict, multilateral organizations, like the UN and international companies. As also explained in the guidelines of GPPAC (2012), once the actors have been identified, their demands or stated public positions, as well as their interests and the basic needs that might be at stake, must also be identified. The rest of the process involves identifying the key issues of the conflict, the party's sources of power and influence, and finally an assessment of the party's willingness to negotiate.

## CHAPTER II

### **Theoretical Framework**

Concepts such as conflict resolution, conflict management and conflict transformation are often used interchangeably, although they have different definitions. Considering that each of these has its own identity, understanding the difference between these three concepts is essential to effective conflict handling. In this chapter, after first understanding the concept of positive and negative peace, the second part is about dealing with conflict, i.e. conflict resolution, management and transformation, along with their definitions and theories.

#### **2.1 Positive and Negative Peace**

When searching for the origin of the word "peace", one comes across the Latin word "pax", which means absence of war, and tranquillity. The English word "peace" came into use in the 1300s as a translation of the Hebrew word for "Shalom", which means "to be complete, whole" (Etymology Dictionary, 2021). Nonetheless, translation, is partial, because "Shalom", which is also related to the Arabic word "Salaam", has many other meanings besides peace, including justice, security, safety, happiness, prosperity, and just simple the salutations hello and goodbye.

On the other hand, peacebuilding is a newer term. Peacebuilding has become a familiar concept within the UN, as a result of Boutros Boutros-Ghali's "An Agenda for Peace" report in 1992. It identified peacebuilding as actions taken to consolidate peace and prevent a return to conflict. In 2000, the Brahimi Report further explained it as activities carried to rebuild the foundations of peace and to provide the necessary tools to build on these foundations toward something that is more than the absence of war (UN, 2010). However, as also mentioned in the "UN Peacebuilding: An Orientation" (2010), the concept peacebuilding was first used by Johan Galtung in 1975 in advocating the creation of peacebuilding structures for sustainable peace by eliminating the root causes of a conflict. Galtung (1975) presented his internationally famous three propositions for sustainable peace: peacekeeping, peace-making and peacebuilding. He believes that all three terms are institutional tools to control negative peace, although peacebuilding is when there is no more structural violence in society.

As well, the terms positive and negative peace were first introduced by Johan Galtung in the Journal of Peace Research already in 1964. Galtung (1964) differentiates between positive and negative peace. Positive peace can be defined as the absence of war and violence, integration of societies, peaceful cooperation between actors, social justice, harmony, fair

distribution of power and resources and equality. While negative peace is the only absence of war and violence. These two types of peace can be understood as two distinct dimensions, one is possible without the other. Later, Galtung (1996) holds that this approach will not function without complete disarmament. For instance, the Geneva Conventions are an example of peace policies. They demand arms control, balance of power and multilateralism, that could be achieved through conflict resolution, conflict management, cooperation and communication (Anthony & Rotfeld, 2006).

Based on another a article by Galtung (1985), the source of inspiration for the original idea of positive peace has come from the health sciences, in which health can be seen both as the simple absence of illness and as something more positive, enabling the body to resist disease. However, peace implies not the complete absence of all conflict, rather it implies the absence of violence in all its forms and the description of conflict in a more positive manner. Therefore, peace is much more than the mere absence of war, it is a multidimensional concept which can be seen through the lenses of either positive peace or negative peace.

Richmond (2008) wrote that structural violence and the conceptions of negative and positive peace demonstrate the inadequacy of realism and liberalism in terms of understanding the scale of violence and its indirect effects. Nonetheless, conflict resolution and positive peace represent a much more attractive political and intellectual discourse on the kind of peace which would be the product of a third party intervention. This positive peace, conceptualised as a cosmopolitan turn in conflict resolution, can also empower non-state actors to contribute to the development of peace that is based on the recognition and allocation of human needs in accordance with the voices of non-state actors. While negative peace is presented pessimistically, positive peace is optimistic (Galtung, 1969).

## **2.2 Conflict Resolution**

Conflict resolution research can be a complex process since it is essentially an interdisciplinary science. According to Kriesberg (2009), conflict resolution is a rather novel focus, broad and rapidly expanding academic field that has yet to establish its position in the world of disciplines. Conflict resolution relates not only to sociology and psychology but also to conflict theory, peace research, international law and also theories dealing with integration and cooperation (Wallensteen, 2002). Conflict resolution studies build on the contributions of analysts, diplomats and practitioners, which makes it one of the most interdisciplinary of all academic fields. Furthermore, conflict resolution refers to all areas of conflict, be it within or between families, communities, organisations, or states. To some workers in this field, the

term basically refers to a particular type of work, e.g. conducting mediation in a particular way. For others, it relates to finding ways of resolving or ending conflicts that involve joint efforts to reach agreements that are acceptable to both sides. Still, for some conflict resolution is a worldview that can be applicable to all levels of conflict and involves constructive ways of managing and transforming conflict in turn to sustain secure and equitable relationships. (Kriesberg, 2009; Bercovitch et al., 2009).

Schellenberg (1996) defines the term conflict resolution in its broadest sense and systematically addresses five main ways in which people can try to resolve their conflicts: Coercion, Negotiation, Adjudication, Mediation and Conciliation. Wallenstein (2002) as a professor and researcher of peace and conflict studies identifies the focus of conflict resolution in the key points of contention or incompatibilities, the actual settlement process and the interconnections among conflicts, without ignoring the international community's role. He (p. 50) emphasises the relevance of the three components of incompatibility, action and actors in order to define conflict resolution as a : “situation where the armed conflicting parties in a (voluntary) agreement resolve to peacefully live with – and/or dissolve – their basic incompatibilities and henceforth cease to use arms against one another”.

Clocke sees conflict resolution as a system (2021, p. 220). He spoke of conflict resolution systems design in that conflicts are not isolated events, but flows within systems that amplify and continually create disputes. While this describes conflict inside a system accurately, it is essential to support the conflict resolution process in a way that renders it equally systematic. Some objectives for a conflict resolution system design include: finding external resources for resolving disputes; encouraging the expression of disagreements through constructive dialogue; reducing escalation; joint analysis of sources of conflict; enhancing peers' skills and capacities. Bercovitch, Kremenyuk and Zartman (2009) wrote that the contemporary conflict resolution approach is built on theories and academic research, and on both traditional and innovative practices. It seeks to resolve the conflict that already exists and to put forward ways to prevent new conflicts and to manage conflicts that cannot be fully resolved. Furthermore, the three authors do believe that conflict resolution is the matter of developing ideas, theories and methods that can enhance the understanding of conflict and the collective practice to decrease violence and increase political processes in order to harmonise interests. Conflict resolution theory makes sure that the relevance of cultural and perception factors must be taken into account when seeking lasting solution to a conflict (Yassine-Hamdan & Pearson, 2014).

Though it is a comparatively young field of study that only emerged as a specialization in the 1950s, when conflicts between superpowers threatened the whole world, it has quickly developed into a vibrant, interdisciplinary field in its own right, with theory and practice keeping pace with real events (Kriesberg, 2009; Bercovitch, Kremenyuk & Zartman, 2009). Among others, MacQueen (2009) pointed out, when conflict resolution theory emerged in a particular area of academic research after World War II, it was guided by “macro” theory. Inside this broad range of ideas, two major streams largely determined the focus of analysis while and directly after the Cold War. First, the structuralist dissolution theory, which is based on the realistic and neorealist traditions of international relations. Second, the materialistic dissolution theory, which is influenced by practices and models from law and psychology.<sup>4</sup> The view in MacQueen's study (2009) is based on the “structuralist” perspectives on the causes and resolution of conflicts, particularly the existence of a “mutually hurting stalemate” in which the parties involved in a dispute look at a negotiated solution as more advantageous than a lasting one violence. This stalemate, again, offers a “ripe moment” in which the parties can be brought together for possibly fruitful negotiations. Negotiation can be used as a conflict resolution to prevent conflicts from escalating or becoming violent (Zartman, 2009). It is therefore the “conflict structures” that determine whether and when parties enter a conflict resolution process and how much they are intended to negotiate (MacQueen, 2009).

### **2.3 Conflict Management**

“The process of conflict management is like a tree that you plant and nourish and take care of its roots until it grows and prospers, and all the branches hold firm and green no matter how windy and stormy the weather” (Yassine-Hamdan & Pearson, 2014, p. 280). Wallensteen (2002) distinguished between conflict resolution and conflict management. While conflict resolution is focused on solving key problems and fundamental incompatibilities, conflict management is focused on decreasing the dangers, building trust, and reducing suffering. Bercovitch et al. (2009), are in the opinion that conflict management is the enemy of conflict resolution, because it takes away the pressure to resolve, but is often the only tool to diminish violence. Conflict management usually concentrates on the armed aspect of the dispute: ending the fighting, limiting the expanding of the conflict and stemming it. On the contrary, conflict resolution is more demanding because it requires the conflicting parties to face their

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<sup>4</sup> The categories “structuralism” and “materialism” are not final. There are no fixed schools of thought like in conflict resolution theory. These two categories were developed for the intention of the study in MacQueen's book (2009).

incompatibility together and find a common way of either living with it or resolving it (Wallensteen, 2002).

There is no question if conflict management is effective, it must create sustainable peace (Yassine-Hamdan & Pearson, 2014). In a conflict management process, the disputing sides seek external help or accept an offer of help. Thus, their behaviour or perceptions may change without resorting to physical violence or invoking the authority of the law (Bercovitch, 1992). Conflict management approach assists to map around the new actors that absolutely need to be consulted and included in future peace agreements (Yassine-Hamdan & Pearson, 2014). Also, importantly, some cultural factors and regime types tend to affect the style of conflict management. For instance, Arab countries are seen as consisting mainly of authoritarian regimes, which could notionally hinder the effectiveness of conflict management efforts (Shehadi, 1997 as cited in Yassine-Hamdan & Pearson, 2014). Bloomfield and Reilly (1998) define conflict management as the positive and constructive management of diversity and difference.

## **2.4 Conflict Transformation**

Conflict transformation distinguishes from the theories of conflict resolution and conflict management. This theory is often linked to the scholars and practitioners Johan Galtung and John Lederach. The conflict transformation concept considers conflicts as destructive or constructive interactions based on how conflicts are handled. Conflicts are seen as an interplay of forces. The focus is on the different interpretations and the social and cultural contexts in which reality is being constructed. Constructive conflict transformation aims to bring the actors and supports the recognition among one another (Lederach, 1995; Rychard & Mason, 2005). As well, conflict transformation describes different aspects of cooperative conflict management. In the process, the guiding question is not who is right or wrong, nor who is more or less powerful, but whether there are ways to transform conflictual relations and find "win-win" solutions that satisfy the interests of all parties (Bush & Folger, 1994).

Conflict transformation is a comprehensive approach that addresses a variety of dimensions including short to long term time frames, micro to macro issues, local to global levels, grassroots to elite actors. It seeks to develop capacities and assist structural change instead of facilitating outcomes or deliver solutions. It seeks to address conflicts in the pre- and post-violence phases, as well as the causes and consequences of the conflict (Miall, 2004). The process-oriented school focuses more on transforming conflicting perceptions and

relationships by empowering stakeholders and supporting mutual recognition (Bush & Folger, 1994; Lederach, 1995).

Miall (2004) wrote that conflict transformation theorists have argued that contemporary disputes demand more than realigning positions and identifying win-win results. The relationships of parties can be framed within a pattern of conflicting relationships that reach across the specific locus of the conflict. Therefore, conflict transformation is a process of addressing and transforming the relations, discourses, interests and the constitution of society that sustain the persistence of the conflict. The author also emphasized that conflict is transformed progressively, by a series of minor and major changes. Conflicting parties and external actors with relevant resources have complementary roles to fulfil in the long term peacebuilding process. According to Lederach (1995), conflict transformation perceives, respects, includes, and fosters the human and cultural resources inside a specific environment. This requires a new perspective through which the environment is not primarily seen. Conflict transformation generally involves a wide range of actors who draw on a large pool of practices. These can be grouped into four main categories of actors that shape the development of current states practices: States and intergovernmental organisations; development and humanitarian organizations; international NGOs; conflicting parties and other relevant groups within affected communities (Miall, 2004).

However, Miall (2004) also recognized that conflict transformation theory must be constantly adapted to the changing nature of conflicts and adequately reflect the globalisation of conflicts and conflict interventions. In line to this, Galtung (2010) suggested that conflict transformation needs to be understood through cooperation and harmony, and peace studies must pull from many academic disciplines. This brings up the problem of complementarity, coexistence and integration between diverse knowledge systems.

## Chapter III

### Methods in Conflict Resolution, Management, Transformation

There is a necessity to manage conflicts nonviolently to avoid them becoming destructive and costly. The methods available for the peaceful resolution of international conflicts are many and diverse. According to Bercovitch (2009), the UN charter essentially recognizes three basic methods for peaceful management of international conflicts. Those are direct negotiations, mediation, and arbitration. As well, among others these three methods are mentioned under section five of the United Nations Conventions on the Law of the sea (UNCLOS) (§186 p. 91). A settlement of maritime border dispute is of central importance for the peaceful cohabitation of coastal countries and UNCLOS is the most important international instrument regulating practically all aspects of the law of the sea (Hasan, He, Alam & Chowdhury, 2019). In this chapter, all three methods mentioned above for the peaceful management of international conflicts are first discussed in general terms and then narrowed down to the maritime boundary.

#### 3.1 Negotiation

Negotiation is the process of bringing together conflicting positions to reach a common agreement and is the most common way to avoid, settle, manage, and transform a conflict (Zartman, 2009). Given the relationship between negotiation and conflict resolution, Zartman (2009) focused on how negotiation is examined to highlight recent advances in conceptualizing the subject. He explained that the conflict escalates until one of the three following results is achieved: victory for one side, steady stalemate, or painful stalemate that forces the parties to de-escalate. He assumed negotiations can be used to manage conflicts to de-escalate, namely striving from violence to politics, or it can be the tool used to fix the fundamental incompatibilities of positions or to convert them into cooperative relationships. Zartman (2009, p. 326) also argued that negotiations can be bilateral or multilateral. Whereas bilateral negotiations represent the direct participation of the two disputed parties, multilateral negotiations have become more frequent in the past few years.

The mentioned types of negotiations are cooperative negotiation and conflict negotiation (Zartman, 2009). Cooperative negotiations tend to establish cooperation between the two parties in order to reduce the incompatibility of their respective objectives, and it mostly works without violence. On the other hand, conflict negotiations usually deal with violent or escalating conflict. “Within the definition as the process of combining conflicting positions into



a joint agreement, negotiation has certain characteristics that distinguish it from the two other basic types of decision-making, voting (coalition) and adjudication (hierarchy)” (Lewicki et al. 2003, 4–6 as cited in Zartman, 2009 p. 324). Nevertheless, affairs can be more difficult when the conflict is about non-negotiable values or relationships that need to be changed to settle the conflict, whereas the identical principle of finding a deeper level of compossible subjacent motives applies (Ramsbotham et al., 2016).

As a direct method of conflict resolution, Bartos and Wehr (2002) suggest the parties should meet face-to-face during negotiations to resolve the conflict. In contrast, Guelke (2003) believes that, sometimes, it is necessary to first use an indirect approach with the help of a mediator in organizing preliminary negotiations, before direct negotiations can begin. Several authors, among others Zartman (2009, p. 330), mentioned that negotiations usually begin with established positions on each side, regardless of whether they are formally stated or presented implicitly. Ramsbotham et al. (2016) set dialogue and recognition as prerequisites for the success of a negotiation process, i.e. the conflicting parties must mutually accept each other as legitimate. Zartman (2009, p. 324) believes that negotiations must be conducted under the auspices of an unanimity rule which, in the event, if one side disagrees with the potential outcome of the negotiations, it has the option to withdraw from the negotiations or to continue the negotiations under different conditions. As well as negotiation is subject to a unanimous decision rule with three choices: yes, no or continuation of negotiations (Ikle, 1964 as cited in Zartman, 2009).

Bartos and Wehr (2002) explained the negotiations take place over four phases. In the first phase, the relationships between the disputed parties and communication between the negotiators are established. After the first phase has been achieved, in the second phase the negotiators begin to redefine their goals and interests. The third phase deals with existing incompatible objectives and tries to bring these different positions together. The fourth phase is the last opportunity to discuss and solve the issues that were undecided in the third phase before a final agreement can be realized. Schellenberg (1996) referred to the BATNA<sup>5</sup> concept, as the best alternative to a negotiated agreement. He asked the question of what else is available if no agreement is achieved? If the alternatives are dismal for either party, they have little bargaining power. So, negotiation includes an interchange of goods rather than a one-sided

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<sup>5</sup> BATNA ("Best Alternative To a Negotiated Agreement") is an acronym that occurs in the field of negotiation strategy and stands for the best alternative option if an agreement cannot be reached during a negotiation.

victory. Timing is also important, and the conflicting parties must be willing to compromise (Ramsbotham et al., 2016).

When it comes to negotiations into maritime border disputes, Osthagen (2020, p. 5) answered the question of how states in practice manage to reach agreement on their border disputes by pointing out that agree on a mutually agreed settlement through bilateral negotiations; or, in the event of disagreement, refer the case to the International Tribunal for the Law of the Sea (ITLOS) or another international court for adjudication. They may also use third party arbitration such as the Permanent Court of Arbitration (PCA). Nevertheless, due to the need to compromise, most maritime disputes are settled by bilateral negotiation, without the involvement of international courts (Johnston, 1988, as cited in Osthagen, 2020 p. 5). As well, Anderson (2008 p. 418) also believes that a negotiated agreement is the better way for several reasons. For example, the parties retain control over a number of important decisions, such as the course of the border lines. Settling a dispute through bilateral negotiations allows states the possibility of a creative solution that is not constrained by the international rules used by tribunals and courts (Osthagen, 2020 p. 5).

Why negotiating maritime boundaries? Pratomo (2018) answered this question in his article. Despite it is mandated under the UN Charter and UNCLOS, negotiation is generally referred to as the first means for the peaceful settlement of disputes, including the establishment of maritime boundaries. Apart from being the simplest mechanism involving only the states concerned, negotiation has its unique advantages that make it preferable to other mechanisms. Negotiations permit neighbouring states to have full power over the border to be drawn. It allow states to reach special agreements and make adjustments to meet their interests in seeking an agreed boundary demarcation. There is no one-size-fits-all approach to negotiating maritime boundaries. Pratomo (2018) mentioned that maritime delimitation is a complex, multi-dimensional and multi-layered process. It does not start at the negotiating table, rather before meeting the other side to negotiate, the state should have a strong national position. Before the negotiation process begins, it is normally prefaced by a high-level political agreement and the defined negotiating team then meets following the political agreement. Negotiating maritime boundaries is a difficult task. It requires sophisticated knowledge of the law, technical aspects and more relevant factors. Different locations have different characteristics. Different countries also have different approaches to negotiating their maritime boundaries. Bundy<sup>6</sup> (2012) as well

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<sup>6</sup> A private practitioner in Advising and soliciting high-level litigation in the field of international law and international trade and investment arbitration

mentioned, regardless, it is a fact that the geographic scope within which a maritime demarcation falls are often complex and making it difficult to reach negotiated settlements. Further, if the disputed states are not part of UNCLOS, the necessary consent to procedures under the dispute settlement provisions of the convention may be insufficient.

### **3.2 Mediation**

Mediation is a method of conflict resolution and management that involves the use of third parties to help disputants reach a mutual agreement (Raymond & Kegley, 1985). Zartman and Touval (1996) used a simple but effective and flexible way to define mediation as a type of negotiation in which a third party facilitates the disputed parties to find a resolution that they are unable to find on their own. Yet, impartiality and neutrality as distinctive features of mediation. For instance, Hume (1994) mentioned the impartiality of the mediator as a crucial condition for successful mediation. Mediators must be perceived as impartial and neutral, acceptable to the conflicted parties worthy of their confidence for an effective mediation process (Bercovitch & Gartner, 2009). The impartiality can be an elusive concept and in turn emphasises the importance of a biased mediator. A biased mediator can have practical implications, for example, if the mediator has close ties to the party that has more influence on the conflict's outcome. In such a case, the weakest party in the conflict might expect the mediator to use his/her partiality to influence the opposing party (Bercovitch, 1991; Kydd, 2003). Therefore, impartiality is generally subordinated in the literature to the question of what influence the mediator has vis-à-vis the conflicting sides. For example, despite a clear US bias in the Arab-Israeli conflict, the Arab League have accepted US mediation attempts in the belief that such dealings might be used to obtain concessions from Israel (Touval & Zartman, 2006).

When negotiations fail to settle a maritime border dispute, countries usually start to ponder their third-party settlement options (Bundy, 2012, p. 355). Despite the advantages of successful mediation in maritime conflicts, there have been comparatively few attempts by third parties or disputing states to accept mediation as a form of dispute resolution, and even less successful settlements through mediation. Wiengand (2014) sought to explain the factors which make mediation efforts in maritime border disputes more or less likely and contends that the level of intensity and the importance of the disputed area have a strong impact on mediation efforts. Furthermore, she tests her hypotheses on mediation attempts using ICOW<sup>7</sup> (Issue

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<sup>7</sup> The ICOW collects data on territorial issues in all regions of the world since 1816

Correlates of War) dataset of interstate territorial, maritime and river disputes between 1816 to 2001. The results show that the intensity of the dispute and the importance of the disputed territory have a strong influence on the choice of mediation strategy. In her article, she describes although territorial disputes are attractive to third party mediators, third parties mediate in maritime and riverine disputes much less than they mediate in civil wars and other interstate disputes. It may be because many territorial disputes are not militarized.

Furthermore, Wiengand (2016) has noted, that even though there have been many studies on factors affecting the nature of the resolution method, very little research has been done on the impact of mediation as a non-binding third party method in maritime disputes. According to her comment (p. 6), the current studies usually focus on third party methods as a whole, including mediation, but also binding arbitration and adjudication methods. However, Frazier's study (2006) showed the impact of territory on third party mediation to contribute to the management of territorial disputes. His results suggest that existing arguments about territorial disputes and mediation are oversimplified. Excluding the third-party interest and interaction terms leads to very different results on the nature of territorial disputes compared to considering these two sets of characteristics. In his analysis, the author indicated strong correlations between territorial disputes and third-party interests in comparison to disputes over other matters.

### **3.3 International Arbitration**

Border issues are among the most complicated topics in international law. The revival of border disputes and the efforts to resolve them through international arbitration demonstrate the necessity of understanding the legal process on the international stage (Wibowo, 2012 p. 14). International arbitration is the settlement of a dispute between parties to a contract by a neutral third party without recourse to a court. It is generally voluntary but sometimes legally mandated that if both sides agree to be legally bound by the arbitrator's decision, and it will become binding arbitration. It is similar to a domestic court proceeding but takes place before private judges known as arbitrators, rather than a domestic court (Hassan, & Arifuzzaman, 2018). Unlike bilateral dispute settlement, uncertainty about the outcome of international arbitration does not encourage countries to bring cases before international courts (Osthagen, 2020, p. 5) However, a conflict can be referred to arbitration for several reasons, such as the desire to choose the judge themselves instead of appearing before a person appointed by the judicial authorities or neither party is satisfied with a state court or a national of the other side

deciding the case. There are three kinds of arbitration. First, within an agreement between the parties; second, in a decision of a court; and third, within the regulations of a parliament act (Rubino-Sammartano, 2001). The entire arbitration process is usually confidential, as it remains entirely in the hands of the disputing parties (Hassan, & Arifuzzaman, 2018).

Arbitration is one of the four means pointed out under the UNCLOS of settling maritime boundary disputes. When the conflicting parties cannot resolve the dispute but need to resolve it to explore sea resources, they turn to obligatory dispute resolution (Hasan at el., 2019). Famous arbitration institutions for maritime boundary disputes include The London Maritime Arbitrators Association; the Singapore Chamber of Maritime Arbitration and the German Maritime Association (Rubino-Sammartano, 2001). Many littoral states have settled their protracted maritime boundary disputes through arbitration. In 2014, India and Bangladesh settled their 40-year dispute over maritime boundary demarcation (Hasan at el., 2019). Some more examples which have been settled through arbitration are: Ireland v. the UK (Mox Plant Arbitration); Australia and New Zealand v. Japan (Southern Bluefin Tuna Arbitration); the Philippines v. China (South China/West Philippines Sea Arbitration); Argentine v. Ghana (ARA Libertad Arbitration) (Hassan, & Arifuzzaman, 2018).

In arbitration, there is no intervention of a third party, as in proceedings before the permanent courts and tribunals. Without the will of the disputing parties, no third state can interfere in the proceedings to gain any advantage. Thus, it provides flexibility and space for parties to resolve their conflicts peacefully (Hassan, & Arifuzzaman, 2018). However, arbitration agreements can be demanding documents, *inter alia* because of the need to reach an agreement on a mechanism for the constitution of the arbitral tribunal, the determination of the issue(s) to be decided by the arbitral tribunal and the settlement of procedural and logistical issues (Bundy, 2012, p. 360).

## Chapter IV:

### **UNCLOS, Maritime Diplomacy and Maritime Conflict Resolution**

The sea is an integral part of commerce, travel, power generation, mineral extraction, and is also a major source of today's blue economy (Ahmed, 2017). This chapter first provides a general overview of the United Nations Convention on the Law of the Sea (UNCLOS) and its application. It then discusses the concept of maritime boundary diplomacy and compares the distinction between cooperative, persuasive and coercive maritime diplomacy. Section 4.3 then answers the questions of why maritime borders are important to states, why states contest their maritime borders and how states resolve such disputes. The chapter ends with a brief discussion of different mechanisms for resolving maritime boundary disputes.

#### **4.1 The Legal Framework of Maritime Delimitations Dispute**

The international law of the sea is a law of the maritime area that peacefully resolves global disputes at the sea border among states. It defines several jurisdictions of the sea zones and the rights and obligations of coastal countries in these zones (Ahmed, 2017). According to Brown (1994), the international law of the sea is that part of international law that regularizes the rights and obligations of countries in relation to the use and exploitation of the sea in peacetime. It differs from private maritime law, which regularizes the rights and obligations of private individuals in maritime affairs (Churchill & Lowe, 1999). UNCLOS is the most important international instrument regulating practically all aspects of the law of the sea and laying down rules for baselines and inland waters as well as all sea zones such as the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf or over 200 nm, the high seas and the deep seabed. It is the main international instrument dealing with the procedures for delimiting maritime borders (Hasan et al., 2019, p. 91-92). The legal framework for maritime border disputes is relatively clear, even though the practical difficulties are complex (Wahlisch, 2011).

Article 56 of UNCLOS (1982) states that a coastal state has sovereign rights for exploring, exploiting, maintaining, and managing its natural resources in its EEZ. Under Article 57 of UNCLOS, the EEZ of a coastal state amplifies a maximum of 200 nautical miles from the measured baselines. Moreover, based on Article 74, countries with opposite or bordering coasts must delimit their respective EZZ by adapting international law in order to reach a legitimate solution. Hasan, He, Alam and Chowdhury (2019) discussed in their study maritime borders disputes and maritime laws in terms of finding suitable means and measures for coastal

states with disputed maritime borders. The authors mentioned four types of dispute settlement procedure that can be found in UNCLOS, namely negotiation, mediation, conciliation, and arbitration. Bundy (2012) added two more options to the latter mentioned ones, the maintenance of the status quo and the importance of agreements on provisional practical arrangements, such as common development zones until the border question is finally settled. However, the reality on the ground show that there is a greater boundary between the various maritime zones between states. Each country claims jurisdiction for its own interests. Consequently, maritime disputes arise between different coastal countries and states try to resolve the dispute using various methods of resolution, but in most cases, the parties fail to achieve an agreement (Hasan et al., 2019).

167 countries have ratified UNCLOS, 17 states abstained, and 4 states (USA, Israel, Turkey and Venezuela) were against it (Hasan et al., 2019). Lebanon ratified UNCLOS in 1995, and even if Israel has not ratified UNCLOS, these legislations are generally considered to be binding for both as customary international law (Wahlisch, 2011 p. 2). Although Israel is not a party of UNCLOS, it announced its own EEZ in 2011 and based its rights under international law (Gowlland-Debbas, 2012). Hasan et al. (2019) emphasised that UNCLOS correlates to a peaceful method of resolving maritime disputes, but countries must first accept the jurisdiction of this convention. Otherwise, they are not benefiting from the convention.

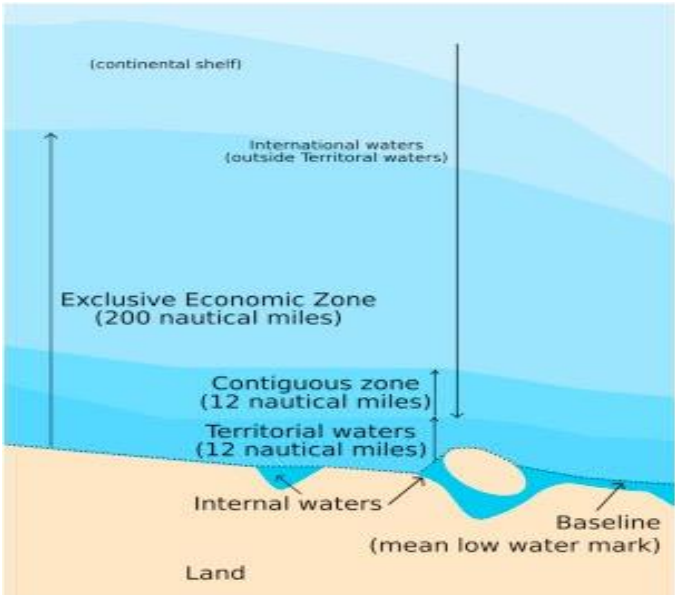


Image 4.1: Sea areas based on UNCLOS<sup>8</sup>

### 4.2 Maritime Diplomacy

<sup>8</sup> Source: Historicair, April 22, 2006.

“Diplomacy, after all, is nothing other than the management of international relations, and maritime diplomacy is therefore the management of international relations through the maritime domain” (Miére, 2015, p. 7). However, this does not refer to the use of diplomacy to address maritime conflicts. According to Hobe and Kimminich (2004, p. 357), diplomatic relations are never maintained unilaterally, but all privileges and benefits are granted on the basis of reciprocity. And since the millennium, specific global trends have reinforced the role of the oceans in international relations (Osthagen, 2014).

In the book “Maritime Diplomacy in the 21st century”, Miére (2015) explained that maritime diplomacy includes a wide range of activities, from cooperative action and humanitarian assistance to the use of persuasion and force. Maritime diplomacy is no longer limited to the navy, but is now also used by the coast guard, civilian ships and non-governmental groups. It is also used by some states in the form of hard and soft power. Miére outlines and analyses the notion of maritime diplomacy, which has been mostly neglected in the literature. According to him, the use of maritime diplomacy can have an impact not only on a sea activity, but also because any incident can reflect shifts in the international order and is also an excellent indicator of the presence and seriousness of international tensions. Moreover, maritime diplomacy can serve as an outlet through which tensions can be eased without conflict arising.

Wibowo (2014, p. 12-13) explained, that border diplomacy is one of the key elements for some coastal states' foreign policy to maintain and preserve political and economic sovereignty. Border diplomacy can be used through various methods and mechanisms, both internal and external. For example, establishing joint border committees as a framework for addressing border management problems and facilitating socioeconomic activities in the border zone; actively participating in multilateral negotiations on maritime affairs and the law of the sea to address current maritime issues affecting the convention; promoting preventive diplomacy to build confidence and prevent potential conflicts. Miére (2015) added that maritime diplomacy can be briefly categorised into cooperative, persuasive and coercive maritime diplomacy. Cooperative maritime diplomacy does not seek to intimidate, deter or coerce, nor does it seek to persuade by force. Rather, it makes use of the tools of attraction, inspiration and co-option to engage other governments. Persuasive maritime diplomacy aims to enhance the recognition of one's maritime power and raise the nation's prestige on the international stage. Finally, coercive diplomacy is also called gunboat diplomacy, it is the pursuit of diplomacy by the use of gunboats or maritime abilities.



### 4.3 Maritime Conflict Resolution

Maritime border disputes demolish political harmony in international relations and are the obstacle for the use of marine resources for coastal states (Hasan et al., 2019). Therefore, they must be peacefully resolved. Maritime conflict resolution is the settlement of conflicts relating to the sea, it includes conflict implementation, conflict avoidance and conflict management (Sicking, 2017). Nemeth et al. (2014) compared two mechanisms for managing conflict about maritime resources: `privatisation` of the sea in the shape of EEZs and `institutionalisation` under UNCLOS. They found out that UNCLOS is effective in both preventing the development of new maritime disputes and encouraging third party attempts to resolve pre-existing claims. On the other hand, EEZs function most effectively for countries that seek to manage pre-existing maritime disputes by promoting more common and fruitful bilateral negotiations. Their analysis illustrates the practicability of different solutions for the conflict management of maritime resources. There are sufficient variations to draw comparisons between the effectiveness of EEZ and UNCLOS as different conflict management tools for maritime disputes. However, either UNCLOS members or EEZ claims have no impact on the probability of countries to deploy military force to prosecute their maritime claims (Hensel et al., 2008).

Any dispute between UN member states is governed by the UN Charter, inclusive of the peaceful settlement of disputes, the prohibition of the use of force, and the principles of sovereign equality of countries. According to Bundy (2012), there are five options for dealing with maritime border dispute, namely, to maintain the status quo, to negotiate for a border agreement, third party settlement (binding decision of adjudication or arbitration), mediation, and agreement on provisional practical arrangements, such as common development zones until the border question is finally settled. Bundy also explained that border negotiations require legal and factual investigation which is necessary for the submission of a border dispute in the case of settlement by third parties.

## Chapter V:

### Conflict Analysis

Lebanon's and Israel's sharply divergent views on maritime borders not only pose a major challenge for US diplomacy but also for the whole region. Conflict analysis involves a structured examination of the root causes and potential course of a conflict and aims to reveal options for managing or resolving conflicts (Levinger, 2013, p. 18). In this chapter, the Lebanese-Israeli maritime border conflict is analysed with the use of three different conflict analysis tools suggested by Levinger (2013). First, with the conflict assessment tool, previous attempts of reaching a peace agreement are highlighted to gain a better understanding of the obstacles and reasons for the failure of establishing diplomatic relations. Secondly, with the same tool, events which contributed to this maritime border conflict were examined. Third, a relational conflict map was created to illustrate a graphical representation of the actors involved and their relationships to each other and to visualize the dynamic of the conflict. Finally, a conflict profile for each stakeholder was created to identify the actors' positions in the conflict.

#### **5.1 Failing peace agreements and diplomatic relations between Lebanon and Israel**

Unlike the fruitful negotiations and peace agreement in the past between Israel and other Arab states like Egypt in 1979, Jordan in 1994, and more recently with United Arab Emirates, Morocco, Bahrain and Sudan in 2020, there has been no significant progress in the Lebanese Israeli conflict.

Barak (2017) published extensively about the deterioration of Israeli–Lebanese relations. During the entire First Arab-Israeli War, the Lebanese Army Forces (LAF) fought only one battle against the Israel Defence Forces (IDF). When the First Arab-Israeli War ended in 1949, Lebanon was the second Arab state to sign an armistice agreement with Israel. From 1949 until the 1967 Israeli-Arab War, Israel's relations with Lebanon were the most stable of all Israel's relations with its Arab neighbours. Further, as the crisis in Palestine culminated in the First Arab-Israeli War, Lebanon was fragmented between those who supported a more active role in Palestine and those who favoured staying out of the conflict. While Lebanon was not directly involved in either the 1967 Arab-Israeli war or the 1973 Yom Kippur war (Schulze, 1998), it turned into a battleground for the Palestine Liberation Organization (PLO) and Israeli

forces, as it did in 2006 during the 33 days of war between Israel and the Lebanese militia Hezbollah<sup>9</sup>.

However, the most turbulent period in relations between the two countries was the 1970s and 1980s during the Lebanese civil war (Barak, 2017). It is beyond the scope of this thesis to probe deeper into the details of their relationship during the Lebanese civil war, but it is important to describe the major events that happened at the time. In 1982, Israel invaded Lebanon with the justification to stop Palestinian fighters launching attacks on Israel and the Israeli army besieged the capital Beirut (Fisk, 2005). One year later, on 17 May 1983, the US Reagan Administration led an American mediation to sign the so-called 114 agreement<sup>10</sup> between Lebanon and Israeli, that was supposed to end the war between Lebanon and Israel. Inbar (1991) wrote that the US succeeded in bridging the differences between Lebanon and Israel, whose conflicting interests were represented. The main issues were the nature of security arrangements for Israel in southern Lebanon and the normalization of relations between the two states. An agreement was only reached after the US Secretary of State conducted shuttle diplomacy. In his analysis, Inbar showed the limits of US influence in pursuing its interests in the mediation process between Lebanon and Israel. The Israeli-Lebanese agreement was meant to establish a stronger central pro-Western Lebanese government; however, in his opinion, the misperceptions of the USA and the internal weakness of Lebanon were the reasons for the failure of this project.

At the same time, parts of Lebanon were also occupied by the Syrian regime. Schulze (1998) also added that the Lebanese wanted a complete Israeli withdrawal because Israeli security arrangements were seen as a cause of political instability in Lebanon. One of the Israeli policies was that no Israeli withdrawal could take place without a simultaneous Syrian withdrawal and install a surveillance system in Lebanon. However, the Syrian agreement never materialised, so the US made its withdrawal from Lebanon conditional on a Syrian withdrawal. The agreement then signed met neither Israel's security requirements nor Lebanon's political requirements. The treaty ended the war without establishing peace but ensured respect for territorial sovereignty and political independence. Israel was permitted to launch attacks on Lebanon if the security arrangements of the 17 May agreement were insufficient.

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<sup>9</sup> A description of Hezbollah is given below under heading 6.2.12 Sporadic Hezbollah and Israel military outbreaks

<sup>10</sup> The terms of this agreement can be looked up here:  
<https://mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook6/pages/114%20agreement%20between%20israel%20and%20lebanon-%2017%20may%201.aspx>

Although the agreement did not meet Israel's expectations, the economic crisis in Israel and the economic burden of the Israeli military occupation on the Palestinian territories, as well as the increasing number of casualties, prompted Israel to ratify the agreement. At the same time, Syria threatened the Lebanese with the resumption of civil war if the agreement was ratified. From Damascus' point of view, Israel had got what it wanted out of the Lebanon war, a political agreement with the government in Beirut, a weakened PLO and a wide strip of Lebanese territory along its northern boundary in its direct control. This caused Syria to pressure the Lebanese government not to ratify the agreement to avoid the growth of Israeli influence. Israel was looking for an assertive policy towards Syria because it became clearer that Lebanon would not be able to fulfil its obligations. Almost one year later, after discussions between Hafez Assad<sup>11</sup> and Bachir Gemayel<sup>12</sup>, the Lebanese cabinet decided to terminate the 17 May agreement, leaving Israel with no political advantage (Schulze, 1998).

A second attempt to reach a peace agreement was after the Israeli military operation called “Grapes of wrath” in 1996. This led to US-French mediation efforts, which resulted in an agreement between Hezbollah and Israel on 26 April 1996. The main objective of this agreement was to prevent Hezbollah from using civilian villages to attack Israel (Barak, 2017). This agreement only lasted until 2006 when the so-called 33-Days war between Hezbollah and Israel took place. On 11 August 2006, the United Nations Security Council adopted UNSCR 1701 to end the war and it was accepted by Hezbollah, the Lebanese government and the Israeli government (Harel & Issacharoff, 2009). Although it ended with a ceasefire, a peace treaty was never achieved. Besides small casualties, since the 33 days of the war, no major clashes between Hezbollah and Israel have been emerged (Schweikle, 2020). Since 2006, United Nation Interim Force in Lebanon (UNIFIL)<sup>13</sup> has been working hard to defuse tensions between Israel and Hezbollah and to guarantee compliance with the ceasefire agreements signed in 2006.

At the state level, the two countries have not had direct talks for over 30 years but the recent Lebanese-Israel maritime border negotiations have brought a rare glimpse of peace (Schweikle, 2020). Although Allinson (2020) published on DW News that the talks on the disputed maritime borders point to establishing a relationship, experts are sceptical whether the

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<sup>11</sup> He was the Secretary General of the Baath Party, Syrian Prime Minister and President who ruled the country dictatorially from 1970 until his death in 2000.

<sup>12</sup> Bachir Pierre Gemayel was a Christian Maronite militia leader and elected president of Lebanon until his assassination in 1982.

<sup>13</sup> UNIFIL was originally founded in March 1978 by the UN Security Council. The mission had three general objectives: to confirm the withdrawal of the Israeli armed forces; to restore international peace and security; to support the Lebanese government in ensuring the return of its effective authority in the region. More details about their mission and challenges could be found on their website: <https://unifil.unmissions.org/>

talks can bring about another "historic" US-backed step towards peace in the region. As it can be seen in the timeline above, the several efforts by international conflict resolution and mediators to reach a peace agreement between the two states have failed. This has prevented the two Mediterranean states from moving forward toward the land and sea border demarcation process.

## **5.2 Milestones Events Contributed to the Lebanese-Israeli Maritime Border Dispute**

### ***5.2.1: The discoveries of the Hydrocarbons in 2010***

In December 2010, enormous hydrocarbon reserves were discovered in the Levant Basin, estimated by the US Geological Survey at 122 trillion cubic feet (TCF) of recoverable natural gas and 1.7 billion barrels of recoverable oil (Knell, 2013). This discovery has been confirmed by Noble Energy as one of the world's largest gas and oil fields of the last decade (Aboultaif, 2016). The giant gas field has been named the Leviathan field, which is located in very deep sub-salt structures at a depth of about 7,200 metres. The Leviathan field is located about 130 km off the coast of Haifa towards Cyprus territorial waters and about 55 km south of Lebanese waters (Khadduri, 2012). Many authors wrote that these discoveries are both an opportunity and a challenge. For example, Khadduri (2012) believes that, on the one hand, the discoveries offer the potential to use gas as an environmentally friendly fuel for power plants, petrochemical and water desalination facilities. On the other hand, these discoveries remain vulnerable to regional conflicts because the maritime boundaries between countries in the region, such as Lebanon and Israel, were not defined before the discoveries. This could lead to another military conflict between Israel and Lebanon (Aboultaif, 2016).

The Eastern Mediterranean was already particularly fragile in terms of political conflicts before the discovery of offshore gas. The latter development has only further complicated the problems. Khadduri (2012) gives a brief overview of the security challenges posed by the hydrocarbon discoveries and how they have been addressed until 2012, focusing also on the two countries, Lebanon and Israel. The author explained that the Leviathan field has the possibility of reaching into Lebanese and Cypriot waters. Even, already before the Leviathan field, the consortium led by Noble Energy discovered the Tamar field with its enormous gas reserves not so far from Lebanon's territorial waters back in January 2009. In addition, there are two small structures from the Tamar field located in Lebanese waters. These discoveries of the Tamar and Leviathan fields in the northern waters of Israel have changed the energy balance of the country, as the Tamar field can provide enough fuel to meet internal demand for two

decades. In particular, Lebanon claimed that Israel has annexed Lebanese waters of 860 km<sup>2</sup> and warned Noble Energy not to violate the Lebanese EEZ, in which it told that international companies should avoid drilling in disputed areas. Further, state's lawyers are pursuing these warnings to prevent any oil or gas exploration in the fields that enter Lebanon's EEZ.

### *5.2.2 The Cyprus agreements*

The diplomatic challenge lies in the fact that in 2007 Cyprus and Lebanon have agreed on a maritime boundary that extends south to a point known as Point 1; Cyprus then agreed to a line with Israel in 2010, starting at point 1 and extending further south. However, UNCLOS regulations for such a situation imply that Cyprus' maritime boundaries with Israel and Lebanon should meet at a point equidistant from the three states, making it about 17 km south of point 1. This resulted in a disputed area of 480 km<sup>2</sup> in a triangular shape (Henderson, 2013). Nevertheless, the treaty signed between Lebanon and Cyprus in 2007 was not accepted by the Lebanese parliament and was therefore never ratified by the president (Wahlisch, 2011; Aboultaif, 2016; Haytayan, 2021).

Anyway, in December 2010, the Israeli cabinet approved a unilateral proposed maritime border based on the Israel-Cyprus maritime agreement and presented it to the United Nations. On the grounds of the Lebanese maritime border, it contradicts the line that Israel agreed with Cyprus and, in particular, it contradicts the borderline that Lebanon agreed with Cyprus in 2007 (Wahlisch, 2011). Given this, Article 34 of the Vienna Convention on the Law of Treaties (1980, p. 11) states: " A treaty does not create either obligations or rights for a third State without its consent."

In June 2011, Adnan Mansour, the Lebanese Minister of Foreign Affairs and Emigrants at the time, addressed a letter to the UN Secretary-General Ban Ki-Moon, that was published in the UN "Database on Legislations and Treaties". In his letter, Mansour stated that Lebanon rejects the Cyprus-Israel agreement, which is violating Lebanon's sovereign and economic rights and is threatening international peace and security. According to the letter, the Israel-Cyprus agreement is based on false geographical coordinates. The letter also stressed that Point 1 does not represent the southern end of the median between Lebanon and Cyprus which separates the EEZs of both states, but it can only be considered as a common point between Lebanon and Cyprus. Furthermore, it clarified that this common point is not the endpoint and cannot, therefore, be seen as the starting point between Cyprus and Israel. As well, Gowlland-Debbas (2012) published about the Israel-Cyprus agreement, explaining that the agreement

touches the EEZ granted by Lebanon in 12 points and ignores the left margin of the Lebanese-Cypriot accord. Moreover, according to the author, the endpoint of the northern boundary between the Cyprus-Israel Agreement goes beyond the equidistant tripoint between Lebanon, Cyprus and Israel and overlaps with Lebanon's declared EEZ.

**5.2.3: Land Borders Dispute and the Blue Line**

The Lebanese-Israeli land border dispute is related to the maritime border dispute (Evental, 2020). The two countries have lived without a commonly recognized land border since 1949 (TOI, 2021, a). After occupying south Lebanon for over twenty years, Israel was obliged to retreat in the spring of 2000, after which the Blue Line along the nominal border was established by the United Nations to ascertain whether or not a full withdrawal had occurred (Kiwan, 2020). Also, Mezher (2021) confirmed that the Blue Line, which stretches for 120 km along Lebanon's southern border, is a key to regional peace. It is not a border, but a "line of withdrawal" established by the UN in 2000 to confirm the retreat of Israeli forces from southern Lebanon. At the same token, geographically, there is no agreed land border. The current border is the "Blue Line" established by the United Nations in 2000 following Israel's withdrawal of its forces stationed in southern Lebanon to prevent attacks (Hinderson, 2021). There are thirteen disputed points between Israel and Lebanon along the Blue Line. Most of these disputes trace back to the 1949 Armistice Agreement, on which the Blue Line established by the UN is based. While the Blue Line runs eastwards to the Golan Heights, Hezbollah claims that the area of the Sheba'a Farms on the western slopes of Mount Hermon is conquered Lebanese territory. On the other hand, the UN and Israel are in the view that this area is considered former Syrian territory (Evental, 2020).



Image: 5.2.3<sup>14</sup>: The Blue Line

<sup>14</sup>Source: <https://www.thenationalnews.com/world/mena/shebaa-farms-why-hezbollah-uses-israel-s-occupation-of-a-tiny-strip-of-land-to-justify-its-arsenal-1.857998>

However, Haytayan an expert on oil and gas policy and geopolitics, (2021) reminded that there is an official state border between Lebanon and Israel. This border was established in 1923 by the two imperative powers, France and Britain, in what is known as the Paulet-Newcombe Agreement. The Paulet-Newcombe Agreement states that “the frontier leaves the Mediterranean Sea at the point called Ras-el-Nakurah and follows the crest of the spur to cairn 1, situated 50 meters north of the Palestinian police post of Ras-el-Nakurah”.

#### ***5.2.4: Contested Starting Point***

Lebanon's coastline stretches 225 km along the Mediterranean Sea and Israel has 271 km of coastline, almost all of which is also in the Mediterranean Sea. Neither country has yet officially published a normal baseline and its coordinates. On the disputes over a maritime boundary agreement, both countries have overlapping unilateral claims (Baroudi, 2020). Hinderson (2021) stressed that neighbouring states sharing a coastline must agree on two points. First, where the line should begin. Usually, it is where their land border reaches the sea. Second, what stance it will take. In the case of Israel and Lebanon, both these points are in disagreement. To make matters worse, Lebanon argues that the maritime border should run in the direction of the disputed land border, which is 270 degrees on the coast, due west. Israel has drawn a line that runs to the north, while the Lebanese line leans to the south (Evental, 2020).

Islands can be exceptionally controversial when countries try to draw maritime boundaries. A dispute has also arisen over the islet of Tekhelet, which lies in Israeli waters south of the Lebanese city Ras Naqoura. Technically, Tekhelet is a "dry area" that is part of a nature reserve where trespassing is prohibited. In an earlier EEZ proposal, Lebanon had conceded the island to Israel, after which Israel shifted its definition of the maritime boundary northwards. However, late 2020, Beirut changed its position and declared that the island is uninhabited and therefore not of relevance to the negotiations (Hinderson, 2021). As well, the Times of Israel reported (2021) that if Tekhelet is considered, it will shift the demarcation line northward, but Lebanon argues that this islet is too insignificant to affect the line so drastically.

However, according to Haytayan (2021), when the armistice line was established in 1949, Lebanon and Israel jointly decided to establish an intermediate boundary stone between the point of Ras-el-Nakurah (known as Point B1) and Cairn 1 (also known as BP1). Furthermore, in 2000, the United Nations confirmed the location of Point B1 and included it in the Blue Line, which supported that the tip of Ras-el-Nakurah is the starting point of the land border on the coast.





Image: 5.2.4<sup>15</sup>: Intermediate boundary stone between the point of Ras-el-Nakurah and Cairn 1

### 5.2.5 The Hof Line

Washington has been mediating between Lebanon and Israel to find a common solution. Since 2010, four different envoys have tried to get the two sides to reach an agreement on a negotiating framework. In 2012, the envoy Fredric Hof suggested dividing the 860 km of disputed waters, with 500 km<sup>2</sup> going for Lebanon. This proposal became known as the Hof Line (Haboush, 2019). Lebanon did not accept the Hof Line. Laury Haytayan (2021), explained the many reasons why the Hof Line is a win-lose scenario for Lebanon in an article on the Lebanese online newspaper, *The Daily Star*. Israel received more than the maximum it could have legally sought and Lebanon received less than the minimum it could have received based on international law. Therefore, the Hof Line cannot be a solution to the maritime dispute between Lebanon and Israel. Nor can it be a starting point or foundation for future negotiations between the two sides.

From the Lebanese point of view, the Hof Line is based on equidistance and begins at a point 3 nautical miles from the shore. Taking into account the island of Tekhelet in the Hofer Line, the equidistance line shifts northwards covering an area of 1800 Km<sup>2</sup>, which is thus cut off from Lebanese territorial waters and its EEZ. International law has set out clear criteria for the choice of the base points for establishing an equidistance line. Nevertheless, these criteria were entirely ignored by Hof.

Haytayan (2021) also mentioned a couple of examples of setting an equitable equidistance line and compared them with the Hof Line and the Tekhelet islet. For example,

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<sup>15</sup> Source: <https://www.dailystar.com.lb/Opinion/Commentary/2021/Mar-22/518675-maritime-mediation-between-lebanon-and-israel-looking-beyond-the-hof-line.ashx>

the ICJ in the Libya/Malta case already stated in 1984 (Para. 13) “the equitableness of an equidistance line depends on whether the precaution is taken of eliminating the disproportionate effect of certain islets, rocks and minor coastal projections.” The Tekhelet rock is a disproportionate impact and should have been legally ignored. Indeed, a correct equidistance line established based on the right coastal points would have been located south of the Hof Line and provide Lebanon with an additional 1,430 km<sup>2</sup> on top of the disputed 860 km<sup>2</sup>. This claim is also legally confirmed by the technical report compiled by the United Kingdom Hydrographic Office (UKHO) in 2011 on behalf of the Lebanese government. According to the Hof Line, the base points proposed by Israel were retained on the Israeli side, and the points indicated by Lebanon were adopted on the Lebanese side for the equidistance line. The base points on the Lebanese side were not proposed by Lebanon, but directly by the US. Under international law, the effect of the characteristic on the equidistance line is decisive. As described in Hayatan article, the effect of Tekhelet is not compensated in a way as in the US/Canada or US/Mexico cases. Therefore, the consideration of Tekhelet in the delimitation was unjust and inconsistent with customary international law.

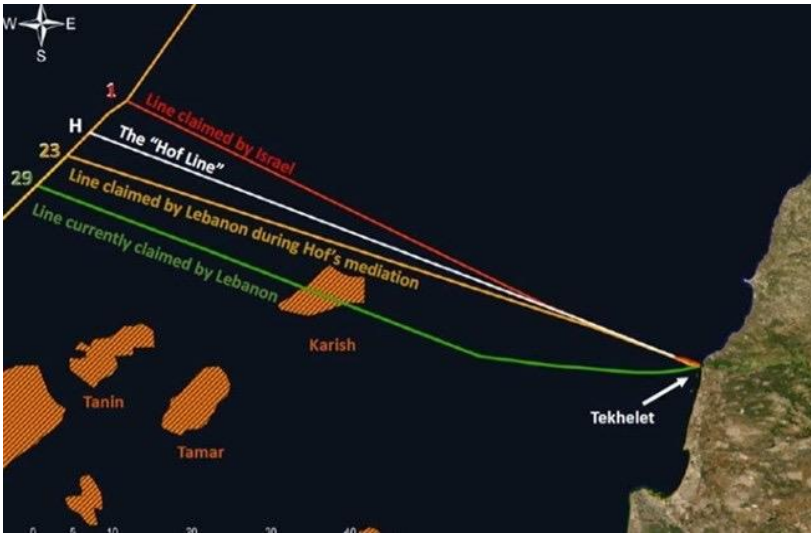


Image 5.2.5<sup>16</sup>: The Hof line and Lebanon’s claims

**5.2.6 Official Negotiations: from October 2020 to May 2021**

More recently, the Lebanese government has agreed to start negotiations with Israel to settle a ten-year dispute over the maritime border under US mediation. They began negotiations in October 2020, these were the first non-security talks between the two states, which are technically in a state of war and have no diplomatic relations. The talks were under the auspices

<sup>16</sup> <https://www.dailystar.com.lb/Opinion/Commentary/2021/Mar-22/518675-maritime-mediation-between-lebanon-and-israel-looking-beyond-the-hof-line.ashx>

of the UN and mediated by the USA, which has been pushing for negotiations to settle the conflict since 2010 (Kiwani, 2020; TRT World, 2021). All the negotiations took place at the UNIFIL headquarter at the Naqura border town, southern Lebanon.

The Israeli delegation team consisted of eight high ranked military, diplomats, international law specialists, ministry and state advisors (Tol, 2021). On the other hand, the four-member Lebanese delegation included two army officers, a Lebanese oil official and an expert on maritime border law. Notwithstanding, Asmar (2020) reported that, following the appointment of the four-member negotiating team by the Lebanese government, Hezbollah rejected the composition of a delegation to negotiate with Israel and demanded an urgent reform of the Lebanese negotiating team. In a joint statement with the Amal Movement<sup>17</sup>, the two groups declared that the inclusion of civilian figures in the Lebanese delegation was contrary to the 1996 Framework Agreement, which only permits the participation of military officers in the regular border demarcation meetings. The Hezbollah-affiliated daily Al-Akhbar called the talks as "a moment of unprecedented political weakness for Lebanon" and argued that Israel was the real "beneficiary" (Al Jazeera, 2020, c, para. 17). This is due to the earlier mentioned Lebanese economic and political crisis, as the Lebanese government no longer has the trust of the majority of its citizens and is incapable of imposing its wishes, and also partly because decision-making is controlled by Hezbollah (Kiwani, 2020).

### **First Round (October 14, 2020)**

On October 14, 2020, when the first meeting took place, BBC News (2020) reported on the same day that the negotiations began less than a month after Bahrain and the United Arab Emirates established full relations with Israel, following a US-mediated agreement. Both sides stressed, however, that the talks are not a sign of normalizing relations, but an agreement would enable them to exploit the offshore lucrative natural gas fields. The first meeting lasted only one hour and launched technical, indirect negotiations. According to the Israeli Energy Ministry spokesperson, the two sides discussed the framework for continuing the negotiations and set the schedule for the upcoming talks. The US State Department said the representatives held productive discussions and reaffirmed their commitment to pursuing talks. Evental (2020) added that these talks were made possible by a framework agreement, the details of which are

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<sup>17</sup> The Amal Movement, or in English Hope Movement, is a Lebanese political party linked to the Lebanese Shiite community. After the Israeli invasion of Lebanon in 1978, the party experienced a renewal of its popularity. The Amal Movement is by a narrow margin the largest Shiite party in parliament and has sixteen representatives to the thirteen Hezbollah representatives. Moreover, Amal has an alliance with Hezbollah and the Progressive Socialist Party.

still secret. The biggest obstacle on the long road to negotiations was Beirut's demand to simultaneously negotiate the maritime and land border disputes with Israel.

### **Second Round (October 28 -29, 2020)**

After the second meeting, Times of Israel (2021, b para.1) reported that Lebanon and Israel had a “heated” second round. The Daily Star (2020, a) wrote that the Lebanese delegations were adopting a “maximalist stance” by pushing for an additional 1430 km<sup>2</sup> to be included in Lebanese territory on top of the already disputed 860 km<sup>2</sup>. As explained above in the “The Hof Line” section, Hayatan (2021) justified the Lebanese point of view of the additional 1430 km<sup>2</sup>. The Tekhelet rock is a disproportionate impact and should have been legally ignored. Aljazeera (2020, a) also referred on the same date that local news reports described the second meeting, which was to last two days, as "serious" as both sides dealt with technical issues and the 1430 km<sup>2</sup> extra demand from the Lebanese delegation. The meeting had raised hopes but Lebanon insisted the negotiations were strictly technical and did not include a soft political normalisation with Israel.

The reason for Lebanon’s extra demand including part of Israel's Karish gas field is because it believes that the map registered with the UN in 2011 was based on incorrect estimates. The demanded 1430 km<sup>2</sup> also covers Israel's Block 72, for which the Israeli government has given Noble Energy approval to drill exploratory wells in 2019. The Lebanese President Michel Aoun stated that the Ras Naqoura land point is stipulated in a 1923 agreement and the demarcation line would have to start from Ras el Naqoura and extend seaward in a line (TRT World, 2021).

### **Third Round (November 11, 2020)**

In the third round, an Israeli source close to the talks has told the Times of Israel (2020, c) that, in the meantime, Israel has demanded to push the maritime border further north, deeper into the territories claimed by Lebanon. The Israeli delegation itself submitted a line north of the dispute line and made it clear that there will be no talks on a line south of the dispute line. TOI also quoted the Lebanese newspaper Al-Akhbar, which published that a well-informed source said that the chances of the talks succeeding were 50:50. After new lines have been presented, Israel called it 'provocation' and proposed a border that is not based on any rules of international law.

Houssari (2020, para. 5) reported on Arab News that Israel's Energy Minister Yuval Steinitz accused the Lebanese Government of “changing its position regarding the maritime

borders demarcation seven times... and it is so far had been provocative.” Adding (para. 6) “Lebanon’s position during the fourth round of negotiations not only contradicts its previous positions but also contradicts Lebanon’s position regarding the maritime borders with Syria, which takes the Lebanese island near the borders into consideration.” Houssari explained that Steinitz also emphasised the necessity of "sticking to the principle of stability and resolving the dispute following the documents submitted by Israel and Lebanon to the United Nations and any divergence from this principle will lead to a dead end".

The Times of Israel (2021) article included the original statement of Israel’s Energy Minister Yuval Steinitz “It seems that Lebanon prefers to blow up the talks instead of trying to reach agreed-upon solutions. Unfortunately, this won’t be the first time in the past 20 years that the Lebanese changed their naval maps for propaganda purposes. Unilateral Lebanese steps will be met in kind by Israel”

#### **Fourth Round (December 2, 2020)**

After the fourth round was postponed, Mroue (2020) published on TOI, the fourth round of talks, scheduled for the second of December, has been postponed until further notice, according to officials from the two countries. The Lebanese president said during a meeting with John Desrocher, the US mediator for the negotiations, that he wanted the maritime border talks with Israel to be successful and that the disagreements of the last round of negotiations could be resolved based on the law of the sea. Aoun stressed that if the talks fail, "other alternatives can be proposed", without elaborating. Israeli Energy Minister Yuval Steinitz in an interview stated that "the Lebanese presented positions that are a provocation... I hope that in a few months we’ll be able to reach a breakthrough”. Furthermore, in a statement released by Aoun's office, he was quoted as saying that Lebanon wants the talks to be successful because the stability in the south depends on it and it will enable us to invest in natural resources. However, Perry and Williams (2020) published on Reuters that the Lebanese security source blamed the delay on Israel's rejection of Lebanese proposals. And Middle East energy expert Marc Ayoub told Arab News, “the current suspension and postponement of the negotiations are for tactical reasons. Lebanon and Israel are clinging to their positions regarding the starting point of the maritime border demarcation” (Houssari, 2020 para.8).

Israel, for its part, moved to negotiate an equitable division of the disputed 860 km<sup>2</sup> based on the Hof Line. It took four rounds of indirect and a bilateral encounter between the US Ambassador Desrocher and the Lebanese officials to fully understand the different stances

between Lebanon and Israel on this dispute. The Lebanese Delegation did not acknowledge the already known 860 km<sup>2</sup> disputed area but claimed 1,430 km<sup>2</sup> extra, which was described as Lebanon's maximum claim, which included a substantial part of the Karish gas field in Israeli waters (Hayatayan, 2021).

#### **Fifth Round (May 4, 2021)**

After the talks stalled because Lebanon demanded a larger area, which included part of the Karish gas field for which Israel has granted exploration rights to a Greek company, they resumed on May 4<sup>th</sup>, 2021. The resumption took place after a new US administration took office and this meeting lasted five and a half hours (Zaatari, 2021). So far, there is no official statement from the parties involved on how the meeting went or when the next round of talks might be scheduled.

The Lebanese leadership is not unified behind the decision of the army leadership regarding the expanded territory. However, a source in the Lebanese presidential office told Al Jazeera (2020, b) that the talks will continue where they left off. Both Israel and Lebanon called for a different demarcation line at that meeting as well, but both parties did not accept the proposals and are now waiting for US mediator John Derocher's proposal. A month before the meeting, Lebanese President Michel Aoun called on Israel to stop all exploration in Karish until the dispute was resolved. John Desrocher calls the restart of talks a "positive step towards a long-awaited solution" (para.11). According to Henderson (2021) when Lebanon extended its claim last year, Israel probably missed a negotiating trick by not extending its claim quickly and publicly. Israel is now willing to argue that the sea line should run at an azimuth of 310 degrees from the coast at Rosh Hanikra/Ras Naqoura, a significant shift to the northwest from previous proposals. However, Berman (2021) reported on TOI that it has been reported that Lebanon has backed away from the 1430 km<sup>2</sup> demand. This should put Tekheilet back at the centre of a hoped-for settlement for Israel. Moreover, he reported having Lebanon back at the negotiating table without the aggressive claims that torpedoed the talks in the last round demonstrates how desperately it needs a settlement. The Israeli Energy ministry told the Times of Israel (2021, f) that more rounds of talks could be held in the future; a sign of tentative hope, according to the newspaper. Israel would be happy to reach a negotiated settlement with Lebanon, a country that Israel believes could be a constructive neighbour if it were not under the influence of Iran and Hezbollah.

### ***5.2.7 Consortium Deals and the Dilemma of Block 9***

An international energy consortium comprising French Total, Italy's ENI and Russia's Novatek was given the go-ahead in 2017 to drill in Block 4 and the southern Block 9 (Azhari, 2020). Lebanese Blocks 4 and 9 are part of the agreement, but Israel claims that part of Block 9 falls in their EEZ (TRT World, 2021). Exploratory drilling in Block 9 was supposed to start before the end of 2020, but the consortium decided to postpone this schedule and Lebanon has also twice postponed the submission of bids for a second offshore licensing round (Azhari, 2020). On top of this, there is also the complication of ongoing occupations and their legal impact on petroleum investments (Khadduri, 2012).

The licenses for the exploration of the Israeli blocks with the Tanin and Karish fields are held by the Greek company Energean and the exploitation of Karish was planned to start in early 2022. On its part, Lebanon hopes that the French company Total will drill exploratory wells in Block 9, but Total is reluctant to drill because it lies partly in the disputed triangle with Israel. The line claimed by Israel would give it sovereignty over about one-fifth of Block 9 and almost all of Block 8 (Henderson, 2021). It seems that both countries have an interest in the success of the talks. Lebanon is more dependent on a solution to the conflict than Israel, as foreign companies are currently reluctant to make concessions or investments for exploration and drilling in the disputed area (Evental, 2020).

### ***5.2.8 Lebanon Economic Crises***

Lebanon is desperate for money and relies on foreign donors as the country is facing the worst economic crisis since the civil war (1975-1990) (TRT, 2021). In a news article on Aljazeera (Azhari, 2020), it is reported the Lebanese economy is in debt by around \$90 billion, earning the country the notorious honour of being the third most indebted country in the world relative to the size of its economy. According to the World Bank (2021), the economic and financial crisis is possibly one of the three most severe crises worldwide since the mid-nineteenth century. The World Bank estimates that real GDP fell by 20.3% in 2020, following a 6.7% decline in 2019. Lebanon's GDP fell from almost \$55 billion in 2018 to an estimated \$33 billion in 2020, while GDP per capita in dollar terms dropped by around 40 per cent. Such a brutal decline is usually related to conflicts or wars.

In March 2020, Lebanon defaulted on a USD 1.2 billion Eurobond and is now trying to reschedule its entire debt. The Lebanese currency has since lost more than 50% of its value on parallel markets. Tens of thousands have lost their jobs and millions of people are at high risk of not having their basic needs, such as food (Azhari, 2020). Unprecedented financial collapse

since 2019 has dramatically increased the prices of basic food and basic needs and has pushed most Lebanese into poverty. The financial crisis was exacerbated by the Covid-19 pandemic and the Beirut port explosion that devastated an entire Beirut neighbourhood in August 2020, killing nearly 200 people (Azhari, 2020).

For years, the Lebanese government has been touting offshore natural gas deposits as a possible salvation for Lebanon's fragile finances and the basis for a long-overdue energy transition (Azhari, 2021). TRT World (2020) reported that the speaker of the Lebanese parliament, Nabih Berri, stated that the gas discoveries on the Israeli side “prove that reserves and God are willing this will help us pay our debt.” Lebanon has returned to the negotiating table without the claims that torpedoed the negotiations in the last round, because it is in a desperate economic and political situation and urgently needs an agreement that will help the country overcome its economic crisis (Times of Israel, 2021, f).

### ***5.2.9 Lebanon’s and Israel’s Governmental Crises***

“A decade of US mediation was beset by differing views in Lebanon and chronic political crises” (Azhari, 2020). In contrast to Israel, the start of negotiations in October triggered a strong response and a political storm in Lebanon. On one hand, some political figures welcomed the framework agreement, seeing it as a practical recognition of Israel and expressing the expectation that it would be concluded for the benefit of the Lebanese national interest. On the other hand, Hezbollah's statements were more striking. They flatly rejected any symbolic gesture that could signify normalisation, for example in a statement such as that agreeing to negotiations with Israel shows an unprecedented Lebanese weakness that threatens to differentiate once and for all the US pressure for the demarcation of the maritime and land borders (Evental 2020).

Another obstacle is that Lebanon's divided politicians are either unwilling or unable to form a government. Lebanon's government stepped down in August 2020 and is acting as an interim government. The efforts to establish a new government have failed so far (TRT World, 2021). Also, offshore exploration in Lebanon had been delayed by about a decade as the country faced political paralysis and low-level conflict whilst other countries, particularly Israel, Egypt and Cyprus, made great discoveries in their territory of the eastern Mediterranean (Azhari, 2020). Already in 2012, Khadduri wrote that Lebanese policies are delaying hydrocarbon industry development and are far behind Israel. Not only Lebanon, but also Israel fell into a political crisis that delayed the Maritime Talks. Israel held three elections between April 2019



and April 2020, unable to form a government, and Lebanon was on the verge of collapse after the largest popular uprising in its history against the ruling class (Azhari, 2020).

#### ***5.2.10 Beirut port explosion 04/08/2020***

Also, according to Haboush (2020), a senior Arab diplomat in Beirut who told Arabiya News that "Hezbollah has thrown in the towel" and softened its tough stance in rejecting an agreement and western diplomats have also noted a marked change in regional geopolitics following the explosion at the Beirut port in 2020. Another comment by Aram Nerguizian, a senior fellow at the Center for Strategic & International Studies (CSIS), underlined that such manoeuvring is taking place now because of the Beirut port explosion. Hezbollah and Amal are offering major concessions to appease future US sanctions or to try to curb US demands for dramatic political reform in Lebanon by offering a geopolitical carrot to US and its allies in Israel (in Haboush, 2020).

#### ***5.2.11 The Abraham Accords and Joint Declarations***

The Abraham Accords is a joint declaration by the State of Israel, the UAE and the USA signed on 13 August 2020 to normalize diplomatic relations between UAE and Israel. This accord marked the first public normalisation of relations between an Arab country and Israel since the peace agreements between Egypt in 1979 and Jordan in 1994. Later, the term Abraham Accords<sup>18</sup> was also used as a collective term for normalisation agreements between Israel-Bahrain (15.09.2020), Israel-Sudan (23.10.2020) and Israel-Morocco (22.12.2020) (Singer, 2021; Yellinek, 2021).

The maritime border negotiations between Lebanon and Israel were launched shortly after the UAE-Israel full normalization treaty. A public opinion survey<sup>19</sup> conducted in Lebanon to assess popular views on the maritime border negotiations between Lebanon and Israel and the peace agreements between the United Arab Emirates and Israel, published by the "Washington Institute" in December 2020, found that 70% of Sunnis and 67% of Christians agreed that these talks are 'a positive development. Conversely 51% of Shiites agreed, and 19% of all Lebanese 'strongly' disagree. Pollock (2020) published, that the Lebanese-Israeli Mediterranean border negotiations have met with widespread popular support, especially among Lebanon's Sunnis and Christians, but also among many Shiites. This strikingly positive

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<sup>18</sup> The details and the objectives in the treaties between all four countries and Israel can be read here. All 4 Accords are available here: <https://www.state.gov/the-abraham-accords/>

<sup>19</sup> The results of the survey can be found here: <https://www.washingtoninstitute.org/policy-analysis/lebanon-poll-shows-drop-hezbollah-support-even-among-shia-plurality-back-israel>

reaction is probably due to the expectation that the resulting offshore natural gas deposits will alleviate the country's severe economic situation. In contrast, the new comprehensive peace agreements between Israel, the UAE and Bahrain are generally viewed poorly by respondents. Two-thirds of Christians and about three-quarters of both Sunnis and Shiites describe these agreements as at least "somewhat" negative.

Frantzman (2020) is of the opinion that in Lebanon things are much more complex than in the UAE and Bahrain. He clarified, as long as Hezbollah remains in Lebanon, there will be no peace with Israel. He concluded, that Lebanon, which in many ways has much in common with Israel, could be the last country in the region to reach a peace deal with the Jewish state.

### ***5.2.12 US Administration Changes***

“Israel is a great partner to the United States, and Israel has no greater friend than the United States” (US Department of State, 2021). The highly divergent views of Israel and Lebanon on maritime borders pose a major challenge for US diplomacy (Henderson, 2021). During the Trump administration, the US increased its pressure on Lebanon, notably after Hezbollah succeeded in getting Michel Aoun elected as President. The Lebanese-Israeli Maritime border negotiation card was supposed to stay in Iran's hands over Hezbollah. Nonetheless, when the time came to engage with Washington, Trump did not allow much room for manoeuvre (Kiwani, 2020). The US has increased pressure on allies from Lebanon's Hezbollah, imposing sanctions on senior leaders of its key Shiite allies (TRT World, 2021). A long-standing US priority is not only to encourage a holistic and lasting solution to the Israeli-Palestinian conflict, but also to strengthen cooperation and normalise relations between Israel and the Arab and Muslim majority countries (US Department of State, 2021).

Azhari (2020) was told by the director of the Levant Institute for Strategic Studies (LISS), the Lebanese government knows that the responsibility lies in Washington and under Biden's administration, the Lebanese government will sign a final border agreement. The LISS director believes Lebanon will collect the cards and play a new hand. The start of talks is also an important success for Washington. The US has demonstrated that it is still an important player in the Mediterranean, after suffering setbacks in its influence in Syria, Libya and with the Palestinians in recent years (Evental, 2020).

### ***5.2.13 The Hezbollah Factor and its Sporadic Military Outbreaks with Israel***

Hezbollah, or Party of God, is a Shiite party and militia in Lebanon. It emerged in 1982 as an underground paramilitary organization through the merger of various Shiite groups in resistance to the Israeli invasion at the time and is led by its Secretary General Said Hassan

Narallah since 1992 (Levitt, 2015). During the Israeli occupation in southern Lebanon (1982-2000) Israel faced many clashes and conflicts with Hezbollah, whose primary aim was to end the Israeli occupation (Hajjar, 2014) and draws its ideological inspiration from the Iranian Revolution and the doctrines of Ayatollah Khomeini. It has generally followed the religious leadership of the Iranian Supreme Leader (CIA, 2020) and allied with Iran's regional policy in the region (Levitt, 2013).

As a "state within a state", Hezbollah controls Lebanon not only militarily through its militia, but also politically through its party (Leonhardt, 2019). Similarly, Hezbollah has developed into an economic and political entity since the early 1990s and has become a state within a state in Lebanon with a strong influence in Lebanon's Shiite community; it is an active participant in Lebanon's political system and operates social programmes such as hospitals and schools (CIA, 2020). Also, Hezbollah built a network of different institutions that offered a wide range of services to the Shiite community. This network comprised schools, hospitals and clinics, housing and building cooperatives, cultural clubs and sports, as well as youth, women's and scout groups (Majed, 2010).

Currently Hezbollah holds twelve deputies in Lebanon's 128-seat parliament and having two ministers in Diab's cabinet (Lebanese government of 2020). Adding Hezbollah's two main allies, they have a combined majority in both parliaments (Chehayeb, 2020). According to CIA (2020), Hezbollah is the strongest armed group in Lebanon, supported by Muslim Shiites and some Christians, Syrian Assad's government and has significant backing from Iran. The party was placed on the US State Department's list of foreign terrorist organisations since 1997 (CIA, 2020) and either the entire party or only its military wing has been classified as a terrorist organisation by several states, including the European Union (Kanter & Rudoren, 2013). The US State Department (2020) estimated that Iran was providing \$700 million annually to Hezbollah which have more than 130,000 rockets and precision-guided missiles, with the capabilities to reach deep into Israel. According to the Center for Strategic and International Studies (2018), Hezbollah is the most heavily armed non-state actor in the world and has a large and diverse inventory of unguided artillery rockets along with ballistic, anti-tank, anti-air and anti-ship missiles. Israel has long regarded Hezbollah as its greatest and most immediate military threat. Israel also estimates that the range of Hezbollah rockets can strike anywhere in the country (Kellman & Karam, 2021).

According to TRT World (2021), Hezbollah could also be an obstacle as it keeps exchanging fire with Israel and they announced in October 2020 that the talks were not a sign

of a peace settlement with Israel. The security situation between Israel and Hezbollah is so vulnerable that future attacks on offshore targets cannot be excluded. An escalation of the conflict will affect the hydrocarbon industry's development and diminish confidence in the security of the energy supply (Khadduri, 2021). Moreover, a threat of violence by Hezbollah could prevent other investors from getting involved in projects off Israel's coast (Henderson, 2021).

#### ***5.2.14 Lebanon rejection of joining the Eastern Mediterranean Gas Forum (EMGF)***

The EMGF<sup>20</sup> was established in 2018 as an Egyptian initiative to serve as a platform for structured policy dialogue on natural gas, leading to the development of a sustainable regional gas market that could unlock the full potential of gas resources in the Eastern Mediterranean. It is an instrument of cooperation and coordination between members, observers and international energy companies. The member states are Cyprus, Egypt, France, Greece, Israel, Italy, Jordan, Palestine and the observer include USA, EU and World Bank. However, Lebanon has rejected joining the EMGF or any other regional mechanism that includes Israel and is therefore isolated in the Eastern Mediterranean gas process in the face of the emerging alliance between other Eastern Mediterranean countries (Sharaf, 2021).

At the same time, negotiations are taking place between Israel and Lebanon. Harari (2021) asked the question on the Jerusalem Post, “Could observer status for Lebanon in the EMGF be a feasible and desirable option?”. He answers it with a crucial reflection relating to the feasibility of such a step and, equally important, its possible impact on US mediation efforts between Israel and Lebanon. Given the fact that Lebanon has sat down at the table with Israel in the fifth round back and it is interested in exploiting its economic opportunities, an invitation to participate in the forum as an observer could be considered to be in Lebanon's own interest. Washington, as mediator, could discreetly raise this alternative. It could be linked to a preferable compromise on the maritime border as a supplementary measure in Lebanon's interest.

### **5.3 Conflict Actor Mapping**

A conflict mapping provides a graphical representation of the actors involved and their relationships to each other. This helped to visualize the dynamics of the conflict. Apart from the primary actors Lebanon and Israel, four more secondary actors are identified. Namely, USA, Hezbollah, UNIFI, and International Energy companies.

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<sup>20</sup> For more information please visit: <https://emgf.org/>

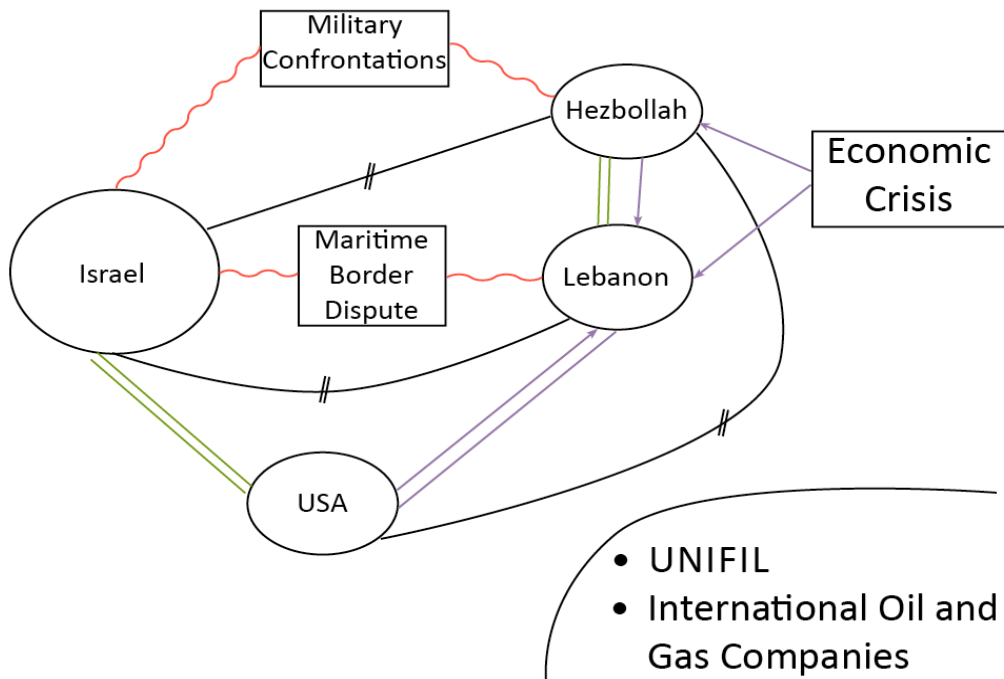


Figure 5.3.2: Lebanon Israel Maritime Border Dispute Conflict Map

Figure 5.3.2 illustrates the complexity of the conflict, including the main actors. The figure shows that Israel and Lebanon are engaged in a maritime border dispute, while at the same time Israel has sporadic military clashes with Hezbollah. Moreover, Israel has no relations with either Lebanon or Hezbollah. The US, as a mediator, is a strong ally of Israel and has no relations with Hezbollah, but maintains good relations with Lebanon and also has influence over the decisions of the Lebanese government. However, since Hezbollah has twelve deputies in the 128-seat Lebanese parliament and has two ministers in the cabinet and many allies in parliament, it directs Lebanon's position and decisions. At the same time, both Lebanon and Hezbollah are under pressure from the severe economic crisis in Lebanon. Two other actors involved, but who have no influence on this dispute, are UNIFIL and the international oil companies.

#### 5.4 Stakeholder Analysis: Positions, Interests, Issue and Powers

Leverage (2013) highlighted two main questions must be asked. First, who contributes to the conflict? Second, who helps build peace? As shown in the table below, each actor plays an important role in this conflict. Data from above “5.2: Milestones Events Contributed to the Lebanese-Israeli Maritime Border Dispute” are used and categorized in the stakeholder analysis table below and completed with further facts from the same dataset and factual information which are presented in appendix B.

| Parties  | Position   | Interest  | Needs   | Issues/Problems   | Means of Influence/Power  | Willingness to Negotiate   |
|--|--|---|---|---|---|--|
| <b>“Primary and secondary individuals or groups”</b> | “Stated demands; what people say they want”  | “Preferred way to get needs met; desires, concerns and fears that drive the position”   | “Basic human physical, social, requirements for life that underlie interests” | “Matters in contention, substantive problems that must be addressed”  | “Sources of power and influence over other parties; negotiation leverage”   | “Readiness to talk and reach an agreement. BATNA? Cost/benefit calculus”   |
| <b>Lebanon</b><br>(primary actor)                    | A dispute is about 1430 km <sup>2</sup><br><br>Delineation Starting point: Ras El Naqura | Under UNCLOS Tekhelet, should not be considered<br><br>Revenue from Gas to face the economic crises<br><br>No time frame for the negotiations | Ability to face the economic crises<br><br>Defining land and sea borders      | Technically in a state of war and no diplomatic relations with Israel<br><br>Was invaded twice by Israel<br><br>Does not recognize Israel as a legitimate country<br><br>Is in a weaker position due to governmental and economic crisis<br><br>Still needs to explore the offshore gas fields<br><br>Dispute over land borders with Israel | Supported by Hezbollah<br><br>Ability to block IGC from exploring and drilling in the disputed area<br><br>A good bilateral relationship with the mediator (USA)<br><br>Not recognizing the borders of Israel<br><br>Not Member of EMGF | Distrust of Israel (technically in a state of war with Israel)<br><br>Is ready to step down from its 1430 km <sup>2</sup> demands<br><br>Signatory of UNCLOS<br><br>Prefer to depend on UNIFIL to force its position |
| <b>Israel</b><br>(primary actor)                     | A dispute is about 860 km <sup>2</sup>   | Negotiation only about 860 km <sup>2</sup>  | Strategic level: an agreement would strengthen stability                      | Technically in a state of war and no  | Ranked as the 11 most powerful  | They suspended negotiations until Lebanon was ready  |

|   |  |  |  |  |  |   |
|---|--|--|--|--|--|---|
|   | <p>Delineation Starting Point: Tekhelet islet</p> <p>No Land border negotiations</p>                                 | <p>Timeframe for the negotiations</p> <p>Normalization of relations with Lebanon</p> <p>Recognition of its Border by Lebanon</p>                   | <p>with Lebanon and stops confrontations with Hezbollah</p> <p>Secure their gas and oil drilling von attacks</p> <p>Revenue</p> <p>Regional Hegemonic power to protect the state of Israel</p> <p>Become a regional Gas exporter</p> | <p>diplomatic relations with Lebanon</p> <p>Hezbollah is blocking the negotiations</p> <p>Just an established a new government in 2021</p> <p>Afraid of Hezbollah's capacities</p> <p>Fought 2 major wars with Hezbollah</p> <p>Sporadic confrontations with Hezbollah</p> | <p>military in the world in 2021</p> <p>An alliance and great economical partner of the Mediator (USA)</p> <p>Occupying Lebanese lands (Shebaa farms, according to Lebanon)</p> <p>Already profiting from its Gas discoveries</p> <p>Has no time pressure like Lebanon</p> <p>Member of EMGF</p> | <p>to cede part of its claim.</p> <p>Already pumps gas from its EEZ</p> <p>Not a signatory of UNCLOS</p> <p>The fifth round demanded a significant line shift to the northwest</p> <p>Prefer to depend on the USA to force its position</p> |
| <p><b>Hezbollah</b><br/>(secondary actor)</p> | <p>The defender of Lebanon (see them self)</p> <p>No maritime border negotiations without including land borders</p> | <p>Include land border negotiations to Preserve back the Sheeba farms</p> <p>Protect Lebanon's sovereignty</p> <p>No normalization with Israel</p> | <p>Maintain the power of decision making in Lebanon, because the group co-existence depends on it</p> <p>Afraid to lose influence in Lebanon</p>   | <p>Faced many clashes and conflicts with Israel</p> <p>Pressure under US sanctions</p> <p>Designated as a Terrorist group</p>  | <p>Controls Lebanon military and politically</p> <p>Most seats in the Lebanese Parliament.</p> <p>The most heavily armed non-state actor in the world</p>  |   |

|   |  |   |  |   |   |   |
|---|--|---|--|---|---|---|
|   | A reform of the negotiating team to include only military personnel  | No border expansion for Israel<br>Greater access to decision making                             |  |   | Control of Lebanese land borders.<br><br>Major Alliance with Iran and Syria                                 |   |
| <b>USA</b><br>(secondary actor)                               | Negotiation Land border in a separate track<br><br>No negotiations with Hezbollah<br><br>Normalization of ties | Stay a significant player in the region<br><br>Regional Stability<br><br>Reduce Hezbollah power | Keep positions, power and control as means to keep its hegemonic power and image | The position is changing in favour of the new Presidential administration elections | World Hegemonic power<br><br>Sanctions against Lebanon and Hezbollah<br><br>Lebanon's main security partner | Shuttle diplomacy since 2012<br><br>Observer in EMGF<br><br>Prefer both parties agree on Hof Line |
| <b>UNIFIL</b><br>(Not directly involved)                      | Offering the meetings in its headquarters<br><br>UN Peacekeeping mission                                       | Avoid confrontations  | Implementation of UN SC Resolution: 425, 426, 1701                               | Regular violence at the blue line border<br><br>Restricted freedom of movement      | Humanitarian aid<br><br>Sponsorship of the talks  | Not on the negotiations table   |
| <b>International Gas Companies</b><br>(not directly involved) | Can't explore and drill in the contested sea territory, before the dispute is solved                           | A fast settlement<br><br>More investor  | Start exploring and drilling in the disputed area                                | Investments on hold<br><br>Two exploration blocks are located in the disputed area  | International Investments<br>Resources for exploration and drillings  | Not on the negotiations table   |

Table 5.4: Stakeholder analysis<sup>21</sup>

<sup>21</sup> Th framework is adapted from Global Partnership for the Prevention of Armed Conflict et al. (2012, p. 31).



## 5.5: Findings

### 5.5.1: *On Peace Agreements and diplomatic relations*

All previous attempts to conclude peace agreements and establish diplomatic relations were influenced by different political groups within Lebanon and foreign powers, which always led to failure. Even if Lebanon was the second Arab state to sign an armistice agreement with Israel after the first Arab-Israeli War in 1949, this agreement was not strong enough to establish diplomatic relations. The closest thing to a peace treaty was the so-called 114 Agreement, launched in 1983 by the US administration under Reagan to end the Israeli invasion of Lebanon and normalise relations between the two states. Unfortunately, the agreement ended the war without bringing peace. Then again, the attempt to reach a peace agreement in 1996 only lasted until 2006, when the 33-Day War between Hezbollah and Israel started. This was in turn interrupted by Resolution 1701 adopted by the UNSC and ended the war with a ceasefire, but diplomatic relations have not been established to date.

### 5.5.2: *On the Milestones Events*

The analysis of the 14 events that contributed to the Lebanese-Israeli maritime border dispute clearly shows that all events and disagreements took place after the hydrocarbon discoveries in 2010, except for the land border disputes that began with the establishment of the Blue Line. The Lebanese-Israeli land border dispute is related to the maritime border dispute (Evental, 2020). The analyses make it clear that this maritime dispute and the negotiations conducted are mainly about the disputed starting point of the maritime border. According to the Israeli delegation, the border point must begin at the rocky island of Tekhelet, which lies in Israeli waters south of the Lebanese town of Ras Naqoura. In contrast, Lebanon argues that the border begins at Ras el Naqoura, as stipulated in the 1949 armistice agreement.

The dispute began to escalate after Israel and Cyprus signed an agreement in 2011 to define their maritime border, creating a disputed area of 860 km<sup>2</sup> in the form of a triangle between Lebanon and Israel. Since 2012, the US has been mediating between Lebanon and Israel to find a joint solution. Apart from the fact that the US mediation succeeded in bringing both countries to the negotiating table, the establishment of the Hof Line was an early turning point in this conflict. However, shortly before the implosion of the Hof line, Lebanon rejected the initiative, recognising that it was a win-lose scenario for Lebanon.

The negotiations from October 2020 to May 2021 under the auspices of the UN and mediated by Washington began less than a month after Bahrain and the United Arab Emirates

established full relations with Israel. However, Lebanon insisted the negotiations were strictly technical and did not include a soft political normalisation with Israel. In the second round of negotiations, the Lebanese delegations were adopting a “maximalist stance” by pushing for an additional 1430 km<sup>2</sup> to be included in Lebanese territory on top of the already disputed 860 km<sup>2</sup>. The reason for Lebanon’s extra demand is because it believes that the map registered with the UN in 2011 was based on incorrect estimates. In the third round, Israel has demanded to push the maritime border further north, deeper into the territories claimed by Lebanon and made it clear that there will be no talks on a line south of the dispute line, which in turn was rejected by Lebanon. After the heated negotiations round, the fourth round was postponed until further notice. After this occurrence, the Lebanese President stressed that if the talks collapsed other alternatives can be presented. However, Israel took the Lebanese position and its Maximax approach as a provocation. Israel, for its part, moved to negotiate an equitable division of the disputed 860 km<sup>2</sup> based on the Hof Line. The fifth round took place five months later. Both Israel and Lebanon called for a different demarcation line at that meeting as well, but both parties did not accept the proposals and are now waiting for a US proposal (Al Jazeera, 2020, b). Israel is now willing to argue that the sea line should run at an azimuth of 310 degrees from the coast at Rosh Hanikra/Ras Naqoura, a significant shift to the northwest from previous proposals (Henderson, 2021). Furthermore, Lebanon has backed away from the 1430 km<sup>2</sup> demand and having Lebanon back at the negotiating table without the aggressive claims that torpedoed the talks in the last round demonstrates how desperately it needs a settlement (Berman, 2021).

Lebanon is desperate for money is facing the worst economic crisis since the civil war. Frantzman (2020) wrote that in Lebanon, things are much more complex than in the UAE and Bahrain. He clarified that the complex political situation in Lebanon militates against peace, as most groups in the country would have to agree to the concept, which the main actors are not. Frantzman is strongly showing that as long as Hezbollah remains in Lebanon, there will be no peace with Israel. As well, the sporadic military confrontations between Israel and Hezbollah is also an obstacle. The security situation between Israel and Hezbollah is so vulnerable that future attacks on offshore targets cannot be excluded.

### ***5.5.3: On Conflict Actor Mapping***

The conflict actor mapping showed the main actors engaged in this maritime border dispute. Israel has no relations with either Lebanon or Hezbollah and is facing military clashes with the latter. Washington, as a mediator, is a strong ally of Israel and maintains good

relations with Lebanon and also has influence over it but has no relations with Hezbollah. However, Hezbollah cannot be left out of the picture, as it is seen as a state within a state and has a great influence on Lebanese politics. Both Lebanon and Hezbollah are under pressure due to the severe economic crisis and US sanctions on Lebanon. UNIFIL and the IOC are other two actors involved, but who have no direct influence on this conflict.

#### ***5.5.4: On Stakeholder Analysis***

Finally, the stakeholder analysis showed the positions, interests, needs, problems, possibilities of influence and willingness to negotiate of the parties. Focussing only Lebanon and Israel, the table clearly showed that Israel has the upper hand in this conflict. Lebanon is interested in generating revenue from the potential gas to deal with its economic crisis and does not want to commit to a time frame for the negotiations. Conversely, Israel wants a timeframe for negotiations and hopes to normalise relations with Lebanon so that its borders are recognised by Lebanon. Lebanon does not recognise Israel as a state and insists that these negotiations remain a technical matter and are not a sign of normalisation. It is in a weaker position due to the governmental and economic crisis and has yet to explore the offshore gas fields. On the other hand, Israel has already developed its gas reserves and is in the process of becoming a gas exporting country. An agreement with Lebanon would strengthen stability in Lebanon and prevent confrontations with Hezbollah. The country needs to protect its gas and oil wells from attack. It also needs to maintain regional hegemonic power to protect itself.

Lebanon is supported by Hezbollah and has the power to prevent the IOC from exploring and drilling in the disputed area. Moreover, Lebanon is not a member of the EMGF, which means it does not have to abide by the organisation's principles, which would benefit Israel. Israel, on the other hand, is ranked as the 11th most powerful military in the world in 2021 and is an ally and major economic partner of the USA. It is a member of the EMGF and already benefits from its gas resources with no pressure from further internal factors such as an economic crisis like Lebanon. In terms of willingness to negotiate, Lebanon is technically in a state of war with Israel but desperately needs an agreement to overcome the economic crisis and political deadlock. It has already backed down from its demands for 1430 km<sup>2</sup>. Israel, in turn, suspended negotiations until Lebanon was ready to give up part of its claim.

## Conclusion

Defining maritime boundaries and the question of sovereignty over the seabed is a challenge for any coastal state, even more so when the two states do not have diplomatic relations. This research aimed to analyse the current maritime border conflict between Lebanon and Israel in the Eastern Mediterranean in order to find out how it influences the development of diplomatic relations between the two states. The two countries have not held direct talks for more than 30 years, but the recent maritime negotiations have brought a hope of peace between the people of Lebanon and Israel (Schweikle, 2020). Based on the qualitative analysis of primary and secondary sources, including reviews by politicians and experts, United Nations and government publications, and various news reports and with help of three distinctive conflict analysis frameworks, this study attempted to answer “How do the maritime border negotiations between Lebanon and Israel affect the development of diplomatic relations between the two states?”.

After defining this work as a case study and qualitative exploratory research in chapter one, chapter two looked at theories and concepts of conflict resolution, conflict management and conflict transformation. In contrast to conflict resolution, which focuses on achieving creative outcomes through the constructive settlement of conflicts, conflict management focuses on providing tools to defuse conflicts. Conflict transformation, on the other hand, assumes that conflicts are influenced by systems, cultures and structures that promote the continuation of the conflict. In chapter three the three most common methods for the peaceful management of international conflicts under the UN charter were discussed. Namely, negotiations, mediation, and arbitration. Negotiation is a process of combining conflicting positions into a mutual agreement and it is the most frequent form to prevent, manage, resolve, and transform a conflict. Mediation is best defined as a negotiation facilitated by a third actor who makes non-binding proposals to help the conflicting parties reach a mutual agreement. In contrast, arbitration is the settlement of disputes by a neutral third party, whereby both sides are legally bound by the arbitrator's decision,

Chapter four gave an overview of the legal framework of a maritime delimitation dispute by briefly touching on relevant articles of UNCLOS and emphasizing that it is the most important international instrument dealing with all aspects of the law of the sea. In addition, chapter four discussed the concept of maritime conflict resolution and diplomacy and provided different mechanisms for resolving maritime boundary disputes. Such as, actively engaging in multilateral negotiations on maritime issues and fostering preventive

diplomacy to establish mutual trust and avoid future conflicts (Wibowo, 2014, p. 13). Chapter five, the case study analyses the Lebanon-Israel maritime border conflict with the use of three different conflict analysis frameworks suggested by Levinger (2014). First, previous attempts to establish peace agreements and build diplomatic relations were highlighted and explained to gain a better understanding of the obstacles and reasons for failure. Secondly, events that contributed to this maritime border conflict were examined, especially the five rounds of maritime border negotiations that took place between October 2020 and May 2021. Third, a conflict map was drawn up to graphically represent the stakeholder and their links to each other to illustrate the conflict dynamics. Finally, a conflict profile for each actor was created by using a stakeholder analysis framework to understand their positions or demands behind their interests

As only five rounds of negotiations have taken place between October 2020 and May 2021, it is too early to assess whether the negotiations on the maritime border between Lebanon and Israel will affect the development of diplomatic relations between the two countries. The analysis of attempted historical peace agreements has shown that the two countries came close to signing an agreement once before under US mediation in 1983, but then failed to be implemented due to external pressure of Lebanon. Before the maritime border negotiations began Hezbollah has pointed out that these talks are based only on technical issues and have no connection to normalisation ties. On the other hand, the Washington Institute conducted a public survey in Lebanon in December 2020 to determine the opinion of the population on the Lebanon-Israel maritime negotiations and the Abraham Accords, a larger part of the Lebanese population agrees that these talks are a positive development. Unlike the Abraham Accords between Israel and four other Arab states, the situation between Lebanon and Israel is more complex. Its confessional political system has long allowed many external actors to interfere in and influence domestic and international politics according to their interests.

Analysing this case through the theoretical framework, it appears that the Lebanese government is using the negotiation method mediated by the US as a conflict management approach rather than conflict resolution. It occurs that the Lebanese government wants to maintain the status quo and does not seek to resolve the roots of the conflict and establish diplomatic relations with Israel in the foreseeable future. However, an agreement on maritime borders with Israel would produce lucrative gas deals and allow the country to extricate itself from the current economic crisis. This would not necessarily guarantee peace with Israel and

is not expected to have any positive effect on the chances of diplomatic normalisation between the two Eastern Mediterranean countries.

### **Limitations and Further Research**

During the analysis, it became clear that this case study is not only legally but also politically complicated. The methodology chosen was not perfectly suited to this research question. As many documents are withheld from the public and the negotiation rounds took place without the involvement of the public media, it was difficult to analyse the conflict and its impact on the development of diplomatic relations between the states using conflict analysis tools, as there is insufficient information on this particular development. It is also important to note that, only after the Beirut port explosion in August 2020, Lebanon agreed to negotiate with Israel through US pressure. As this topic is very new, it became another limitation because of the lack of information and further current literature.

To better understand the implications of these results, future research projects could interview political experts on both sides, delegations that participated in the negotiations or their advisors, with the use of a descriptive study approach. This would produce information systematically and bring more traceable results.

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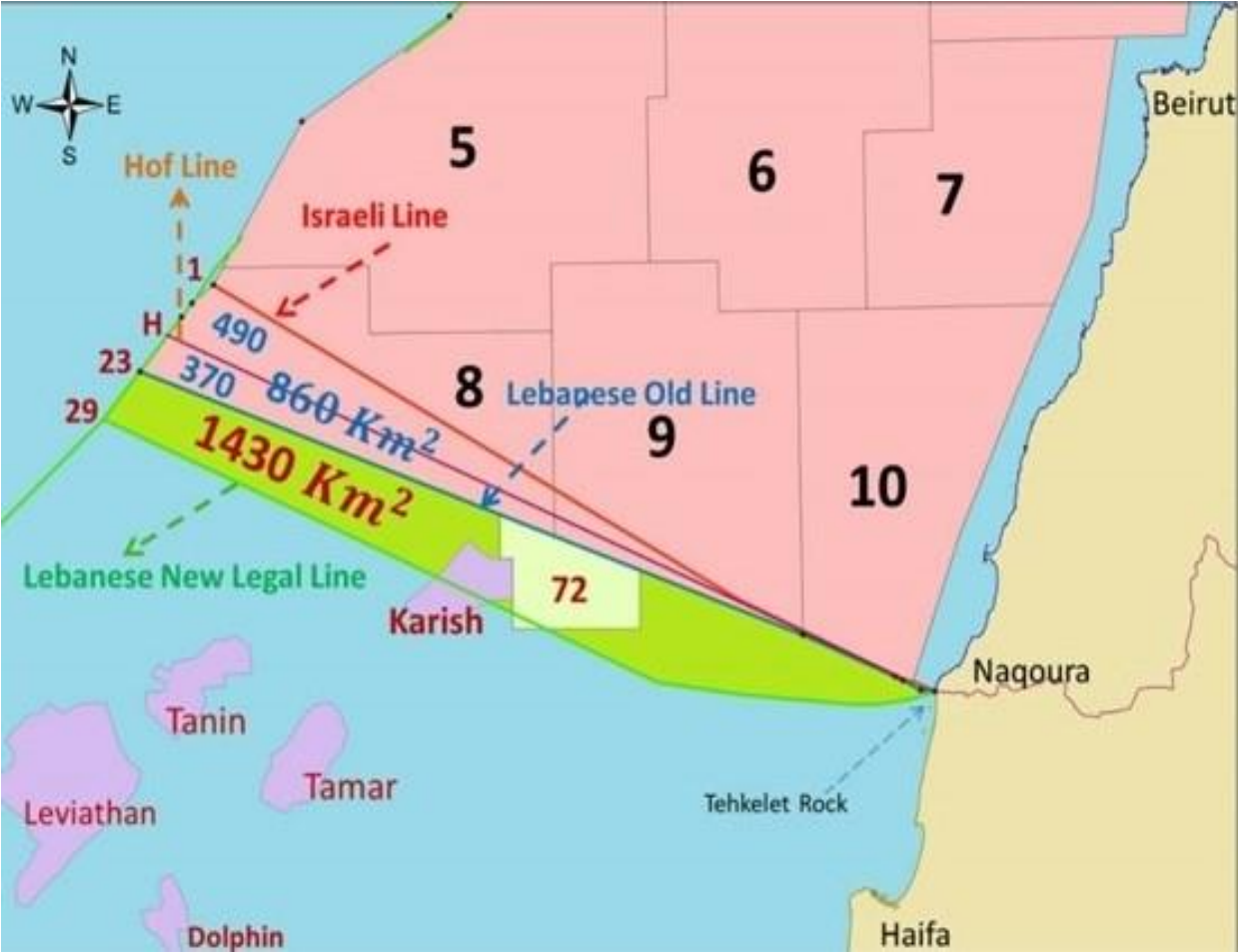
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# Appendix A: Map of the Disputed Area



Source: <https://www.dailystar.com.lb/News/Lebanon-News/2021/Mar-19/518598-lebanons-stance-undeterred-in-maritime-border-talks-with-israel.ashx>

# Appendix B: Additional Data to Stakeholder Analysis

## USA Relations to:

| Israel  | Lebanon  |
|---|--|
| <p>Has robust defence cooperation with Israel, its security is a long-standing pillar of US foreign policy. The United States' commitment to Israel's security is supported by cooperation and a 10-year, \$38 billion Memorandum of Understanding (MOU) signed in 2016. In line with the MOU, the United States provides \$3.3 billion annually in foreign military funding and \$500 million for missile defence cooperation programmes. In 1948, the USA was the first country that recognised Israel as a state, and in 2017 the first to acknowledge Jerusalem as its capital.</p> | <p>Supports Lebanon in maintaining its independence, sovereignty, national unity, stability and territorial integrity. Since 2010, the U.S. has provided a total of more than \$4 billion in foreign assistance to Lebanon. In addition, the United States is Lebanon's main security partner and has provided more than \$2 billion in bilateral security assistance to the LAF since 2006.</p> |

Source: US Department of State (2020)

Kiwan (2020): wrote for the Middle East Monitor Agency extensively about Hezbollah’s role in the maritime border dispute between Lebanon and Israel. He published, during Obama's term and beyond, sporadic and indirect contacts and negotiations took place, guided by internal and regional developments. The question of border demarcation remained not in the hands of the state, but in the hands of Hezbollah and Amal. Furthermore, Washington's sanctions against Hezbollah leaders, including Nasrallah himself, were meant to exert pressure on Lebanon (Kiwan, 2020). The circumstance that President Aoun had assembled a negotiating team led by Washington created difficulties not only for Hezbollah but also for the presidential team itself. However, the biggest paradox is that Hezbollah and Amal had a hard time convincing their supporters, that starting negotiations with Israel is merely a geographical process to define borders and is not about normalising relations with Israel.