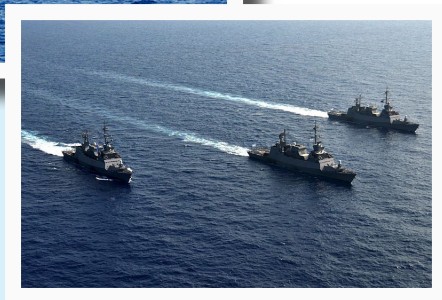
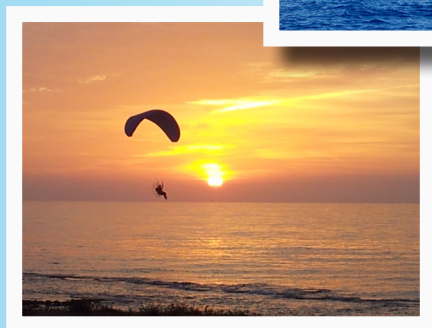
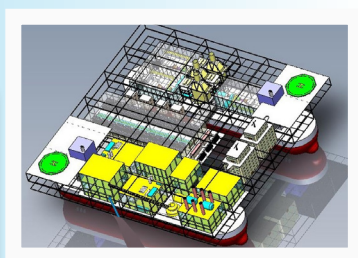


MARITIME STRATEGIC EVALUATION FOR ISRAEL 2016

Chief editor: **Prof. Shaul Chorev**

Edited and produced by: **Ehud Gonen**



Chapter 16: Marine Planning in Israel

Yael Taf-Seker

During the last two decades, the sea has become an increasingly important factor in Israeli society and in the economy and security of Israel. This trend began in 1999, the year that the Noa natural gas reservoir was discovered in Israel's economic waters, and intensified with the discovery of Leviathan in 2010. This discovery increased the awareness of the government and the public sector of the need for marine planning, with the goal of balancing between the various needs of Israel's society and economy in the use of the maritime domain.

These needs require consideration of various elements: the production of natural gas, energy independence, security threats (such as terror), the need for clean water (by means of desalination) and space for recreation and heritage, as well as shipping lanes and seaports, through which flow the vast majority (more than 98 percent) of Israel's imports and exports. The aforementioned requires special consideration in the marine planning process. However, the State of Israel does not currently have an overall marine plan, spatial or otherwise, for the Mediterranean. This is particularly felt in relation to deep water and Israel's economic waters (i.e. waters starting from a distance of 12 nautical miles from the shore).

Spatial marine planning is primarily an internal process carried out by the state according to its laws and within a defined geographic domain with changing levels of sovereignty (i.e. territorial waters, economic waters, etc.). Nonetheless, it should be remembered that Israel's marine planning is not influenced only by the needs of Israeli users and is located within a broader ecological and geostrategic environment, as well as being influenced by the international legal environment which both guides it and limits it.

From a legal standpoint, Israel is not signed on the UN Convention on the Law of the Sea (UNCLOS), a fact that may influence the official international definition of its boundaries, as well as the character of solutions to conflicts and disputes regarding maritime boundaries. In addition, there is a boundary dispute between Israel and Lebanon (and the non-state player Hezbollah), a matter that affects marine planning in the region. The regional geostrategic challenges dictate specific security needs (such as the closing of sea territory and the guarding of the energy facilities). International shipping lanes are decided on and planned in coordination with and by notification to the International Maritime Organization (IMO).

From an ecological standpoint, Israel's maritime domain is located in the eastern part of the Mediterranean and is affected by the nature of this sea. The Mediterranean has unique ecological characteristics, because, among other reasons, it is a "closed sea". This fact creates complex ecological challenges. The Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean was organized by the United Nations Environmental Programme (UNEP) with the goal of protecting this unique region and is signed by numerous countries with Mediterranean coasts. This includes Israel, which is a party to the Convention and has ratified most of its protocols.¹

This obligation has planning implications in the context of Israel's international commitment in the realm of the marine environment.

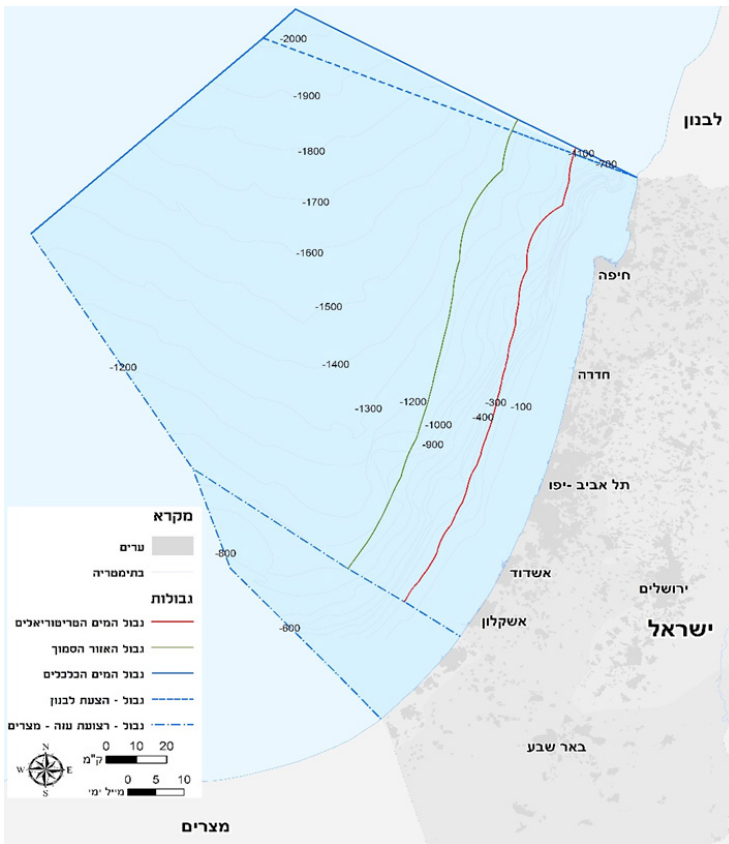


Figure 16.1 Map of Israel's marine domain

1 For further details on the protocols and the status of Israel's obligations, see the chapter on The Management of Israel's Maritime Domain – A Review of the Legal Situation.

The existing National Zoning Plans in Israel focus on building along the coast and the issue of beaches. Furthermore, the most recent relevant policy document—the Policy Document for the Coastal Waters (1999)—does not apply to Israel’s economic waters. On the other hand, the proposed Maritime Zones Law (5774-2014) was submitted by the Ministry of Justice for the first time in December 2014. The law relates to the definition of the State’s powers and those of the various government authorities with respect to Israel’s maritime zones. The law has a direct impact on numerous planning and regulatory matters related to the Mediterranean and includes an approval process of a long-term policy document that will regulate the activities in the marine domain and will establish a special committee for natural gas in Israel’s economic waters. The proposed law is still being amended and has not yet been passed by the Knesset.²

The Planning Authority, which in the past operated as part of the Ministry of the Interior and is today part of the Ministry of Finance, announced a marine planning process for the Mediterranean already in 2012, with the support of the Integrated Maritime Policy in the Mediterranean (IMP-MED) of the EU.³ In 2014, an external planning workgroup was chosen in order to lead the Maritime Domain project. The Authority declared that this initiative is a direct continuation of Tama 13 (National Zoning Plan 13), the Policy Document for Coastal Waters (1999) and the Law for the Protection of the Coastal Environment (2004). The planned outputs of the process include a report that will include all of the existing knowledge on this issue and the formulation of principles for the regulation and management of the Mediterranean. Subject to these conclusions, the possibility will be considered for the comprehensive regulatory planning of the Mediterranean. At the end of 2015, the Planning Authority announced that it has completed two outputs as part of this planning project: (a) A comprehensive report that summarizes Israel’s existing knowledge on the Mediterranean and its uses; and (b) a plan for the establishment of a national database on the maritime domain. As of 2016, the Planning Authority has yet to present a final maritime plan—whether political or spatial—for the Mediterranean.

2 The memorandum of the law, which provides the basic guidelines for the legislation concerning Israel’s maritime zones, was publicized already in 2013. The memorandum defines Israeli maritime zones, including its economic waters, as well as the rights and powers of the State of Israel, based on international law, including the maritime boundary agreement with Cyprus. The memorandum lists the laws that will apply to marine facilities (both permanent and temporary), the environmental laws that will apply to the marine environment and also the laws related to the production of energy and to shipping.

3 Professional and consulting assistance only.

In parallel to the process of data gathering and planning by the Planning Authority, there is also an academic initiative called the Marine Plan for Israel (MPI), which is being led by a team of researchers from the Technion. In 2013, the Center for Urban and Regional Studies in the Faculty of Architecture and Urban Planning at the Technion began work on a Marine Spatial Plan (MSP). This process was based on academic marine research and included experts from academia alongside with other stake holders, including government representatives. As part of the process, a report was published on the existing situation in the Mediterranean. At the end of 2015, the Technion published a document of recommendations called a Marine Plan for Israel, which includes recommended policy measures for Israel's management of the Mediterranean and a spatial marine plan for this region. Even though there is currently no official collaboration between the Planning Authority and the Technion and even though the Marine Plan for Israel was not adopted by the government, each of the two bodies has been included in recent years as an interested party in the planning processes of the other and each is aware of the other's recommendations. Three additional government documents that were approved and published recently are particularly relevant to marine planning:

1. The conclusion of the Strategic Review of the Ministry of National Infrastructures, Energy and Water, which was carried out by Israel Oceanographic and Limnological Research (IOLR), whose goal is to examine the sensitivity of fisheries in Israel's Mediterranean domain (including those in deep water and in Israel's Exclusive Economic Zone) for the purpose of granting licenses to explore for offshore oil and gas (a draft was published for comment in July 2016).
2. Approval of the Petroleum Council for New Oil and Gas Exploration Zones in Israel's economic waters (August 2016) including the spatial division of possible exploration areas (see Figure 16.2).
3. Approval of National Zoning Plan 37h for the receiving and handling of natural gas from discoveries in the Mediterranean and delivery to the national transmission system (end of 2014).⁴

⁴ In 2016, and following the approval of the National Zoning Plan, the Leviathan partnership (Delek Drilling, Avner, Noble Energy and Ratio) submitted a plan for the establishment of infrastructures for the processing and transport of natural gas from the Leviathan reservoir, which would enable the production of natural gas and its transport to Israel by 2019. The plan was approved in June 2016 by the Commissioner of Petroleum in the Ministry of National Infrastructures, Energy and Water.



Figure 16.2 Map of the blocs in the decision of the Petroleum Council⁵

Although these government documents advance the planning of Israel's Mediterranean waters to a certain extent, they relate only to the production and transport of oil and gas. Israel still lacks an overall plan that will clearly define Israel's uses of the sea, both existing and potential. Apart from energy, the other areas of activity include desalinization, shipping and ports, security and the military, coastal and maritime infrastructures (such as electricity production and underwater communication cables), fishery and marine agriculture, tourism, coastal and marine sports, culture and leisure, marine archaeology, etc. Other values that deserve attention are the environmental domain and the public-cultural domain, including considerations of prevention of pollution, preservation and rehabilitation of coastal and marine fisheries, preservation of public access to beaches and preservation of the coastal and marine landscape and its nurturing. The aforementioned still do not have an integrative planning solution, which will include a spatial plan and a comprehensive policy that takes into account all of the considerations related to the relevant marine uses and values.

⁵ The website of the Ministry of National Infrastructures, Energy and Water, August 10, 2016.

The planning situation in the Red Sea is different than that in the Mediterranean, since the Bay of Eilat is even narrower than the strip of Israel's coastal waters (even at the widest point under Israel's control, at Taba), a fact that creates a situation in which Israel has no economic waters under its control in Eilat Bay but rather only territorial waters. Within territorial waters, all of the laws and planning regulations apply and therefore there is no special situation in that region that requires replanning on a national level.

The subject of planning has significant economic aspects in the context of business continuity (regulatory stability was one of the main issues with regard to the Natural Gas policy Outline recently approved⁶) which will allow companies to plan long-term projects. Other issues of economic significance related to planning are the determination of shipping lanes to and from Israel, the definition of fishing and marine agriculture zones, etc.

This situation is to a large extent the result of the fact that the government approach to regulating uses of the Mediterranean has been sectoral rather than strategic, or in other words has lacked an overall perspective. During this period, each sector and marine use that became relevant was discussed and planned on its own, without a fundamental and integrative process that includes identifying the State's interests, determining marine policy according to those interests, approving a maritime strategy, and subsequently marine spatial planning of its various uses. It is preferable that such a process be carried out late than not at all. Therefore, it is important that at this stage, in which progress is being made in the planning of marine uses by various entities, a clear and overall marine strategy be formulated and that it will form the basis for laws, regulations and spatial plans in Israel's maritime domain.

⁶ See the chapter on the development of the natural gas fields following the delay in the approval of the Outline and other alternatives (import of liquefied natural gas).