# Recognition of Israel's Sovereignty over the Golan Heights

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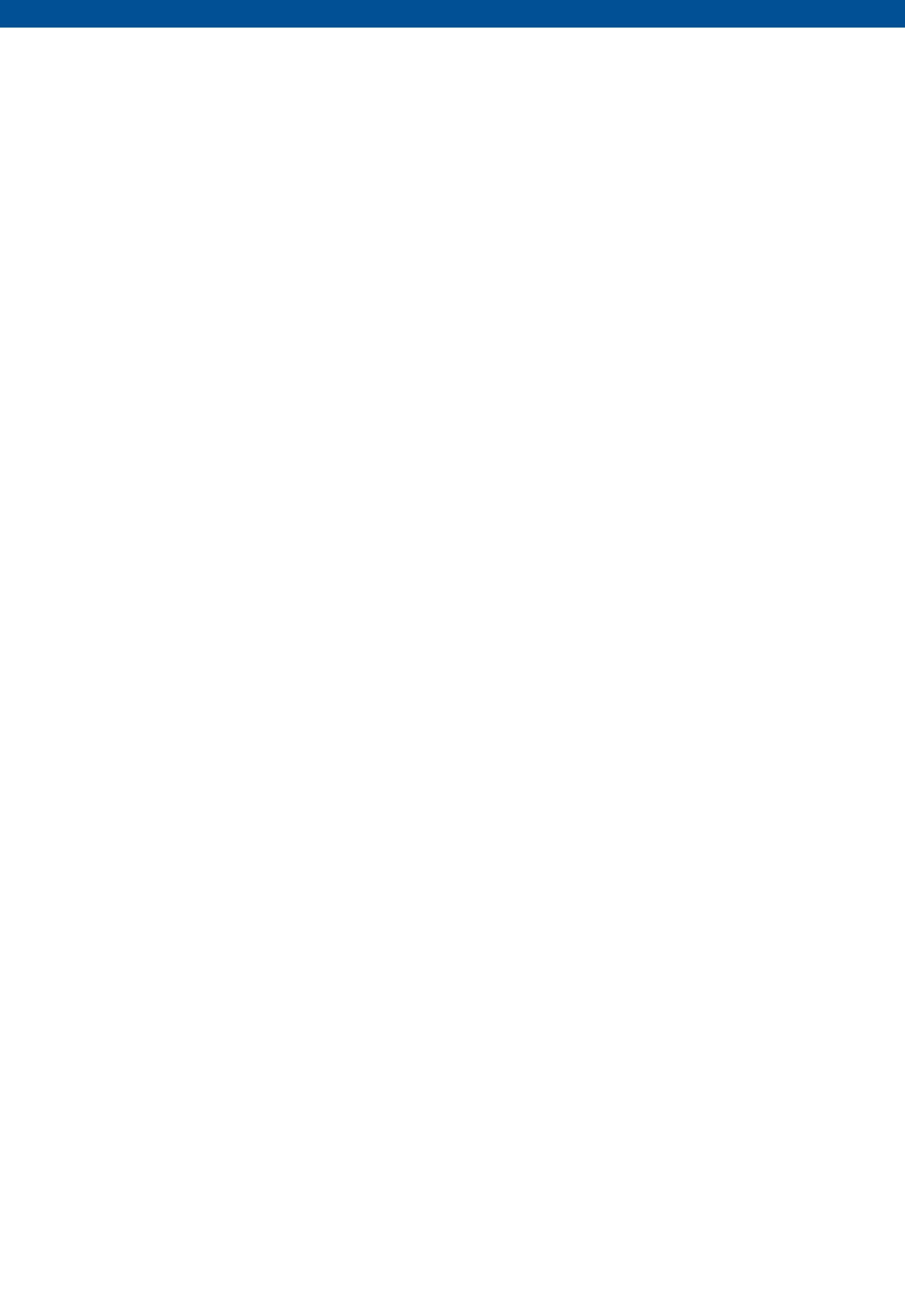
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**"The railroad tracks for developing Israel extend from Lebanon to the Dead Sea and from the shoreline of the Mediterranean Sea to the Golan and Hauran, like a channel of manpower."**

**Theodor Herzl,** *Altneuland,* 1902

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# Introduction

This policy paper is seeing light in the seventieth year since Israel's Independence, one hundred years after the Balfour Declaration, 120 years after the First Zionist Congress and fifty years after the Six-Day War. At this point in time, it is fitting to stop and analyze the world's non-recognition of Israel's sovereignty over the Golan Heights, the changed reality and the global interests.

The wars of Islam that have been sweeping over the Middle East in recent years are unrecognizably changing the century-old arrangements that were established in the region after World War I. The territory extending from Israel's northeastern border is undergoing historic changes that have geostrategic implications. The blood-soaked civil war in the Syrian and Iraqi arena is redelineating the residential areas of ethnic groups, peoples and tribes and, *de facto*, is redrawing the borders of the Middle East. What once was will no longer be.

The last time that the Middle East experienced upheavals of a magnitude similar to those that are transpiring now, the State of Israel had not yet been established. Today, Israel is an independent state and a regional power. Its potential involvement and ability to influence the demarcation of the borders in the Middle East is a far cry from what it was a century ago. Israel has a clear interest — and, for the first time since the Six-Day War, also actionable capability — in promoting its strategic interests, primarily, strengthening its international status on the Golan Heights. This interest stands alongside its ability to influence the shifting of the borders of the Middle East so that they will reflect the living conditions and the ethic distribution, while strengthening moderate forces who want to live in peace and cooperation on the basis of mutual recognition.

The redivision of the Middle East has already begun. All countries in the region and the world powers are taking part in it. The concern that, in any future regional arrangement, Israel might be required "to contribute its share" and withdraw from the Golan is a tangible and valid concern; hence the necessity for Israel to have its say.

The upheavals in the Middle East are opening a window of opportunities to revise the formula for the future arrangement in the Golan Heights. Iran's return to the family of nations and its positioning as a country on the brink of nuclear capabilities create a new risk equation as far as Israel is concerned. Iran's long arms are reaching into the voids that collapsing regimes are leaving behind in the Middle East, and are creating an effective geographic "axis of evil."

International recognition of Israel's sovereignty over the Golan Heights is an Israeli and global interest. The Israeli presence in the Golan Heights, which overlook southern Syria, is tantamount to a friendly aircraft carrier floating in a sea of perils to the Western world. This presence provides conspicuous benefit to regional stability and to the security of endangered minority populations. The Western world has a clear interest in fortifying this presence.

The writing of this policy paper derived from recognition of the opportunities and risks that are emerging due to the reality in the field. During the fifty years since Israel seized the Golan, the issue of Israeli withdrawal from it has never been taken off the agenda and, basically, the region has remained a territory on hold — for a time of war or a time of peace.

We are submitting this policy paper to the decision-makers and readers in the hopes that it will lead to international recognition of Israel's sovereignty over the Golan Heights and will ensure the connection of the Golan to the State of Israel.

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# A. History of Jewish Communities in the Golan and in the Hauran

The Golan Heights span an area of 1,860 square kilometers, bordered by Mount Hermon in the north, the Yarmouk River in the south, the Jordan River and the Sea of Galilee in the west, Wadi Ruqqad in the east, and the Hauran region in the southeast. The Golan was referred to as "the land of Bashan" according to the biblical borders of the Land of Israel.

Jewish history in the Golan began with Israel's entry into Canaan, and this is how it is told in the *Book of Joshua*:

> *"And they will designate Kedesh in the Galilee, on Mount Naphtali, and Shechem, on Mount Ephraim; and Kiryat-Arba, which is Hebron, on Mount Judah. And on the other side of the Jordan, Jericho eastward, they gave Betzer in the desert plateau, from the tribe of Reuben; and Ramot in Gilead from the tribe of Gad, and Galon (Golan) in Bashan from the tribe of Menasheh."*

The Jewish people's intimate connection to the Golan also continues through the period of King Saul's monarchy, who stationed ministers on his behalf in the Golan, as described in the *Book of Kings 1*:

> *"The son of Gever, in Ramot Gilead; he had the villages of Ya'ir, the son of Menasheh, which are in Gilead, he had the region of Argov, which is in Bashan — sixty large walled cities with bronze barred gates."*

After the split-up of the kingdom, the Golan remained under the control of the Kingdom of Israel and, as a fertile region, it had considerable economic importance. Its importance to the Kingdom of Israel is evident from the abundance of magnificent wars and battles that were waged there, including Ahab's victory over Ben-Hadad, King of Aram, in Afek in the Golan.

The Jewish community in the Golan expanded and developed at the end of the 6th century BCE and continued at the beginning of the 5th century BCE, with the return of exiled Jews from Babylon. About three hundred years later, circa the mid-2nd century BCE, the Hasmonean King Alexander Yannai annexed the Golan and made that territory part of his kingdom.

In 67 CE, three years before the fall of Jerusalem and the destruction of the Second Temple, the Siege of Gamla was waged in the Golan, one of the Jewish rebellions against the Roman Empire, which became part of the ethos of defense and sacrifice over the land. About 9,000 Jewish warriors fell during that battle, which was similar in its characteristics to the Siege of Masada.

During the period after the rebellion, Jews continued living in the Golan for about another 500 years, until after the Talmudic Era. The synagogue in Katzrin and various archaeological findings attest to the existence of a prosperous Jewish population in the region also during the Byzantine Era.

The archaeological excavations in the Golan have discovered to date about 25 synagogues that were used during the period between the Jewish rebellion during the 1st century and the Muslim conquest during the mid-7th century. Evidence of the existence of many Jewish villages and communities was also found. The Muslim rule severed the more than 1,600 years of continuous Jewish residence and forced religious conversions on the Jews who lived in the region, but there is considerable evidence of Jewish life in the Golan even after the Muslim conquest.

Upon its founding at the end of the 19th century, the Zionist Movement considered the Golan Heights part of the landscape of the Jewish people's historic homeland, adopting Herzl's vision, who considered the Golan an integral part of the Jewish sovereign territory being reclaimed in the Land of Israel.

In 1883 and 1884, the communities of Yesod Hama'ala and Metula were founded in proximity to the Golan and heralded the resumption of Jewish life in the region. The establishment of Jewish communities in the Golan and in the Hauran region — a region bordered in the north by the town of Quneitra, in the south by the Yarmouk River, in the east by Jabal al-Druze (inclusively) and in the west by the Golan — began in 1891, with Baron de Rothschild's purchase of 150 square kilometers of land in the region where the villages of Sahem al-Jawlan, Jileen and Nafa'a are currently located, about thirty kilometers east of Ein-Gev. Baron de Rothschild's purchase of the land was lawfully transacted and is backed by *kushans*, the title deeds to the land issued by the Ottoman regime.

In 1895, the first Jews settled the land and began constructing Jewish communities in the Hauran region, including Zichron Menachem, Nahalat Moshe, Tifferet Binyamin, Achvat Yisrael and Beit Ikar. Already at the outset, the Jewish communities in the Hauran faced considerable difficulties, which included attacks by local Arabs, a hostile attitude from the Ottoman authorities and isolation and severance from other Jewish communities. The gravity of the situation of the Jewish communities in

THE AREA OF JEWISH COMMUNITIES IN HAURAN ON LANDS OWNED BY THE ROTHSCHILD FAMILY AND THE ZIONIST MOVEMENT
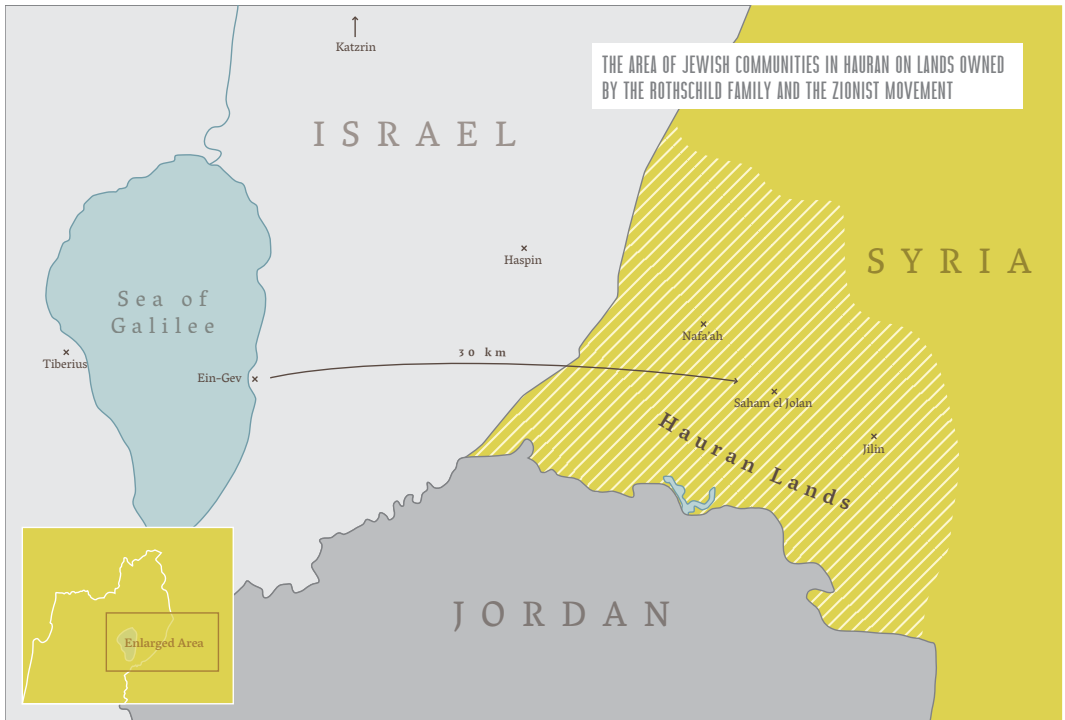
the Hauran, which, at its peak, reached about 72 families in nine outposts, began showing its effects when Jews began gradually abandoning the region. In 1901, most of the Jews were forced to leave the Hauran.

The establishment of Jewish communities on the Baron's lands in the Hauran was a main effort during this period. In 1886, the Bnei Yehuda community was founded east of the Sea of Galilee, on land purchased by the Bnei Yehuda Society, whose members included Jews from Safad and from Tiberias.

As the years passed, notwithstanding the events of World War I and the departure of the Jews from the region at the end of the 19th century, the lands in the Hauran remained under the ownership of Baron de Rothschild and the Palestine Jewish Colonization Association (PICA). The lands were worked, inter alia, by virtue of lease agreements with local Arabs, and taxes for them were duly paid to the French Mandate.

Prior to the end of World War I, the Zionist Movement began issuing a public demand to include in the Jewish State to be established in the Land of Israel the Lebanese Beqaa Valley lying between Mount Lebanon and Mount Hermon, as well as the Golan Heights, the Hauran and the Yarmouk Valley. The proposal to include the Golan within the borders of the Land of Israel derived from agricultural requirements that were necessary, inter alia, to ensure that sources of water were included within the borders of Israel — the sources of the Jordan River, the lower section of the Litani



The original Kushans of the Hauran lands preserved in the Zionist Archives in Jerusalem.

*The Zionist Movement's fundamental position, whereby the Golan is part of the future Jewish State, remained steadfast and unwavering, even after the British-French accords .*

River, Mount Hermon, the Yarmouk River and the Zarka River. The need to ensure the supply of water to the state-in-the-making was one of the key rationale for the Zionist Movement's demand to include the Golan within the future borders, as arises from the official discussions about the future of the Land of Israel.

In 1917, against the backdrop of the Balfour Declaration, the Zionist Movement began promoting proposals for the borders of the future Jewish State. In the book *"Land of Israel,"* which was published in 1918, David Ben-Gurion and Yitzhak Ben-Zvi (future Israel's second president( presented the desired borders of the Jewish State, and emphasized economic and strategic rationale with the aim of ensuring the establishment of a "strong and modern state."

After World War I, the attempts to renew and expand the Jewish population in the Golan and the Hauran were resumed. The leadership of the Zionist Movement made this matter a top priority. Delegations on behalf of the *Gdud Ha'Avoda* (the Labor Brigade) and Yosef Trumpeldor, members of *HaShomer* (the Guard — Jewish defense organization in the Land of Israel) and the *Ahdut Ha'Avoda* (Labor Unity) Movement toured the region in order to assess the means that were needed. Concurrently, Chaim Weizmann, the President of the Zionist Organization, also continued lobbying towards this objective in international diplomatic channels.

In 1919, the Zionist Movement submitted a memorandum about the borders on its behalf to the Versailles Peace Conference, which included a demand that the northern border of the future Jewish State also encompass the Golan Heights. The Zionist Movement's proposed northern border ran slightly south of the city of Sidon in an easterly direction, turned southward along the line separating the eastern and western slopes of Mount Hermon and continued from there parallel to the route of the Hejaz railroad tracks. This demand relied, in addition to its historic context, on economic and geographic rationale that resulted, inter alia, from surveys that the Zionist Movement had commissioned from British firms with regard to the economic future of the Land of Israel. Subsequently, the Zionist Movement worked feverishly in diplomatic corridors opposite France, the United Kingdom and the United States, in order to achieve recognition of these borders of the future Jewish State.

During the conference, the United States recognized the borders demanded by the Zionist Movement. The United States also stressed the need for returning the Jews to the Land of Israel within borders that will guarantee that the Jewish State has control over its sources of water on Mount Hermon. The Americans agreed with the Zionist Movement that the viability of the new State is contingent upon the feasibility of agricultural development. In the end, the United States' proposal was not discussed because it withdrew from the discussions.

The Zionist Movement's fundamental position, whereby the Golan is part of the future Jewish State, remained steadfast and unwavering, even after the British-French accords were reached during the 1920s that excluded the territories of the Golan from the scope of British control. During the subsequent years, the attempts to purchase lands in the Golan continued. In 1934, the company Chevrat Hachsharat HaYishuv, under the auspices of Yehoshua Hankin, purchased about 300 square kilometers of land in Betiha and in the Golan, northeast of the Sea of Galilee, with the aim of creating a continuum of Jewish communities with the Hauran region. The project failed as soon as the local Arab leadership discovered that the Zionist Movement was behind the purchase.

In 1938, the Woodhead Commission arrived in the Land of Israel for the purpose of examining the feasibility of carrying out the conclusions of the Peel Commission regarding the partitioning of the land and severance of the Jewish *Yishuv* (Jewish residents in the Land of Israel) from the northern sections of the Upper Galilee region. The Jewish Agency submitted a memorandum to the Commission and emphasized the importance of the Golan and its being part of the Land of Israel:

> *"The area between the northern border of the Land of Israel and the Litani River, and between the territory of the Golan, bordered in the south by the Yarmouk and in the west by the Jordan, has always been considered part of the historic Land of Israel."*

Between 1934 and 1944, several courses of action and efforts were made to re-establish Jewish communities in the Hauran. These courses of action failed, inter alia, due to disagreements among the institutions of the Jewish *Yishuv* in the Land of Israel.

In 1944, the French Mandate over French Syria ended and the region was handed over to independent Syrian control. Despite the validity of Jewish proprietary rights to lands in the Hauran, and the fact that these rights were lawfully and legally arranged by PICA even after the end of the French Mandate, Syria rushed to expropriate the ownership over these lands and nationalized them, inter alia, by claiming that at issue are sacred lands (Waqf). The Jewish *Yishuv* in the Land of Israel did not reconcile itself to the nationalization of the lands in the Hauran and tried to defend the Jewish ownership through litigation in a court in Syria, but to no avail.

The acceptance of the partition scheme on the eve of the establishment of the State of Israel did not change David Ben-Gurion's view concerning the territories that were torn from the Land of Israel or his aspiration to return and restore the historic Jewish communities in them. These views received firm expression during a speech that he gave to the Mapai Council (acronym for *Mifleget Poalei Eretz Yisrael*, the Labor Party of the Land of Israel) in Tel-Aviv in August 1947:

*To this day, the Jewish National Fund owns the proprietary rights to many plots of land in the Golan and in the Hauran — lands that were purchased with Jewish money for settlement purposes.*

*"[...] We demand that the Jewish community shall encompass the western part of the Land of Israel and not just Transjordan of today, but also the Hauran and the Bashan and the Golan up to south of Damascus."*

On the eve of the U.N. vote on November 29, 1947, there were 14 Jewish communities at the foot of the Golan. The establishment of Jewish communities in the Golan Heights was resumed only in 1968, after the Six-Day War, and is continuing to this day. To this day, the Jewish National Fund owns the proprietary rights to many plots of land in the Golan and in the Hauran (it received them from PICA after it dissolved) — lands that were purchased with Jewish money for settlement purposes.

# B. Border Under Dispute

The control over the Golan Heights has been under dispute for one hundred years. In 1916, upon the defeat of the Ottoman Empire during World War I, after about 400 years of control over the region, the United Kingdom and France signed the Sykes-Picot Agreement. The agreement divided the occupied territories of the Ottoman Empire into areas of British and French control. The agreement prescribed that the area of the Land of Israel, including the territories east of the Jordan River (today, the Kingdom of Jordan) and Iraq would be transferred to British control, while the area known today as Syria would be transferred to French control.

In 1919, after World War I, the League of Nations founded the mandate regime — a regime that would apply to territories that the Ottoman Empire had controlled prior to the war but were no longer under Ottoman sovereignty, and to the peoples living in those territories who were not yet considered "able to stand on their own." The agreement prescribed that the control over these territories would be divided and entrusted to the victorious allied powers until it became feasible to hand them over for self-governance by the peoples living in them.

In 1920, a conference convened in the city of San Remo, Italy, which was attended by the United Kingdom, France, Italy, Japan and the United States (as a neutral observer) with the aforesaid objective of partitioning the territories of the Ottoman Empire between the world powers that were victorious during the World War. The conference decided that the territories that Britain and France had seized from the Ottoman Empire would not be annexed to them, but rather entrusted to them as stated until new countries are established. Furthermore, the San Remo Conference adopted the Balfour Declaration that the British government had issued in 1917, which stated that, upon the end of the British Mandate over the Land of Israel, its territories will be set aside for the establishment of a homeland for the Jewish people.

The resolution passed by the San Remo Conference concerning the Land of Israel, *de facto*, consolidated the Balfour Declaration with the mandate regime and, in essence, it constituted the basic document that established the British Mandate and provided the foundation under which it was mandated to act. The British Mandate is a legal instrument, the validity of which is tantamount to a binding international treaty, and it was also ratified by the League of Nations, which also adopted the principles appearing in the Balfour Declaration.

The Arab Kingdom of Syria, ruled by King Faisal I, was formed at the beginning of 1920 in the region known to us today as Syria. This was an initial short-lived attempt to establish independence in the region after the fall of the Ottoman Empire. The formation of the new Syrian entity did not coincide with the accords to implement the mandate regime after World War I, which led to clashes between the French and the new Syrian entity. The revolt was quashed in July 1920 during the Battle of Maysalun that was waged between the forces of the Arab Kingdom of Syria and the French, and ended with the French victory and the toppling of the short-lived Syrian Kingdom. After the French took over the territory, they identified the ethnic and tribal divisiveness in the region as a factor that was frustrating any possibility of establishing a single state operating under a central government. To a certain extent, the French understood already back then, what today — about one hundred years later — is quite obvious: a single Syrian State does not reflect the reality in the field.

The French applied the 'divide and conquer' approach and divided the territory of the Syrian Kingdom into six regions of control comprised of six political entities: Lebanon, Damascus, Aleppo, the Alawite State, the Sanjak of Alexandretta and Jabal al-Druze. Each of these political entities received autonomous authorities, thereby severing the artificial consolidation of the regions of the Syrian Kingdom (see map on page 39). This course of action was welcomed by the minority populations, whose status improved as a result of the cooperation with the French, particularly by the Maronites in Lebanon, who were considered to be under the patronage of the French, culturally, economically and politically.

The San Remo Conference, which, as stated, convened in 1920, did not define the borders between the regions of control of the United Kingdom and France; it was decided that the borders would be determined in a separate treaty between the British and the French. The starting point that the parties defined for the discussion of the question of the borders of the Land of Israel was the biblical borders of the land as described in the Bible, which extended from "Dan to Be'er Sheva" (in biblical times, Dan was a city in the Golan). This starting point shows that the French and the British attributed importance to the historic-cultural context of the land, and considered its past — the historic homeland of the Jewish people — as a political reference point that is relevant to its future. The border between the British Mandate and the French Mandate was supposed to pass through the territory that is today identified as the region of southern Lebanon, the Upper Galilee and the Golan Heights.

The British attributed considerable importance to the sources of water in the region. In 1919, during internal discussions of the demarcation of the borders of the Land of Israel, the British defined the desirable northern border of the Land of Israel at the Litani River in the north and continuing eastward and including the Golan and the Hauran. In the final analysis, political considerations prevailed over these principles. According to the regions of control defined in the agreement signed in November 1919 between the British and the French, the communities of Metula, Hamara, Tel-Hai and Kfar Giladi suddenly became defenseless Jewish enclaves exposed to Arab invasions within the territory of the French Mandate. One of the grave repercussions of this course of action was the Battle of Tel-Hai, which resulted in these communities being abandoned for several months.

In 1920, the parties agreed that the border between the two mandate regions would pass through the center of the Sea of Galilee, ascend northward and would leave significant parts, but not all, of the Golan within the boundaries of the British Mandate. These accords were signed, thereby recognizing the border between the British Mandate and the French Mandate for the first time; however, in 1923, the French had second thoughts about the agreements that were reached three years earlier and asked to re-demarcate the border. The British acceded to the request and a joint delegation was sent to the Golan Heights region, headed by Lieutenant-Colonel Paulet from France and Lieutenant-Colonel Newcombe from England, who were appointed to lead the joint boundary commission. After holding discussions about the control over the sources of water, and after additional French demands, an amended border was agreed upon that changed the border agreed upon in 1920. The Franco-British northern border agreement of 1923, which was also called the Paulet-Newcombe Agreement, prescribed that the British will transfer to the French Mandate the majority of the territories from the region of the Golan that had been within the bounds of the British Mandate according to the original agreement. Within this scope, the borders of the Land of Israel were shifted to exclude the Banias River and the Hasbani River (one of the three sources of the Jordan River) with the argument that they are vital to the subsistence of the Arab villages in the region.

As stated, the most significant change in the demarcation of the border in the Golan was made in the territory between the Banias River and the Sea of Galilee. During the demarcation of the border, the British and French delegations encountered situations whereby the borders of private lands of Arabs living in the Golan were unclear. Since there were no maps that delineated the ownerships in the area, the heads of the delegations assembled the leaders of the villages on both sides of the agreed border, and asked them to arbitrarily indicate the borders of the private lands. When the parties reached an agreement, the delegation heads "shifted" the agreed border according to these delineations and set a new border.

The members of the Bani Fadil Bedouin tribe who lived in the region claimed that the territory between Quneitra and the Jordan River is privately owned land and that the new border crosses the tribal lands, resulting in part of the tribe being on the Syrian side of the border, and part on the Land of Israel side. Notwithstanding the obligation to consider long-range considerations by virtue of the mandates issued to them, the British and the French decided to attribute decisive weight to this consideration when setting the border. They allowed the tribe's chief to decide whether his tribe would be under British sovereignty in the Land of Israel — and in that case, the border would be shifted eastward to Quneitra, or whether it wanted to be under the French-Syrian sovereignty — and then the border would be shifted to the Jordan River. The tribe's chief opted to remain under French sovereignty and the border was moved west. This was an arbitrary decision that created an historic fact and led to the shifting of the border of the future Land of Israel westward. The territory of the Golan Heights was removed from the bounds of the British Mandate and, in effect, from the bounds of the northern border of the future State of Israel.

The assertion that the 1923 borders are the official borders between Israel and Syria is under dispute. The main claim is that the territory exchanges by the British and French were done contrary to the gist of the decisions reached by the 1920 San Remo Conference and that, *de facto* — due to internal considerations that served a temporary situation — the British had transferred territories in the Golan to the French, in violation of the terms of the mandate granted to them, territories that had been designated for the establishment of the Jewish homeland and were part of the British Mandate during its first three years. Later, the new border delineated by the British and French Mandates in 1923 was recognized as the demarcation of the international border.

World War II created further uncertainty with regard to the border arrangement defined at the end of World War I. Upon the end of the war in 1945, the San Francisco Conference on International Organization was convened by the United Nations (which replaced the League of Nations) and reaffirmed the validity of the rights that were granted to nations within the scope of the League of Nations' mandates. The San Francisco Conference also ratified the validity of the legal instrument of the British Mandate over the Land of Israel and the mandate deed remained a binding international agreement between the countries.

In 1946, the French Mandate in Syria officially ended, and an independent Syrian country was established within the international borders of the territory of the French Mandate, including the territories in the Golan and in the Hauran which, as stated, the British had handed over to the French in 1923. *De facto*, the 1923 border had become the international border as of the end of the French Mandate in 1946 and until the War of Independence in 1948. During the War of Independence, Syria took an active part in the all-out Arab attack on the State of Israel and conquered additional territories

in the region of the border east of the Sea of Galilee, as well as the region at the head of the Banias River and mainly in the region of Mishmar HaYarden. The finish lines of the war deviated from the 1923 borders which, as stated, had been established from 1946 (Syria's independence) until May 1948, the official southern border of the independent Syria. Syria used the territories that it had invaded as launch points for constant shelling of communities in northern Israel. From the end of the War of Independence until 1967, Syrian forces were deployed in some of the demilitarized regions west of the international border, including the region of al-Hamma and the northeastern bank of the Sea of Galilee, in violation of the disarmament agreement signed in 1949 after the War of Independence.

Towards the end of 1966, the situation in the region was exacerbated as a result of political changes in Syria and in the region, including the Syrian-Egyptian Alliance and the intensifying involvement of the former Soviet Union. The border incidents in the demilitarized zones, coupled with Syrian armament with Soviet support and tactics to divert the sources of water flowing from Mount Hermon to Israel — compelled Israel to reach a decision. In mid-1967, on the fifth day of the Six-Day War, Israel launched a defensive war in order to eliminate the constant threat to northern Israel originating from the mountains of the Golan and to create a buffer zone between it and the Syrian aggression.
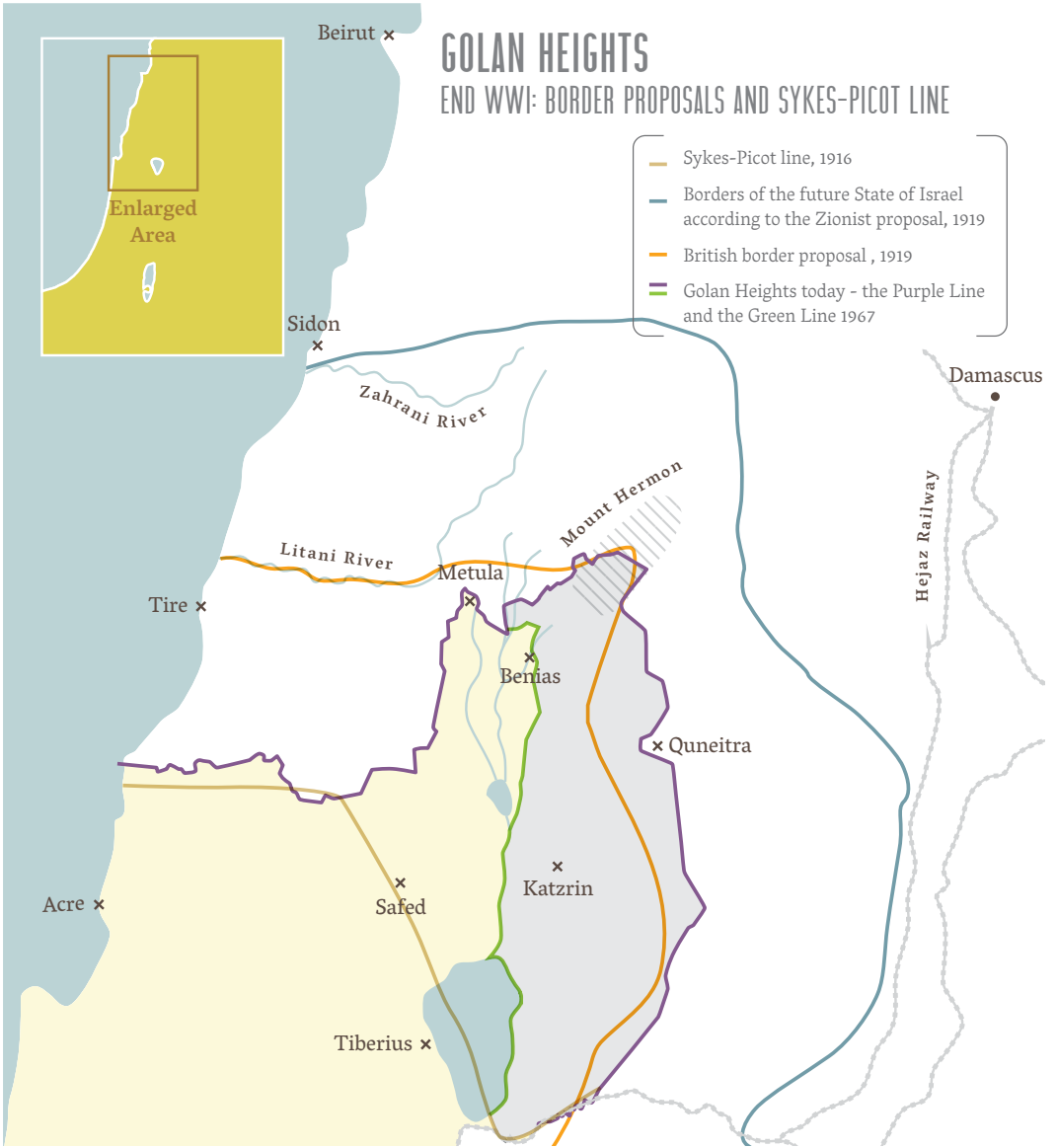
It should be noted that Syria never accepted the border that was set in 1923. During all contacts held with the Syrians after the Six-Day War, Syria had demanded that the border should cross the Sea of Galilee and Lake Hula. During the negotiations between Israel and Syria between 1992 and 1996, the Syrians had demanded Israeli withdrawal to the banks of the Sea of Galilee, according to the route that was actually carved out between the parties between 1949 and 1967.
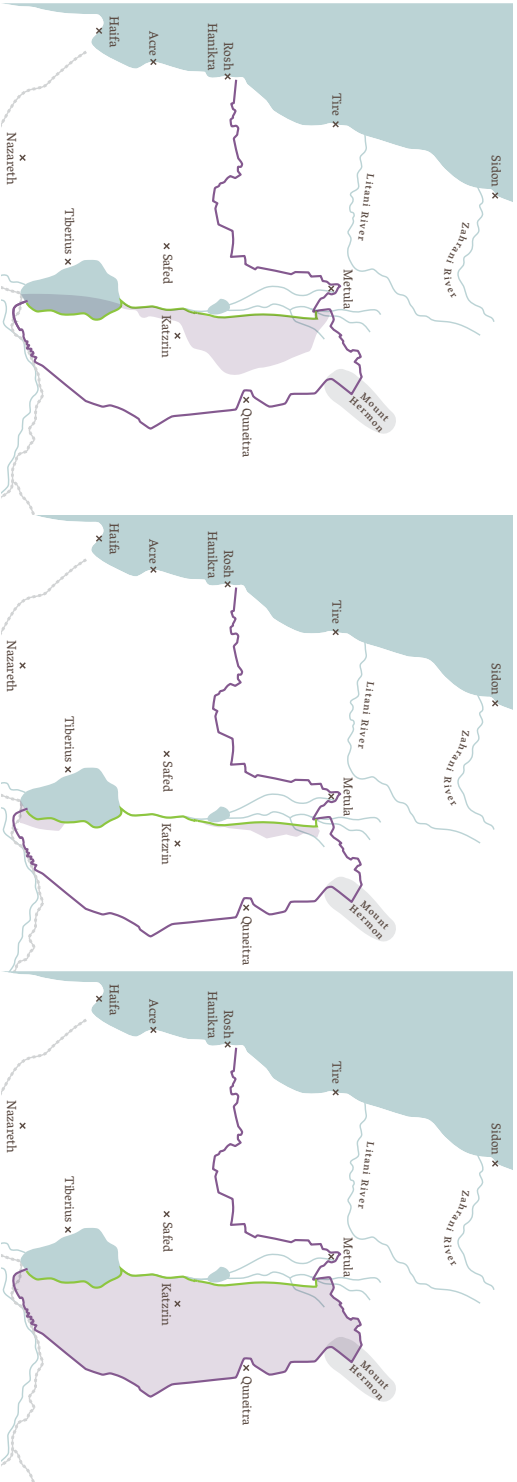
An historical analysis of the control over the Golan over the last one hundred years shows that the border between Israel and Syria is under dispute and is subject to interpretation. Examination of the Israeli perspective shows that some of the territories on the Golan Heights, which have been under Israeli control since the Six-Day War, should have already been included within the boundaries of the Jewish national homeland that was supposed to be established upon the end of the British Mandate over the Land of Israel.

*Syria never accepted the border that was set in 1923. During all contacts held with the Syrians after the Six-Day War, Syria had demanded that the border should cross the Sea of Galilee.*

GOLAN HEIGHTS
END WWI: BORDER PROPOSALS AND SYKES–PICOT LINE

**Legend:**
- Sykes-Picot line, 1916
- Borders of the future State of Israel according to the Zionist proposal, 1919
- British border proposal , 1919
- Golan Heights today - the Purple Line and the Green Line 1967

Enlarged Area

Beirut

Sidon

Damascus

Zahrani River

Mount Hermon

Litani River

Metula

Tire

Benias

Quneitra

Hejaz Railway

Acre

Safed

Katzrin

Tiberius

The Green Line: The armistice agreements of 1949; The Purple Line: The 1967 Israel-Syria Armistice Demarcation Line. From left to right in the purple-painted area: The area that was supposed to remain within the British British Mandate in accordance with the 1920 agreements; The small area left after the Newcombe–Paulet Agreement; The territory seized by Israel in the Six-Day War.

# C. The Golan Heights Law

On December 14, 1981, after 14 years of Israeli military administration in the Golan Heights, the *Knesset* (the Israeli Parliament) ratified the Golan Heights Law, which extended Israeli rule of law to the Golan Heights. *De facto*, this law annexed the Golan to the State of Israel, even though this was not its declared objective.

The declared objectives of the law did not include annexation, but rather, recognized the practical needs of organizing an effective civilian administration to replace the military administration and of granting basic rights to the Golan's residents, Jews and Druze alike.

Alongside the considerations of normalizing the legal status and of granting civil rights was a key consideration that, for diplomatic reasons, Israel refrained from officially declaring — the application of sovereignty and annexation. Among the rationale for enacting the law announced by Prime Minister Begin was the argument that the Golan Heights had been an integral part of the Land of Israel for generations, and that solely due to an arbitrary decision to transfer the Golan from the British Mandate to the French Mandate after World War I, was the Golan excluded from the Land of Israel. Begin added that the Golan Heights will forever remain an integral part of the Land of Israel.

Despite this, Israel did not officially use the terms "annexation" and "application of sovereignty." As stated, the declared objectives of the law and the legal change in the status of the territory were presented as a democratic course of action to normalize the civil lives of all residents in the region and end the period of military administration, and not necessarily as a change in status that would preclude future negotiations about its fate.

*Alongside the considerations of normalizing the legal status and of granting civil rights was a key consideration that, for diplomatic reasons, Israel refrained from officially declaring — the application of sovereignty and annexation.*

The enactment of the Golan Heights Law triggered a barrage of international reactions. Syria, Jordan and Egypt (and subsequently, the Arab World) accused Israel of unlawful annexation of the Golan. The President of the United States, Ronald Reagan, adopted Resolution 497 of the United Nations Security Council, which stated that the application of Israeli law and justice to the Golan Heights is null and void and without international legal effect. The American government supported the imposition of sanctions on Israel as a result of its course of action.

A few days after the *Knesset* ratified the Golan Heights Law, the United States Ambassador to Israel met with Prime Minister Begin in order to express the United States' opposition to the course of action. During the meeting, which was held in Begin's residence, the American ambassador advised that President Reagan had decided to suspend the strategic agreement between the two countries — a dramatic, unprecedented decision affecting the relations between the two countries. Begin's response to the American ambassador was that Israel regards the suspension of the agreement as its cancellation. According to Begin, this determination was based on the principle that applies between friends — and certainly between allies — whose discussions are conducted as equals on the basis of reciprocity. The Golan Heights Law indeed caused a rift in the relations between Israel and the United States, but as far as Israel was concerned, there was no turning back. Six months later, President Reagan resumed the strategic dialogue with Israel and invited Prime Minister Begin for an official working visit at the White House.
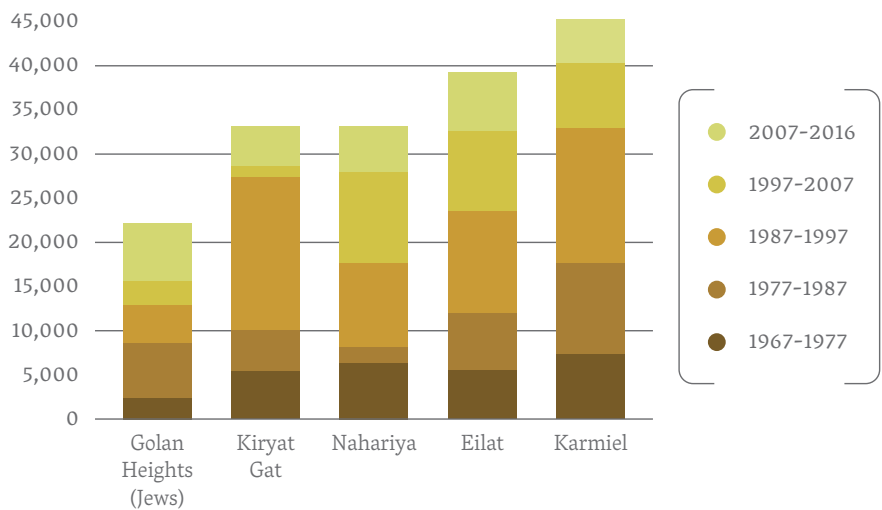
# D. Territory on Hold

I n December 1981, the *Knesset* ratified the Golan Heights Law, which extended Israeli rule of law to the Golan Heights and *de facto* annexed it to the State of Israel. Prior to its enactment, there were 28 rural communities in the Golan Heights and a city in the making, Katzrin. After 14 years of Israeli control over the Golan Heights, the Jewish population in the Golan totalled about 5,700 people.

According to data from the Israeli Central Bureau of Statistics, during the decade after the enactment of the Golan Heights Law in 1981, the number of Jewish residents increased by only about 5,000, nearly identical to the increase in the number of residents during the decade prior to the enactment of the law. The pace of growth of Jewish communities in the Golan during the subsequent decades depicts a gloomy picture: during the twenty years between 1994 and 2014, the number of Jewish residents in the Golan increased by only about 7,000 people — in other words, the demographic growth in the Golan Heights essentially stagnated, apart from growth that reflects the natural growth rate of the existing Golan population. Since the enactment of the Golan Heights Law 35 years ago, only four additional communities have been established in the Golan.

During the two decades between 1994 and 2014, while the Jewish population in the Golan Heights increased by about 7,000 people, the non-Jewish population increased by about 11,000 people. Correct to 2016, there are about 50,000 residents in the Golan Heights, comprised of about 22,000 Jews and about 27,000 non-Jews.

For the sake of comparison, after fifty years of Israeli control over Judea and Samaria, the number of Jewish residents in this region exceeded 400,000 (over an area that is four times larger than the Golan Heights) — while the number of Jews who settled in the Golan Heights reached less than 5% of the number of Jews who settled in Judea and Samaria.

*The number of Jews who settled in the Golan Heights reached less than 5% of the number of Jews who settled in Judea and Samaria.*

| | | |
|---|---|---|
| 45,000 | | ● 2007-2016 |
| 40,000 | | ● 1997-2007 |
| 35,000 | | ● 1987-1997 |
| 30,000 | | ● 1977-1987 |
| 25,000 | | ● 1967-1977 |

Golan Heights (Jews) — Kiryat Gat — Nahariya — Eilat — Karmiel

## POPULATION GROWTH IN CITIES OF THE PERIPHERY OF ISRAEL WITH ABOUT 50,000 INHABITANTS BETWEEN 1967–2016

In a region under dispute, in which Israel has a strategic interest in strengthening its presence, Israeli governments succeeded in settling — over a period of about half a century — only about 22,000 people. This statistic attests to meagre capability in carrying out national strategic objectives and to a persistent historic failure.

In addition to slow development of the rural regions of the Golan, Israel's governments failed to take action towards significant development of the urban regions, as part of Israel's basic strategy of expanding the dispersion of the Israeli population and promoting its geopolitical and security interests in the Golan Heights. Had they been taking action towards achieving these strategic interests, Israel should have set a demographic target of about 100,000 Jewish residents in the Golan; it would have been advisable to achieve this target through the development of infrastructures — in both the rural and urban regions of the Golan Heights; it would have been advisable to analyze possibilities of establishing additional urban centers in the Golan besides Katzrin — a city that was itself neglected for many years, without Israel's national planning institutions taking action to transform it into a major urban hub.

# E. Perpetual Deposit

Ever since Israel seized the Golan Heights in 1967, the question of withdrawal from the Golan has been left hanging in the air, alongside Israel's willingness to withdraw, whether explicitly or implicitly. Over the years, both right-wing and left-wing Israeli governments have taken part in attempts to reach some arrangement with the Syrians, including withdrawal from territories in the Golan Heights, but these attempts failed.

A few days after the Six-Day War ended, on June 19, 1967, the Israeli government passed a resolution calling for peace with Syria and Egypt on the basis of the international border and according to Israel's security needs. Israel agreed to withdraw from the Golan Heights, provided that it will be demilitarized, but Syria rejected the proposal and, as a result, the Israeli government voided this proposal in 1968. However, the Israeli government accepted United Nations Security Council Resolution 242, which called for a withdrawal from territories occupied during the Six-Day War and which recognized the right of every State in the region to live within secure borders.

After the Yom Kippur War in October 1973, Israel seized territories inside Syria east of the ceasefire line set after the Six-Day War, called the "purple line." In May 1974, the Agreement of Disengagement between Israeli and Syrian forces was signed, under which Israel pulled back to the "purple line" and a buffer zone was established between the two countries along the eastern side of the line, on the Syrian side.

A few months later, in 1975, Prime Minister Rabin received a letter from President Gerald Ford, informing the Prime Minister that the United States recognizes the security importance of the Golan Heights to Israel. President Ford's letter stated:

*In 1975, Prime Minister Rabin received a letter from President Gerald Ford, informing the Prime Minister that the United States recognizes the security importance of the Golan Heights to Israel.*

*"The U.S. will support the position that an overall settlement with Syria in the framework of a peace agreement must assure Israel's security from attack from the Golan Heights. The U.S. further supports the position that a just and lasting peace, which remains our objective, must be acceptable to both sides. The U.S. has not developed a final position on the borders. Should it do so, it will give great weight to Israel's position that any peace agreement with Syria must be predicated on Israel remaining on the Golan Heights."*

In the summer of 1996, Prime Minister Benjamin Netanyahu asked his political advisor, Dore Gold, to examine the standing of Rabin's promise to U.S. Secretary of State Warren Christopher, whereby the Golan Heights will serve as a 'deposit' — i.e., Israel will commit to a full withdrawal from the Golan Heights in exchange for full peace and security arrangements with Syria (a promise that was affirmed by Shimon Peres, who held office as provisional Prime Minister after Rabin's assassination). After internal consultations and a conversation with Secretary of State Christopher, it was clarified to the Israeli side that the U.S. government did not consider Prime Minister Rabin's promise as having any official status, but rather, viewed it as an oral statement that referred to a hypothetical scenario, and consequently, is not binding. Netanyahu asked to receive a written clarification from the U.S. government that Rabin's promise with regard to the Golan is not binding upon the State of Israel; Netanyahu also asked for written ratification of the commitment made in "Ford's letter" to Prime Minister Rabin in 1975 (after implementing the Agreement of Disengagement between Israeli and Syrian forces) whereby the U.S. "will give great weight to Israel's position that any peace agreement with Syria must be predicated on Israel remaining on the Golan Heights" (see "Ford's letter" above). A few weeks later, the Americans forwarded a document containing assurances that the commitments made in "Ford's letter" would be honored, which was signed by Secretary of State Christopher. An additional document accompanied this document: the Americans issued written confirmation that "Rabin's deposit" — his promise regarding the Golan Heights — was not in any way binding.

Notwithstanding these courses of action, and contrary to the declared policy of the Likud Party, in 1998, Prime Minister Netanyahu appointed Ronald Lauder to serve as his envoy for the purpose of conducting covert negotiations with Syria. According to reports in the media, during these contacts, maps were presented and unofficial statements were made about Israel's willingness to pull back to the "Cliff Line."

Articles in the media also report that, during his second term of office, Prime Minister Netanyahu continued conducting clandestine contacts with regard to the future of the Golan. In October 2015, Frederic Hof, who was President Barack Obama's advisor and envoy to the Middle East on Syrian and Lebanese affairs, published a rare personal testimony.

According to Hof, in 2010 and 2011, he served as a mediator between Israel and Syria, with one of the items on the agenda being Israeli withdrawal from the Golan Heights. Hof reported that in February 2011, he met with Syrian President Bashar al-Assad and Assad told him that he would agree to sever all anti-Israel relationships with Iran, Hezbollah and Hamas and refrain from attacking and threatening Israel — in exchange for Israel's full withdrawal from the Golan Heights. According to Hof, Prime Minister Netanyahu did not like the idea, but understood that this could potentially sever Syria from the Iranian axis and therefore, he agreed to pay the price of withdrawal in order to achieve this. According to Hof, the civil war in Syria broke off the negotiations before the depth of the withdrawal was negotiated.
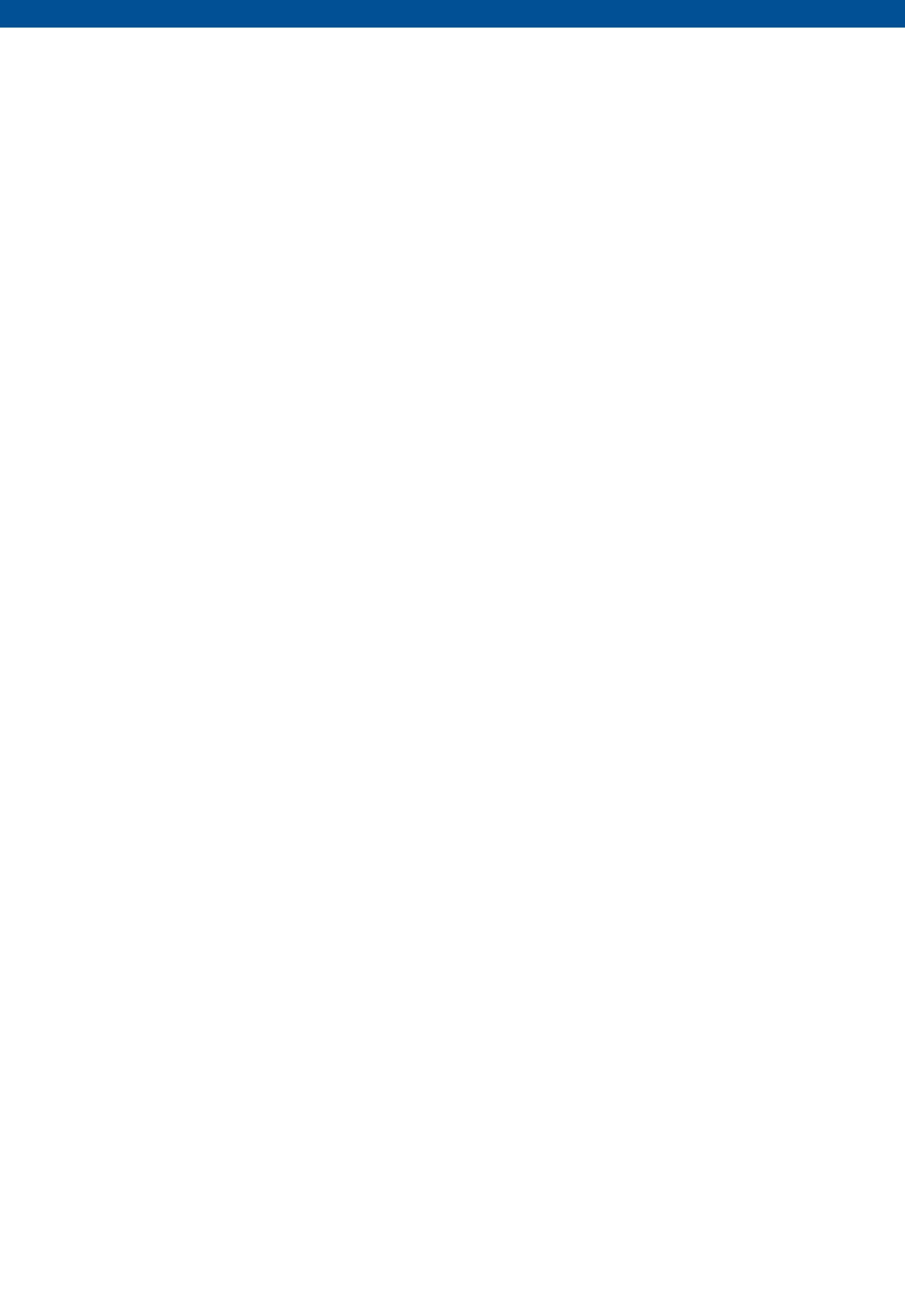
About four years after the outbreak of civil war in Syria and the *de facto* disintegration of the Syrian Republic, the Israeli newspaper *Haaretz* reported that, during a meeting between Prime Minister Netanyahu and President Obama in November 2015, Netanyahu sought to revisit the United States' position with regard to recognition of Israeli sovereignty over the Golan Heights, but President Obama chose not to respond and no significant discussion of the subject was held. In April 2016, the Israeli government convened a special cabinet meeting in the Golan Heights; during that meeting, Prime Minister Netanyahu announced:

> *"I chose to convene this festive meeting on the Golan Heights to send a clear message: 'The Golan Heights will forever remain in Israel's hands. Israel will never come down off the Golan Heights' [...] I doubt that Syria will ever return to what it was. It has persecuted minorities, such as the Christians, the Druze and the Kurds, who are justly fighting for their future and their security. On the other hand, it has terrorist elements, especially Daesh, Iran and Hezbollah and other terrorist groups, who want to impose radical Islam on Syria and on the region and, from there, to impose it on the rest of the world."*

During that same month, Netanyahu met with Russian President Putin and clarified to him that Israel has no intention of returning to the days when Israeli communities were under attack from atop the Golan and therefore — with an arrangement or without an arrangement — the Golan Heights will remain under Israeli sovereignty.

During Netanyahu's first working meeting with President Donald Trump, which was held in the White House in February 2017, Netanyahu asked Trump to make the United States recognize the annexation of the Golan Heights to the State of Israel. Netanyahu said that "the U.S. President did not react with shock at my request." About two weeks later, during a visit in Australia, Netanyahu gave a speech to the Jewish community of Sydney and said that "the Golan will not be returned to Syria and will forever be part of the State of Israel."

*"I chose to convene this festive meeting on the Golan Heights to send a clear message: 'The Golan Heights will forever remain in Israel's hands."*

# F. Security and Legal Aspects

The acquisition of sovereignty over a territory by occupation is not an accepted practice according to the international law that has been in effect since World War II. An act of occupation does not vest the occupier sovereignty over the occupied territory and, pursuant to international law, it does not matter whether the territory was seized during an offensive operation or within the scope of self-defense.

Since the dawn of time, sovereignty over territories was acquired through extensive conquests. The watershed moment for occupation in terms of international law was World War II when the United Nations Charter was signed in 1945. In general, since that moment, international law no longer recognizes the acquisition of sovereignty as a result of occupation.

Nevertheless, international law also maintains approaches that are prone to constructive interpretation, which enable bridging between theoretical legal principles and other basic principles. In the opinion of the former President of the International Court of Justice, Judge Stephan Schwebel, a country may occupy foreign territory as long as such seizure and occupation are necessary to its self-defense. According to Schwebel, withdrawal from the territory is warranted only when and if security measures are in place that ensure that that territory shall not be used again to launch an attack. In other words, as long as a threat is posed to the occupying country subsequent to the return of the territory to the prior holder of the territory, or as long as there is a concern that that territory will again become a source of threat — the occupying country has better title to continue holding it for reasons of self-defense.

*International law also maintains approaches that are prone to constructive interpretation, which enable bridging between theoretical legal principles and other basic principles.*

The State of Israel seized the Golan Heights from Syria after years of incessant attacks on Israeli communities surrounding the Sea of Galilee and close to the border. The Golan Heights, being a strategic control point, was, for years, a region frequently used by the Syrians to threaten the State of Israel and its strategically important sites, such as the Haifa Port. The Syrians also took deliberate action to divert the sources of water in the Golan, with the objective of disrupting the flow of water and denying Israel a natural resource that constitutes an existential need for residents and for agriculture in Israel. Furthermore, during the 20 years of Syria's control over the Golan, and as a country that supports terror, Syria allowed terrorist organizations to use the topographical advantage of the Golan Heights as a base for exporting and launching terrorist attacks against Israel. Israel's seizure of the Golan Heights was done in self-defense, to ensure the security of the State of Israel and of its residents and to remove an existential threat.

True, Syria's loss of the Golan Heights impinged on the principle of Syria's territorial integrity, but at a relatively negligible scale. The territory that Israel seized in the Golan Heights is not more than **one percent** of Syrian territory. For the sake of comparison, the dispute between Syria and Turkey over the Sanjak of Alexandretta — involves a territory nearly three times the size of the Golan Heights.

Despite the fact that the State of Israel seized the Golan during a defensive war and was forced to fight three existential wars during its first 25 years, with Syria being one of the attacking countries in all of them, the United Nations opted to focus on denouncing Israel's control over the Golan and on that alone. The United Nations and its various institutions issued 235 resolutions denouncing Israeli control over the Golan Heights and over the territories of Judea and Samaria, 76 of which were specific resolutions denouncing Israeli control over the Golan — at an average of about seven resolutions per year, over the past 35 years. Other cases of occupation around the world — such as those in East Timor (which today is already an independent country), in the Western Sahara, in Northern Cyprus, in Nagorno-Karabakh, in Abkhazia and in other cases, the majority of which have identical characteristics but far weaker justifications than Israel has with regard to the Golan — were not similarly denounced. The lack of consistency on the part of the United Nations' institutions and international law as it pertains to denouncing Israel's control over the Golan is also reflected in the use being made of section 49(6) of the Fourth Geneva Convention, which prohibits an occupying country from transferring its population into the occupied territory. In all of the cases referred to above, the occupying countries transferred significant volumes of their citizens to the occupied territory, also by providing incentives. In not one of these instances did the United Nations declare that the occupying countries were violating section 49(6) of the Fourth Geneva Convention — and solely denounced Israel. In recent years, a boycott has also been instituted against goods being produced in the Golan Heights, and some European countries have begun marking goods produced in the Golan Heights.

At issue are actions unlike those employed in other cases of occupation, either in characteristics or intensity.

The collapse of the Syrian Republic and the developments in Syria and in Iraq over the past six years are creating another strategic security threat today. The principle of self-defense that justifies Israel's seizure of the Golan is not only retrospective as stated above, but rather — and even more critically — is prospective. If one examines the massive scale of the casualties, the wounded and the destruction in Syria and in Iraq during these years, it is evident that the region is suffering a catastrophe of a magnitude similar to the devastation caused by the use of a nuclear weapon. Hundreds of thousands of casualties, millions of refugees, so many cities that have been wiped from the face of the earth, and eruptions of hatred that will not begin to die down for many decades to come. The war in Syria and the violent ethnic confrontations have pulverized the fabric of Syrian society (although it is doubtful that it had ever been integrated or unified). According to assessments, by mid-2016, after five years of war, the number of people killed during the fighting in Syria had reached about a half-million people. About 10 million Syrians — half of Syria's population — have lost their homes; about 8 million Syrians have fled their country and become refugees. Seventy-five percent of the Syrian economy, including its infrastructure and economy, have been destroyed or collapsed during the fighting.

The ethnic conflict that has been raging in Syria over the last seven years has transformed the region into a minefield of hatred and hostility that guarantees that the region will be shrouded in uncertainty and instability for at least another half-century. The massive losses of lives and the collective degradation of families, clans and tribes, as well as the ethnic rifts and the religious loathing — have shattered any common ground for co-existence. At issue are such cataclysmic traumas that it is difficult to see how diplomatic efforts, as serious as they may be, could heal the wounds inflicted by the conflict. The many years of conflict engendered intense feelings of loathing, vengefulness and frustration that have become ingrained. At issue are not merely internal Syrian affairs, but rather events having enormous security implications on the State of Israel: inherent instability in the region increases the risks of recurring outbreaks of violence in the future. The situation in Syria is analogous to a region over which a black cloud of radioactive fallout is hovering, the perils of which will affect generations.

The idea that it will be possible to mediate the colossal religious-tribal disputes raging in the Middle East through an accelerated reconciliation process is a wish that is completely incongruous with the reality in the region and one that would be tantamount to employing a Procrustean bed approach. History is replete with examples of virulent disputes that ended with less than optimal reconciliation processes, which later caused further outbreaks of the conflict, sometimes even more intense and more violent than before. The peace and reconciliation arrangements subsequent to World War I, which provided the foundation for World War II, are a good example.

*In recent years, a boycott has been instituted against goods being produced in the Golan Heights, and some European countries have begun marking goods produced in the Golan Heights.*

*The ethnic conflict that has been raging in Syria over the last seven years has transformed the region into a minefield of hatred and hostility that guarantees that the region will be shrouded in uncertainty and instability for at least another half-century*

Israel needs to remove any scenario of withdrawal from the Golan Heights from the domestic and international agenda. The future of the region in the coming decades derives from the recurring geo-political earthquakes that will inevitably and gradually reconfigure the region. This is a long process that is influenced, inter alia, by the battles over regions of control and by cultural, religious and ethnic battles, and it is impossible to shorten the process by artificial means.

The vicious warfare in Syria and Iraq has created a new reality on Israel's northern border — Israel finds itself frequently contending with threats from various terrorist organizations from across the border. Assad's apparent return to controlling various regions in Syria relies on Iranian and Russian war materials; for most of the population in Syria, the Irani-an-Assad alliance is not a natural alliance and its durability over time is cast in doubt. In the coming decades, while the infernos of the ethnic conflicts in Syria and in Iraq continue raging, above and below ground, this uncertainty will continue. Unlike the territorial confrontations in Europe during both world wars, the warfare in Syria and in Iraq are grass-roots confrontations posing security challenges to Israel that bear no resemblance to the military challenges arising from confrontations between hostile countries; consequently, the traditional contractual model is irrelevant to the ailments of the Middle-East during the 21st century. Only time can heal these wounds, if at all.

Consequently, any Israeli withdrawal from the Golan Heights will magnify the threat posed to the State of Israel, due to the inherent instability on its northern front. The continuing Israeli control over the Golan Heights is also clearly justified for reasons of self-defense, in the profoundest sense of the word.

# G. Israel's Relations with the Druze of the Golan

Approximately 27,000 Druze are living in the Golan today, in four communities in northern Golan: Mas'ade, Majdal Shams, Buq'ata and Ein Quniyye. Israel's seizure of the Golan in 1967 included accepting responsibility and governance over the Druze population living in the northern region of the Golan.

Upon the application of Israeli law in the Golan, Israel offered the Druze the possibility of becoming Israeli citizens with equal rights and Israeli identity cards. The Druze received this proposal with mixed feelings — between their desire to be loyal citizens of Israel and enjoy equal civil rights as is customary in Israel, and their fear that, in the scenario of Israeli withdrawal from the Golan, the Syrian regime is liable to persecute them for their disloyalty.

During the initial years of the Israeli presence in the Golan Heights, Israel invested massively in developing infrastructure, building communities, establishing industrial plants and creating jobs and constructing public buildings and educational, religious and cultural institutions. This development momentum also encompassed the Druze communities, who benefitted from the development of infrastructure, improvement in their quality of life and advancement from living in a "developing country" to living in a "developed country." However, the Druze population of the Golan have been observing the conduct of the State of Israel over the years and its vacillations about remaining in the Golan Heights, so their concerns about becoming Israeli citizens are understandable. Israel's willingness to pull back from the Golan Heights and the absence of any long-range policy for establishing Israeli sovereignty over the Golan do not offer any incentive — to put it mildly — for the Druze residents of the Golan Heights to reach a decision to join Israeli society. The Israeli government's willingness to withdraw from the Golan Heights, and the fact that segments of the Israeli public advocated withdrawal at various times, heightened

*Upon the application of Israeli law in the Golan, Israel offered the Druze the possibility of becoming Israeli citizens with equal rights and Israeli identity cards.*

the Druze community's perception of Israeli rule over the Golan as being tentative, which in turn, heightened their fear of retaliatory actions by the Syrian regime the day after Israel withdraws from the Golan. This reality not only made it impossible for the Druze of the Golan to publicly support Israel, but also compelled them to demonstrate active opposition to the continuation of Israeli rule — most of the Druze living in the Golan Heights have relatives living in Syria; therefore, any open support of Israel and lack of support of Syria could also jeopardize the lives of their Syrian relatives.

In recent years, a reversal in trend began emerging among the Druze population of the Golan. The civil war in Syria triggered a sharp rise in the number of Druze residents of the Golan who applied for Israeli citizenship. Data from the State of Israel's population and immigration registry show that, in 2010, only two Druze became Israeli citizens; in 2015, there was a sharp rise in the number of citizen applications, reaching an estimated one hundred new citizen applications. From January to June 2016, 83 Druze residents of the Golan completed the Israeli citizenship process. Although at issue is a small percentage of the Druze population in the Golan, one cannot ignore the emerging trend. It is important to note that Israel has a strategic interest in encouraging and expanding this trend.

The existence of a relatively small Druze population and the fact that Israel is prepared to grant full Israeli citizenship and full equal rights to Druze residents of the Golan are the key factors that differentiate between the discussions about the Golan Heights and the discussions that have been underway over the last half-century about the impacts of the Israeli presence of Judea and Samaria and its implications for the local population and Israeli society.

Israeli sovereignty over the Golan Heights does not involve "control over another people," and the discourse about human rights, which is a key issue with regard to Judea and Samaria, is irrelevant to the issue of the Golan. Syria — insofar as it might continue to exist as a one State — will not be as it once was. For the 27,000 Druze residents of the Golan who have been offered citizenship in the only democracy in the Middle East, the Syrian alternative has never looked more absurd than it does today.

As a sidebar, we point out that the United Nations is utterly disregarding the enormous difference between the situation of the Druze in the Golan Heights and the situation of the Druze in Syria when it refers to what it perceives as the reality in the region. Even at the peak of the barbaric civil war in Syria, after hundreds of thousands of people had been killed, the U.N. inexplicably deemed it fitting to continue deploring Israel for its treatment of the Druze residents of the Golan. For example, to cite the U.N. General Assembly resolution of December 6, 2016, the General Assembly —

> *"Calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and from its repressive measures against the population of the occupied Syrian Golan."*

# H. Israeli Sovereignty: *Fait Accompli*

nternational law is likely to attribute considerable weight to the period of control over an occupied region when reviewing an instance of the acquisition of sovereignty by virtue of prescription. Syria's control over the Golan lasted about 21 years, while Israel's control over the Golan spans about a half-century, without there being any substantive militant opposition (except during the Yom Kippur War in 1973). The acquisition of sovereignty by virtue of prescription is recognized by international law and can constitute a relevant argument from the Israeli perspective as it pertains to its claims to the region.

*Prima facie,* there are two aspects to prescription in the context of the Golan: not only is the effective Israeli governance of the Golan relevant to the discussion, but so too is Syria's actual conduct and its lack of effort to regain the territory through negotiations. For five decades, Syria rejected every model of Israeli withdrawal from the Golan, whether partial or full. According to the principles of prescription under international law, Syria's persistent refusal delegitimizes its right to continue claiming rights to the Golan Heights.

The timeframe that Israel has been governing the Golan Heights, coupled with the fact that Israeli law is being applied equally to all residents of the Golan, creates a reality that is not only legitimate or political, but also is the social and cultural reality. The issue of prescription is a material matter and is not merely technical; it does not solely exist in the milieu of a legal discussion. Reverting the situation to its *status quo ante* is subject to a time limit not only within the legal context — but also within the context of recognizing that a national ethos, social cohesion and a cultural identity develop with the passage of time. The duration of governance over the region, coupled with the prescription component, create an unwritten agreement between the State and its citizens to take off the table any scenario of profoundly changing the situation in the Golan Heights.

Cultural integration and national cohesion rely on national ethoses, and the Golan is indeed a national ethos. Over the last fifty years, the Golan Heights has become part of the Israeli homeland. The Israeli discourse about the Golan Heights is virtually completely disparate from other political disagreements engaging in the "question of the territories." The Golan Heights is no longer a "deposit" — it is an integral part of the Israeli experience and the unique landscape of the State of Israel. The Golan Heights is a popular region for domestic tourism, and its contribution to the supply of water and to Israeli produce (wines, apples, etc.) have also contributed to its becoming a region that is deeply rooted in the national consciousness as an integral component of the national identity. Indeed, after a half-century of intimate ties to the Golan Heights, it has naturally become part of the landscape of the Israeli homeland.

Israel's decision to annex the Golan Heights and to apply sovereignty does not only have legal significance, but also cultural and social significance. At issue is public acknowledgement and recognition (first and foremost, internally) that the Golan is part of the Israeli homeland. The annexation established a national narrative that relates to the geographic region as being part of the developmental environs of the Jewish culture since biblical times, continuing in the present and prospectively. Today, the fourth generation of Jews are growing up in the Golan Heights; they are not "overnight guests": their roots are deeply and profoundly planted in the land — the Golan is where their homes are, overlooking the Sea of Galilee.

The scenario of evacuating this land after fifty years does not only have repercussions at the strategic and security level. Continuing the provisional administration over such a prolonged period also exacts heavy social and cultural prices. It is incongruous to cultivate an ethos about an existential component of the State, to instill identification with it among the Israeli population — and, at the same time, to continue retaining the option of withdrawing from it. The uncertainty with regard to the borders of Israeli sovereign territory in the Golan creates a sense of collective transience and is also damaging in terms of building solidarity, achieving common goals and upholding Israel's fundamental commitment to its citizens. These arguments are valid both within the context of the collective national strength and within the context of personal safety and home ownership. After about fifty years of Israeli governance over the Golan, it is no longer possible to turn the clock back as it pertains to Israeli sovereignty over the Golan.

# I. The Split-up of Syria:
# a Geo-strategic Security Interest
# and a Reflection of the Ethnic Reality

I n some sense, the civil war in Syria reverted the country to its natural situation before the world powers began intervening at the end of World War I. This is not a new situation, but rather a return to the starting point, to the natural state of the region before the Western powers forced political organization on it that is incompatible with the ethnic and religious characteristics of the peoples living in the region. This old-new reality offers Israel new opportunities.

Since it was established in 1946, Syria has been a hodgepodge of peoples cohabiting a space built on a rickety equilibrium that somehow managed to survive for nearly 70 years, despite numerous crises. During the quarter-century that preceded Syria's independence, the Syrian arena suffered many upheavals. At the end of World War I, upon the downfall of the Ottoman Empire, a short-lived kingdom was established in the region (see Part B: 'Border under dispute'). Upon the French victory, governance of the region shifted to the model of the French Mandate and was called 'French Syria." Already at the outset, the French quickly became cognizant of the fact that the ethnic and religious groups living in Syria have no common national identity and that it will be extremely difficult to collectively govern them under a central government. This understanding of the complex reality in the Syrian arena led the French to the conclusion that autonomy should be granted to the six major groups living in the region under the French Mandate. At the beginning of the 1920s, the French allowed the delineation of six States in French Syria:
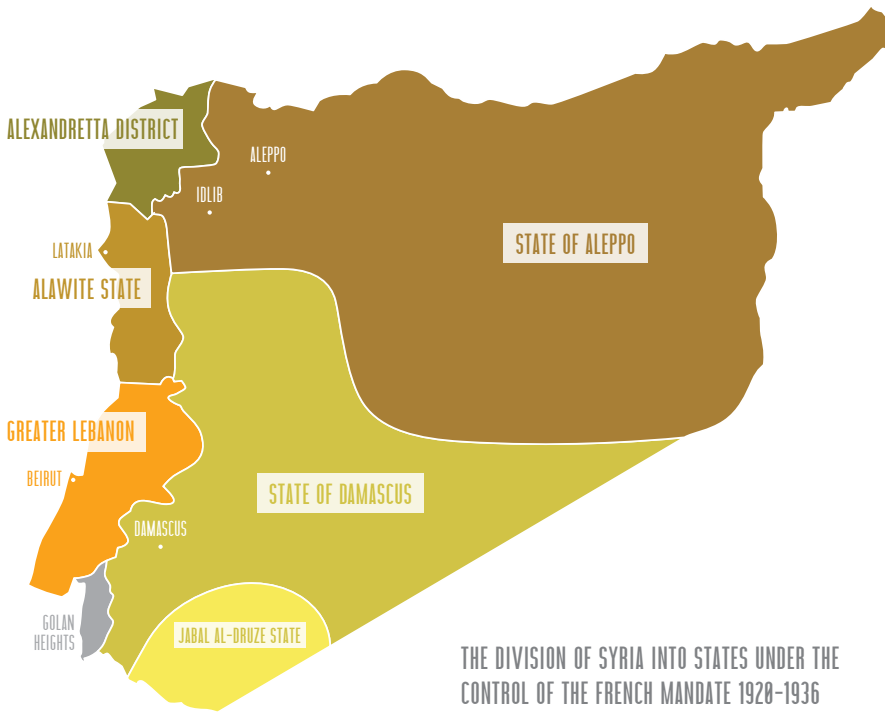
*The French quickly became cognizant of the fact that the ethnic and religious groups living in Syria have no common national identity and that it will be extremely difficult to collectively govern them under a central government.*

1. **The State of Aleppo and the State of Damascus:** extensive Sunni regions in central Syria and in the desert region, which extend over nearly the entire northeastern border of Syria;

2. **The Alawite State**: along the Mediterranean coast, in the vicinity of the port city of Latakia;

3. **The Jabal al-Druze State:** in southern Syria, on the Jabal al-Druze mountain, which was also called the "State of Souaida";

4. **Greater Lebanon:** the Lebanon of today, which was the homeland of the Maronite Christians;

5. **Alexandretta District**: in the Sanjak of Alexandretta (İskenderun) in northwestern Syria;

6. A Kurdish region in Syria that the French refused to recognize as an independent state; nevertheless, the northeastern part of the Kurdish region was governed as a quasi-autonomous region.

In 1936, after about 15 years of these decentralized autonomies, the French decided to retake full control over French Syria, apart from two regions: Lebanon, which remained independent, and the Sanjak of Alexandretta, which was later transferred to Turkey. In 1938, the Turkish military entered the Sanjak of Alexandretta, launched a campaign of ethnic cleansing of all of its non-Turkish residents, changed its name and established a Turkish government. The Turkish government held a referendum, which found that the majority of the people wanted to remain under Turkish sovereignty. In this way, extensive territory was removed from Syrian sovereignty, territory that is about three times the size of the area of the Golan currently under Israeli control.

As stated, Syria's reversion to a model of a single State under the French Mandate did not reflect the ethnic divisiveness in the region. The concern that the change would trigger bloodshed between the factions in Syria prompted a group of Alawite intellectuals — including Sulayman al-Assad, Bashar al-Assad's grandfather — to send an urgent petition to French Prime Minister Léon Blum in June 1936, warning about the foreseeable ramifications of the forced consolidation, and expressing their concern about the termination of the French Mandate regime.

A fascinating sidebar is the reference in this petition to the suffering of the Jews by the founder of the Assad dynasty and by the other Alawite leaders. In this petition, they compared the plight of the Syrian minorities to that of the Jews, referring to the similar persecution suffered by the minorities in Syria (non-Sunnis) and the Jews living in the Land of Israel (one can assume that Assad and the other Alawite dignitaries were leveraging the fact that Prime Minister Blum was a Jew and in favor of the Zionist project):

ALEXANDRETTA DISTRICT

ALEPPO

IDLIB

STATE OF ALEPPO

LATAKIA

ALAWITE STATE

GREATER LEBANON

BEIRUT

STATE OF DAMASCUS

DAMASCUS

GOLAN
HEIGHTS

JABAL AL-DRUZE STATE

THE DIVISION OF SYRIA INTO STATES UNDER THE
CONTROL OF THE FRENCH MANDATE 1920–1936

*"The spirit of fanaticism and narrow-mindedness, whose roots are deep in the heart of the Arab Muslims toward all those who are not Muslim, is the spirit that continually feeds the Islamic religion, and therefore there is no hope that the situation will change. If the Mandate is cancelled, the danger of death and destruction will be a threat upon the minorities in Syria, even if the cancellation [of the Mandate] will decree freedom of thought and freedom of religion."*

*"Those good Jews, who have brought to the Muslim Arabs civilization and peace, and have spread wealth and prosperity to the land of Palestine, have not hurt anyone and have not taken anything by force, and nevertheless the Muslims have declared holy war against them and have not hesitated to slaughter their children and their women despite the fact that England is in Palestine and France is in Syria. Therefore, a black future awaits the Jews and the other minorities if the Mandate is cancelled and Muslim Syria is unified with Muslim Palestine. This union is the ultimate goal of the Muslim Arabs."*
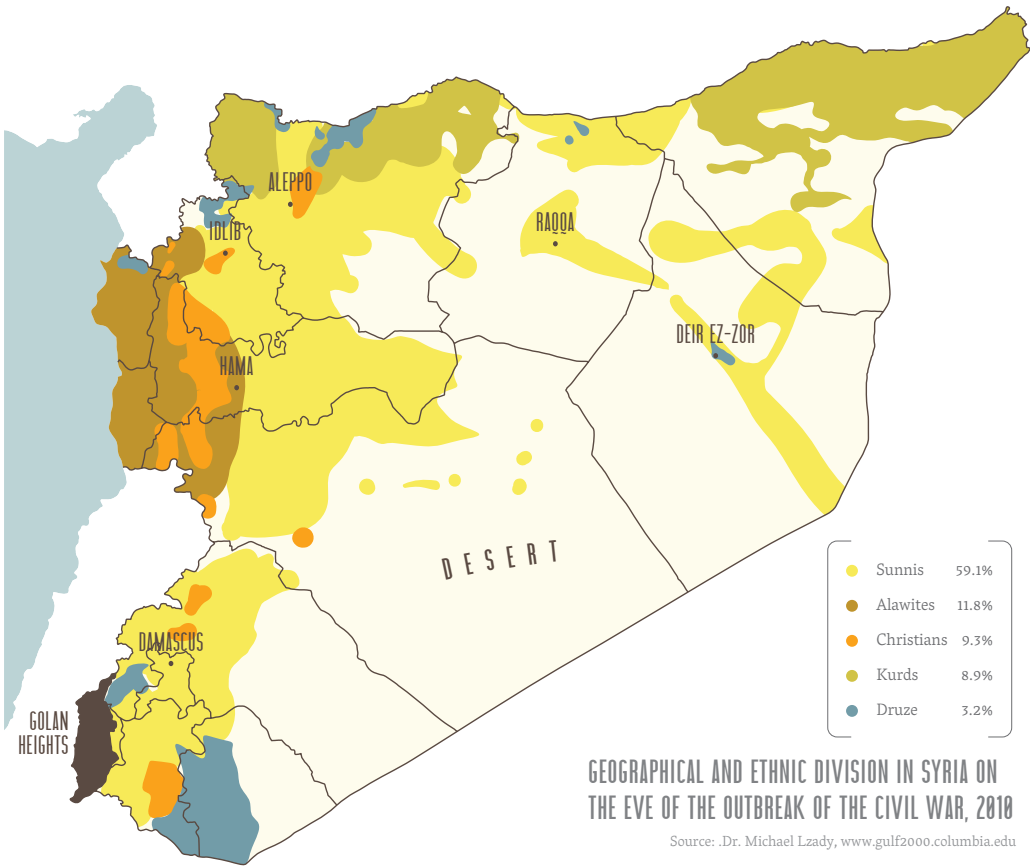
The French Mandate over French Syria, which lasted about a quarter-century, was terminated at the end of World War II. In 1946, for the first time, Syria officially became an independent country (Lebanon received its independence in 1943). The international recognition of Syria as a country did not change the fact that Syria always was and firmly remains a hodgepodge of peoples and ethnic groups that are hostile towards each other.

Syria's development as an independent country has been fraught with difficulties and has suffered numerous upheavals. One of the most significant events was the coup d'état in 1970, which cemented the Alawites' take-over of the country based on their command of the military and control over the Ba'ath Party. The minority Alawite regime headed by the Assad family guaranteed its firm grip on the government through the use of brutality and oppression, a policy of divide-and-conquer of the ethnic groups in general, and by creating a minority coalition that controlled the Sunni majority in particular. One manifestation of the oppressive Alawite regime in Syria occurred in 1982, when Hafez al-Assad ordered the Syrian military to crush an attempted Sunni uprising against his regime, which resulted in the massacre of tens of thousands of people in the city of Hama.

The Syrian melting pot failed and reached the melt-down point in 2010. The regional and domestic arrangements in Syria that had been in place for about one hundred years began collapsing one after the other and degenerated to the point of bloody tribal and ethnic wars. At the outbreak of the civil war, about 60% of the population of Syria was Sunni. The remaining 40% were ethnic minorities: only about 12% of the population were members of the ruling Alawite community; about 9% were Christians, 3% were Druze and about 9% were Kurds.

For years, the social structure in Syria was predicated on maintaining the tenuous equilibrium among the population segments in the country. It was clear to all of the parties that any upset of this delicate balance could potentially trigger a bloody civil war. The fulcrum was the Alawite government, the overlord of a "coalition of outcasts," comprised of subjugated Syrian minority political groups. This fragile equilibrium was sustained by forcing all minorities in Syria to participate in the political game, by dividing the resources — and by the regime's policy of crushing any rebellion that arose from time to time through extreme brutality.

However, the Syrian conglomeration was not only based on the equation of the "coalition of outcasts." The Syrian regime employed another key strategy in order to avoid domestic conflicts and divert attention from internal strife: the Syrian regime conjured national unity using a base common denominator — the fabrication of a common enemy ("the Zionist enemy") and vehement opposition to the existence of the State of Israel. Throughout the years of Syria's existence, the Syrian military has been completely obsessed with attacking Israel — thereby forcing Israel to contend with major threats over many decades. Syria's aggression

Legend:
- Sunnis 59.1%
- Alawites 11.8%
- Christians 9.3%
- Kurds 8.9%
- Druze 3.2%

Map labels: ALEPPO, IDLIB, RAQQA, HAMA, DEIR EZ-ZOR, DESERT, DAMASCUS, GOLAN HEIGHTS

included attacks on Israeli communities, deployments of terrorist cells, strategic threats posed by an arsenal of chemical weapons and, above all — its actual attempts to destroy Israel, the primary example being the Yom Kippur War in 1973.

From the forward-looking security-strategic perspective (but disregarding the erosion of the Syrian military's absolute power during the civil war), Israel has an interest in decentralizing and splitting up any potential of a hostile military force on its eastern front of tomorrow. The balance of powers will fundamentally change in a way that is favorable for Israel, when and if the Syrian-Iraqi arena is split up into several political entities. In this scenario, Israel will not be forced to defend itself against a single united immense military force that devotes all of its resources to attacking Israel, but rather, against disjointed smaller forces. On the other hand, a concentration of pro-Iranian Shi'ite forces, comprised of Iranian units, Shi'ite militias, the Hezbollah and Alawite forces in Syria — is a scenario that creates a new and complex security threat to Israel.

*Decentralization of Syria is an Israeli interest that would break up the Syrian united front against Israel in a way that will necessarily weaken the threat to Israel's northern border both strategically and on a long-range basis.*

The establishment of new-old independent entities, which would reflect the religious-ethnic reality in the Syrian arena, could create a new balance of powers, and would also necessarily change the geo-strategic balance on Israel's northern border. It is possible that some of these new entities will see themselves as partners in a new alliance of minorities in the region, together with Israel — while the rest will be preoccupied contending with numerous ethnic/tribal/religious conflicts in a multi-front arena, such that their aggressive intentions will not be directed solely against Israel. In short: decentralization of Syria is an Israeli interest that would break up the Syrian united front against Israel in a way that will necessarily weaken the threat to Israel's northern border both strategically and on a long-range basis.

# J. Creating a Network of Alliances

Under the circumstances created in our region over the last six years, it has become feasible to establish political entities or new autonomies whose populations have no religious or historic conflict with the State of Israel in particular, and with the West in general. These entities could include minority groups, some of which took shelter under the collapsing Syrian Republic, such as the Kurds, the Druze, the Christians (and, under particular circumstances, even the Alawites). Cooperation and support of these groups could have favorable implications for Israel, as well as for the West in general and for the United States in particular; therefore, Israel should continue analyzing the feasibility of creating such alliances in the future. Even if it appears that Assad, with massive Russian-Iranian assistance, has regained his control over extensive regions in Syria, this situation is artificial and fragile and depends entirely on forces that are external to the Syrian territorial space.

Cooperation between Israel and minorities in the Syrian-Iraqi region should be based on the principle espoused by David Ben-Gurion: **"a coalition of minorities in the Middle East."** When analyzing such forms of cooperation, Israel needs to fully grasp the potential of long-term cooperation with these minorities, their capacity to contribute to the maintaining of security along the Israeli-Syrian border, and their ability to serve as a counterweight against radical jihadist factions in the region that are hostile towards Israel.

Cooperation employing a model of a "coalition of minorities" entails quite a few risks. Overt intervention by Israel on behalf of the minorities involved in the civil war in Syria is liable to place their lives in danger and incite additional enemies against them. Minority groups' cooperation with Israel is liable to diminish their legitimacy among countries in the Middle East.

*Cooperation between Israel and minorities in the Syrian-Iraqi region should be based on the principle espoused by David Ben-Gurion: "a coalition of minorities in the Middle East."*

*An Israeli-Kurdish cooperation perhaps best reflects a possible alliance between two outcast but resilient peoples in the Middle East, who share common interests, have a history of cooperation and no history of religious or cultural conflict.*

Furthermore, considering that most groups in Syria are not organized in a political framework, and the fact that these minority groups switch loyalties depending upon the conditions in the field, it will not be a simple or easy task to form a network of strategic alliances between Israel and these groups.

Among the possibilities for cooperation in the region: an Israeli-Kurdish cooperation perhaps best reflects a possible alliance between two outcast but resilient peoples in the Middle East, who share common interests, have a history of cooperation and no history of religious or cultural conflict.

An alliance between Israel and minority groups in the Middle East is not an unprecedented idea. Over the first fifty years of its existence, Israel formed various alliances and forms of strategic cooperation: with Iran, as a Muslim non-Arab minority, until the overthrow of the Shah's regime during the 1979 Iranian Revolution; with the Kurds, mainly during the 1960s and 1970s; with the Maronite Christians in Lebanon during the 1970s and 1980s; and with the Turks, until Erdoğan rose to power.

Israel's support of a minority population, group or entity-in-the-making does not necessarily have to be overt. Such cooperation can take place covertly, with Israel providing assistance in the form of know-how, technology, intelligence and support in diplomatic channels — which could result in those emerging entities recognizing the Jewish people's right of self-determination and the exercise of this right through a sovereign Jewish State in the Middle East, while ensuring Israel's security, and perhaps even advancing additional common interests, such as recognizing Israel's sovereignty over the Golan (*de jure or de facto*).

These courses of action were not plausible in the regional reality prior to the outbreak of the civil war in Syria. Israel should take action to implement these courses of action, recognizing that such alliances offer an historic opportunity to shape a new reality as it pertains to Israel's standing in the region and to international recognition of Israel at its defensible borders.

# K. Israeli Golan:
# an International Interest

The war in Syria resulted in a catastrophe on a global and historic scale, in terms of the resulting fatalities, casualties and property destruction, millions of refugees, war crimes and atrocities against a civilian population. These devastating outcomes spawned a permanent state of instability, of deepening polarization and hostility, of bloody conflicts between population groups, and utterly destroyed any real possibility of reconciliation for many decades to come.

The inherent instability in Syria caused the obliteration of even a minimal common denominator between the people inhabiting the country. This reality is reflected in the widening ethnic rifts and further splintering of the population into groups and subgroups, some of which are supported by countries that are not peace-loving. This complicated reality emphasizes even more the global interest in continuing Israel's sovereignty over the Golan.

It is obvious to everyone that, considering the reality prevailing in the region, Israel's withdrawal from the Golan Heights would be tantamount to relinquishing yet another region in the Middle East to the Iranian regime or to factions and organizations that support terrorism. Under this reality, the continuing Israeli sovereignty over the Golan Heights is consistent with the vital global interest in stabilizing and developing the region.

The terrorist attacks by jihadist organizations like Jabhat al-Nusra or al-Qaeda, or the brutal incursions by Iran-Hezbollah-Assad close to the Sea of Galilee will not contribute to stabilizing and rehabilitating the region. The cataclysmic events that occurred in recent years in Syria and in Iraq lead to one obvious conclusion: the Golan Heights has no other horizon than the Israeli horizon.

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Furthermore, Israeli governance over the Golan Heights guarantees the quiet, stability and certainty that are essential preconditions to peace. Perhaps what illustrates this more than anything else is the State of Israel's treatment towards the some 27,000 Druze residents of the Golan, who are living in comfort and can receive citizenship in the only democracy in the Middle East whenever they wish.

The global interest — and, as a derivative, also an interest of international law — is primarily the creation of stability and certainty and preventing massacres and property destruction. The global interest dictates that fundamental principles of human liberties must be disseminated and applied to as many regions and to as many people as possible. Based on this notional concept of principles, the world should clearly and objectively prefer Israeli sovereignty in the Golan over the alternative: murderous regimes, such as Iran, or radical Islamic organizations conquering territories and additional populations in the Middle East. If the world chooses the latter alternative, it will not only turn the Golan into a region that exports instability, war and terror — it will inevitably jeopardize the lives of all residents in the region and of residents of countries bordering the Golan.

Israeli sovereignty over the Golan optimally serves the strategic interest of many countries worldwide in general — and of countries in the region in particular — to stop Iran from continuing to gain control over the Middle East. Israel's withdrawal from the Golan will leave a vacuum that will expose the State of Israel to danger and might also undermine Jordan's stability, since it also borders the Israeli territory in the Golan.

The threat of Iranian dominance in the Middle East became even more dire after the JCPOA (Iran nuclear agreement) was signed between Iran and the world powers in July 2015, considering Iran's attempts to gain strength and dominate the region by operating terrorist organizations, armed militias and protectorates. Continuing Israeli sovereignty over the Golan is an interest of all those who believe that it would be wise to put a stop to Iran's steadily growing influence in the Middle East and to curtail any potential conventional acts of aggression by Iran and its agents in the Golan Heights against Israel and Jordan.

Israel is trying in every way possible to amend or negate the nuclear agreement with Iran. In order to block the threats created as a side-effect of this agreement, it is not enough to demand to receive advanced war materials. The commensurate strategic compensation for the dangers posed by the nuclear agreement with Iran is the final anchoring of the Golan Heights as a buffer zone under Israeli sovereignty, a zone that would sever the land bridge between Teheran and Ein-Gev atop the Golan at the outskirts of Quneitra, rather than at the shores of the Sea of Galilee. This would provide a material strategic contribution to restraining Iran's potential conventional aggression against Israel from the other side of the Golan border.

It is important to reiterate that the idea of international recognition of Israel's sovereignty over the Golan Heights is not without precedent. As mentioned above, in 1975, the United States recognized the criticality of Israeli control over the Golan Heights, and the statements were anchored in "Ford's letter" to Israel's prime minister at that time, Yitzhak Rabin (see Part E., 'Perpetual Deposit' on p. 16). As stated, this commitment was re-affirmed by U.S. Secretary of State Warren Christopher in 1996.

The disintegration of the Syrian-Iraqi arena, the prolonged period of the civil war, the millions of dead and wounded, the deluge of refugees fleeing to Europe, the intensifying global terrorism and the regional chaos — all these pose one of the greatest challenges to the international community of recent times. The continuing definition of Syria *de jure*, as a single country with internationally-recognized borders, and its *de facto* functioning as a region fragmented into separate entities according to a tribal, autonomous or unrecognized political model, is nearly unprecedented. This situation is perhaps similar, to a certain degree, to the situation that prevailed in the Balkans in the aftermath of the Bosnian War in 1995, until the Inter-Entity Boundary Line was delineated between Bosnia and Herzegovina during the Dayton Peace Conference. In such a chaotic reality, the demand that Israel must withdraw from the Golan Heights is completely irrational. The inability of the United States and Russia to conduct a constructive dialogue about the Middle East, as well as Assad's precarious situation and his absolute dependence on Russia, should convince the world powers to coordinate interests *inter se* and between them and Israel with regard to an arrangement for "the day after" the civil war in Syria. This arrangement must ensure that the Golan Heights remains part of the State of Israel.

The world must define its goals and objectives for the Middle East for the day after the civil war in Syria. If maintaining peace and quiet, promoting human rights and stopping radical elements are the key objectives, then any Israeli withdrawal from the Golan Heights will not help to achieve these goals, but rather, would spawn the opposite reality.

*If maintaining peace and quiet, promoting human rights and stopping radical elements are the key objectives, then any Israeli withdrawal from the Golan Heights will not help to achieve these goals.*

# L. Defining the Israeli Interest

Israel has a clear interest in maintaining its sovereignty over the Golan and in receiving international recognition of its sovereignty.

The expiration of the arrangements that defined the borders and the States in the Middle East after World War I poses a major challenge for Israel, and requires it to revise its geo-strategic interests prospectively and not retrospectively. It must take all possible action in order to ensure that its needs are discussed during the debates among the world powers about the future of Syria and the Assad regime. For the first time in fifty years, there is an opportunity to change borders in the Middle East, and an opportunity for Israel to receive recognition of its sovereignty over the Golan as a byproduct of the civil war in Syria.

The Arab Spring and the civil war in Syria that erupted in its aftermath towards the end of 2010 created a new regional reality in the Middle East. This new reality undermined the regional order that was in play over the last hundred years, since the Sikes-Picot agreements, and placed in question some of the borders in the region. A look at what is happening in countries like Iraq, Syria and Libya attests to the fact that the reality that the world has acquiesced to up until now is gone and will never return. New-old power groups based on religious and tribal foundations are undermining the existing regimes and are dividing regions of influence amongst themselves that are blurring the recognized borders. Wide-scale forced movements of populations and the *de facto* formation of autonomous regions that are defined on the basis of an ethnic or religious identity, are reshaping the living space of the human mosaic that comprises the region. A report released recently by the British House of Commons about trends in the Middle East found that the concept of a "state" is steadily losing relevance in particular regions in the Middle East, and it appears that the subterranean shifts that have been occurring over decades are suddenly bursting from the depths of the earth and are creating a new social and human topography.

*For the first time in fifty years, there is an opportunity to change borders in the Middle East, and an opportunity for Israel to receive recognition of its sovereignty over the Golan as a byproduct of the civil war in Syria.*

In the arena closest to Israel, Syria is attracting most of the attention. It appears that Syria will no longer exist as a single State as we once knew. Even if Assad succeeds in imposing his rule on the residents still remaining in Syria in the aftermath of the civil war, it will be an artificial regime whose authority relies on foreign forces. The prospects of subjugating diverse ethnic groups under an artificial government are not good.

When the civil war broke out in Syria, Israel officially remained neutral. Initially, the Israeli security establishment, headed by the former Minister of Defense Ehud Barak, assessed that Assad's regime would be toppled within "a matter of weeks"; actually, the fighting in Syria persisted and intensified. Two approaches then developed in Israel: one approach preferred the continuation of Assad's regime, positing that "a familiar enemy is better than a new, unfamiliar enemy"; another approach argued that Israel should take action to assist in toppling Assad's regime, since it is the "long arm" of the Iranian regime, in order to curtail Iran's influence.

Above all, Israel failed to identify the historic opportunities for redefining geopolitical strategic objectives that emerged as a result of the tectonic changes occurring around it. In the context of the Syrian arena, over the last seven years, Israel preferred to remain cloistered in its comfort zone, focusing on tactical-military aspects and defining tactical military achievements as strategic targets. When the events began unfolding, Israel's leadership focused its attention on two security objectives facing the Israeli military echelon: one was how to deal with the huge chemical arsenal held by the Syrian army prior to the outbreak of the civil war, due to the concern that one of these days, these weapons might be transferred to radical extremists or might even be used by the Syrian regime itself against Israel. The other objective was to prevent the smuggling of advanced war materials from the Syrian military to Hezbollah forces deployed in Lebanon and/or war materials falling into the hands of fanatic Sunni rebels and also preventing the fighting in Syria from spilling over into Israeli territory. Later, a third objective was added: preventing Iran from establishing in Syria.

The Israeli political echelon had difficulties internalizing that political changes in the region were developing at an accelerated pace and on an historic scale.

Also within the context of providing humanitarian assistance, Israel took a very passive approach. True, Israel does provide some medical help to civilians wounded during the Syrian civil war who reach its border, and even allows the critically wounded to be hospitalized in Israeli hospitals, but it abstains from providing humanitarian assistance to those wounded who are not at its border and from launching substantive pre-emptive operations to prevent massacres of minority communities, such as the Christian and Yazidi communities who were slaughtered by jihadist organizations. The question about Israel's involvement can be clarified when and if a substantive threat arises against the Druze communities in Syria living close to the Golan border. Such a scenario will force Israel to make a

decision: to assist the Druze and prevent a massacre or to stand on the sidelines and watch the blood bath, while making do with assisting survivors of the slaughter who manage to make their way to the Israeli border.

Since the outbreak of the civil war in Syria, while the region has been undergoing an upheaval of epic proportions, Israel opted, as stated, to deliberately not show any active involvement in what was happening around it and to not take any side. Israel positioned itself as a kind of fortress that avoids any involvement in the events around it and repels anyone who approaches its walls — and decided to not become politically or militarily involved in Syria.

Israel's passive policy enabled Iran and Turkey to promote their interests in the Syrian arena and, at the beginning of 2018, Israel found itself in an inferior position when an Iranian-Shi'ite spearhead appeared on its border in the Golan.

There is no doubt that any supportive action by Israel to this or that side is liable to affects its relationships with countries having interests in the region; it is also possible that Israel's failed attempt to intervene in the internal battles in Lebanon in the 1980s is still haunting and is influencing its concerns about any similar intervention. Although excessive involvement and high exposure of Israel in the Syrian civil war is liable to trigger a direct confrontation with Iran or with terrorist groups in the arena, these factions and militias on their behalf are deployed, as stated, on Israel's border, which shows that risks and threats that multiply in the face of a passive policy are liable to become strategic risks having far graver repercussions in the more distant future. Israel is liable to wake up one morning and face a geopolitical reality steeped in strategic risks that have been stewing over time as a result of an "everything will be okay" approach, a policy of pretending not to see the risks of the future, and preferring a controlled present, albeit replete with low-intensity confrontations.

Israel's passive approach is also liable to drag it into a battle against its will, when it is ill prepared, in response to a series of rolling events or a single major event. This will also be the outcome of preferring short-term tactical measures over strategic operations having a long-range impact. It appears that Israel's flexibility has diminished significantly ever since the Russians entered the region and began providing support to the Iranians in their *de facto* control over regions in Syria. Israel needs to develop sufficiently strong mechanisms of influence over what is occurring in the region — not only relating to routine security, but also relating to the future new geopolitical equilibrium in the region, if one materializes.

In recent years, Israel missed two significant opportunities to put its demand on the table for international recognition of its sovereignty over the Golan within the scope of changes in the regional arrangement in the Middle East. The first opportunity was in 2013, during U.S. Secretary of State John Kerry's peace initiative for an arrangement with the

*Israel's passive policy enabled Iran and Turkey to promote their interests in the Syrian arena and, at the beginning of 2018, Israel found itself in an inferior position when an Iranian-Shi'ite spearhead appeared on its border in the Golan.*

Palestinians, when Israel could have demanded recognition of its sovereignty over the Golan within the framework of defining its long-range security needs on its eastern front and in the Jordan valley. The second opportunity was in 2015, against the backdrop of the signing of the JCPOA between Iran and the world powers, when Israel negotiated the components of its compensation for the security and strategic threats to Israel resulting from the JCPOA. As stated, it will be an historic failure today too if Israel makes do with accepting a tactical solution in the form of advanced war materials, instead of demanding constraints on Iran's potential conventional acts of aggression and preventing the creation of a Teheran-Ein Gev land bridge by demanding that the international community finally puts an end to the aspiration of the Iranians and the Assad regime to regain control over the Israeli Golan, the area of which is less than 1% of the territory that once was Syria.

Israel, which, for nearly half a century, has been in dire need of global recognition of the necessity of changing its borders, finds itself at an opportune moment and in an optimal position to accomplish historic achievements. It should initiate a process of coordinating expectations again with the international community, led by the U.S. government — not only with regard to the alternatives for governing the territory between the outskirts of Quneitra and the Sea of Galilee, but also within the overall context of stabilizing the region. Israel must strive to achieve an international consensus, primarily by the Americans, that the time has come to nullify the "sanctity" of the 1967 borders and to internalize the need for demarcating new borders in the region according to the actual reality. The success of this course of action is contingent upon the ability of Israel's leadership to recognize that this is a pivotal moment in history and that it must venture beyond its comfort zone and into an environment of uncertainty. It must try to influence what is occurring in the region and create a new political-security equation before we enter the last quarter of the first century of the State of Israel's existence.

In summary: Israel is situated in the eye of the storm. Its involvement in the events in its environment has historic and strategic implications. In fact, Israel has not yet succeeded in comprehending the historic and strategic changes that are taking place around it, or its potential influence over them. Instead of a strategy of noninvolvement and passivity, Israel should consider getting involved in a way that will guarantee its best interests in the Middle East under reorganization. As stated, the approach that posits that, by not getting involved in what is transpiring, Israel can remain a bystander and thus, presumably avoid confrontations, is actually an approach that is liable to weaken Israel — because *prima facie*, it has no influence on what is happening. Israel — as a regional power contending against other countries that are striving to gain regional hegemony, such as Iran and Turkey — will not be able to continue disregarding for much longer the monumental changes occurring at its doorstop. It must take initiative, and respond to what is happening, while being cognizant of the fact that this entails major challenges, but also major opportunities.

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