

## Blog Post: The Golan Heights

There is no reason to be especially optimistic regarding the official resumption of negotiations between Israel and Syria regarding the disposition of the Golan Heights. We have, after all, been here before, down to just a few nettlesome issues that at the time proved impossible to resolve. True, as Churchill famously said (and as Obama seconds), “To jaw-jaw is always better than to war-war.” But if we are to believe the freshet of reactive statements in the wake of the formal announcement of the talks, mediated by Turkey, what is happening now goes well beyond “jawing.” Voices from both nations have made it clear that both know exactly what the “concessions” that are being demanded of them are. Knowing those concessions and nonetheless being prepared to announce the negotiations suggests either desperation or maturity.

It is not hard to divine the Syrian motivation. Syria is quite clear about its intense desire to be restored to America’s good graces – or, at least, to be removed from America’s bad graces. It does not want to be thought a key spoke in the Axis of Evil. Moreover, it may discern that just now, Ehud Olmert is quite likely to be in a particularly forthcoming position, since whether intended or not, the resumption of these negotiations does help extricate the Israeli prime minister from the 24/7 attention to the corruption charges for which he is being investigated.

It is hard to know exactly what the mood in Israel is regarding the prospect of peace with Syria. A close comparison of reactions yields little that can properly be termed “information.” Here is Olmert saying, “The Syrians know what we want and we know what they want” and going out of his way to indicate that defense minister Ehud Barak is his partner in the process – and here is Barak saying, “The Syrians know that concessions are a two-way street, and the distance from here to a peace agreement is vast.” Here is a public opinion poll, completed before the official announcement that negotiations were under way, trumpeting the huge majority of Israeli Jews opposed to relinquishing the Golan – and here is information regarding the initiators of the poll, one a senior lecturer at the Ariel University Center of Samaria, the other the general director of the Begin Heritage Foundation. They may both be entirely honorable people, but there needs to be a presumption of bias here, as plainly recognized by Yossi Beilin in his comment that, “I have no doubt that the aim of such a survey is to signal 'Don't touch the Golan.' But I'm also sure that public opinion will completely change once the prime minister presents public with a complete agreement - then these numbers can be used to wrap herring.”

At the same time, there is no reason to suppose that were an agreement on the Golan to be subject to a referendum by the Israeli public, it would win approval. Plainly, many Israelis would be fatally skeptical regarding any Syrian promise to end its sponsorship of terror and its intimacy with Iran. As plainly, many would welcome what we may presume would be the specific undertakings of the Syrians meant to reassure Israel that Syria has withdrawn psychologically as well as militarily from its unmitigated enmity to the Jewish state.

Fortunately, there is no need to speculate. Whether the distance to an agreement is modest or vast, no such agreement has yet been deposited, none of its concessions has yet been precisely defined. What matters just now is only the preparation of the ground for an agreement, should one finally be struck.

Predictably, the War-War (War At Any Price?) crowd has already begun its campaign of opposition. No need for them to wait for the details of a proposed agreement; they are against any agreement at all, no matter its details. Thus, Benjamin Netanyahu, at a special meeting of Likud: "Olmert, who is up to his neck in investigations, has no moral or public mandate to conduct fateful negotiations on Israel's future." And Syria is "an inseparable part of the axis of evil" that will not disconnect from Iran. The Israeli press reports that Netanyahu "warned that conceding the Golan would allow Iran to use it as a command post to endanger the entire country."

A more extensive response, masquerading as analysis, was offered on May 22 by Netanyahu's associate, Dore Gold, former Israeli ambassador to the UN and currently president of the Jerusalem Center for Public Affairs. Gold's statement is worth quoting at some length:

"The basis of Syrian-Israeli negotiations will be the 1991 Madrid Peace Conference invitation that included UN Security Council Resolution 242 from November 22, 1967. Resolution 242 called for the 'withdrawal of Israeli armed forces from territories occupied in the recent conflict.' By not requiring a withdrawal from 'all the territories' Israel captured, the resolution left open the possibility that the future border between Israel and Syria will be negotiated as part of the termination of belligerency and establishment of peace between the two countries.

"When Israel reached its Treaty of Peace with Egypt in 1979, it agreed to fully withdraw from the Sinai Peninsula to the international border between the two countries. If Syria argues that it too is entitled to the pre-1967 lines, there is a fundamental problem, for Syria itself illegally occupied Israeli territories during the 1950s that were within Israel's international borders: the southern demilitarized zone at al-Hamma, the Baniyas area, and the strip of coastal territory along the northeast shoreline of the Sea of Galilee.

"If Israel were to agree to the June 4, 1967, line, it would essentially be rewarding Syrian aggression from the 1950s. But if it offers the international border between Israel and Syria, that dates back to 1923 during the Mandatory period, then the Syrians would be obtaining less than the Egyptians. Moreover, after Syria encroached on Israel's coastal strip in the 1950s along the northern shoreline of the Sea of Galilee, it proclaimed at that time a 250-meter belt of the lake as Syrian territorial waters. Damascus even denied Israel fishing rights in this part of the Sea of Galilee. Thus, an Israeli agreement to the June 4, 1967 line can compromise Israel's control of its largest fresh water reservoir.

"In reality, Israel should not have to be arguing with the Syrians over the question of whether a future Israeli-Syrian boundary should correspond to the June 4, 1967, line or to the older international border, for neither of these lines is defensible. Moreover, the U.S. has given Israel diplomatic assurances in the past that Israel will not have to come down from the Golan Heights. On September 1, 1975, President Gerald Ford wrote to Prime Minister Yitzhak Rabin: '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 be predicated on Israel's remaining on the Golan Heights.’

“The Ford letter might be thought to be a subject of interest to diplomatic historians alone. However, prior to the 1991 Madrid Peace Conference, Secretary of State James Baker renewed the U.S. commitment on the Golan to Prime Minister Yitzhak Shamir on October 18, 1991. During the Clinton administration, Secretary of State Warren Christopher also renewed the Ford commitment in a letter dated September 19, 1996, to Prime Minister Benjamin Netanyahu. Christopher, moreover, added in his letter that whatever conditional statements Israel might have made during past negotiations about the Golan Heights (the reference was to the "Rabin Deposit") could not be considered as a legally binding commitment. Israeli is thus still in a strong position to insist on a final boundary that reflects its security interests and is not bound to the negotiating record from past diplomatic contacts.”

There’s more, but let’s pause here for a moment to reflect on the last sentence above. What does Gold mean by “a final boundary that reflects [Israel’s] security interests?” There is no better source for the answer than Gold himself, who goes on to say that “The fundamental security problems between Israel and Syria - the asymmetry of their standing conventional armies - has been a problem Israel once faced with Egypt. But when Israel withdrew from the Sinai Peninsula, it compensated for its loss of control of the Sinai with ‘security arrangements’ that fundamentally restricted Egyptian forces through demilitarized areas and limited forces zones that were a part of their Treaty of Peace.

“But while these ‘security arrangements’ were instituted in the area of Sinai, which is roughly 220 kilometers wide, the territory of the Golan Heights is largely only 25 kilometers wide and is just 12 kilometers wide at its narrowest point. In order to create sufficient security for Israel, it is necessary to institute force limitations on the Syrian Army beyond the Golan Heights, well into southern Syria. Given the proximity of Damascus to the Golan Heights, it is likely that Israel's security needs for demilitarized zones will require Syria to pull back its armored forces behind its own capital.

“This problem is exacerbated by Syria's massive acquisition of ballistic missiles and rockets, especially after the 2006 Second Lebanon War. Israel must seek to place limitations on these missile forces and on their location close to the Israeli border. Syria will have to make hard choices regarding what are its paramount interests and the extent of the concessions it will have to make: will Syria be willing to accept intrusive security restrictions near its capital or will it prefer to leave the territorial status-quo in place?”

So Gold is offering the Syrians a choice: Either accept Israel’s control of, or perhaps even its

sovereignty over, the Golan, as is, or accept “intrusive security restrictions” all the way through Damascus. Which means, in fact, forget about peace with Syria.

Gold concludes by asserting that “it is extremely unlikely that Syria would halt its strategic ties with Iran and adopt a pro-Western orientation instead. Moreover, even if, by prior agreement with Tehran, the Syrians would take steps that appeared as though they were downgrading their relations, it is important to realize how temporary such changes might be. While Israel's concession of the Golan Heights would be irreversible, the political orientation of states in the Middle East is notoriously changeable.” And, “there are serious risks emanating from the current effort of Israel and Syria to re-engage diplomatically. If expectations are raised that a peace agreement is imminent, but no treaty is finally concluded, then the political environment after a failed negotiation can be full of real escalatory potential.”

Got it? Talking is dangerous, because the talks may not succeed, and the disappointment might lead to escalation, or they might succeed, which would be dangerous because any agreement would compromise Israel's security. Besides, as Gold stresses, Israel should be careful not to annoy the United States, which plainly opposes a negotiated resolution of the Israel/Syria conflict.

Odd, isn't it, how the argument in Israel mirrors the current argument here in the USA about meeting with the enemy.