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Israeli Control of the Golan Heights: High Strategic and Moral Ground for Israel

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Israeli Control of the Golan Heights: High Strategic and Moral Ground for Israel

Efraim Inbar[*]

INTRODUCTION

Ever since Syria's loss of the Golan Heights to Israel in the June 1967 Six Day War, the strategic plateau has been a matter of contention between the two states. Immediately after the war, Israel offered to withdraw from the Heights in exchange for a peace treaty, but was rebuffed. Subsequently, Israel established a civilian presence on the plateau and in December 1981 decided to extend Israeli law to the area – a de facto annexation.

Since 1992, when Yitzhak Rabin became Prime Minister, almost all Israeli governments have negotiated directly or indirectly with Syria in an attempt to secure a peace treaty between the two states.[1] The "Land for Peace" formula guided these negotiations. Each of these leaders have evinced a willingness to withdraw from all or parts of the Golan Heights in exchange for a peace treaty, accompanied by security arrangements, alongside American political and/or military involvement and incentives. Yet, none of these efforts has succeeded due to the reluctance of both sides to sign a deal.

Israeli diplomatic efforts since the 1990s have oscillated between the so-called "Syrian track" and "Palestinian track." The current difficulties in restarting direct negotiations in the Israeli-Palestinian track, a reflection of deep structural problems,[2] might renew Israeli interest, and/or that of the international community, in pursuing "progress" in the Israeli-Syrian track. Peace negotiations with Syria

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are at present unlikely due to the ongoing turmoil. But if the situation in Syria calms down, and if no Islamist regime has taken the reins in Damascus, calls for a return to negotiations are likely.

Israel's acceptance of the "Land for Peace" formula with Syria is a mistake, however, and the policies pursued by Jerusalem toward Damascus have only reinforced the flawed assertion that peace between the two states – perceived as an important step in stabilizing the Arab-Israeli arena – requires ceding the Golan Heights to Syria. In contrast, this study argues that the "Land for Peace" paradigm with Syria entails great military risk and may invite aggression, while the potential political dividends of a peace treaty are limited. The status quo situation is both sustainable and preferable to any alternative. Even without taking into consideration current political volatility in the region, retaining the Golan Heights and maintaining secure borders is more important than a peace treaty.

The political turmoil in the Arab world,[3] as highlighted by the summer 2011 civil uprising in Syria, only reinforces Israel's need for long-term defensible borders. The prospective empowerment of liberal elements in Syria in the near future is quite uncertain. Moreover, such Arab liberal circles will not necessarily be more conciliatory toward Israel. Domestic challenges within the Arab regimes come primarily from Islamist opposition groups that are hostile to the Jewish state. The Alawite regime is facing growing domestic opposition, comprised largely by the Muslim Brotherhood.[4] Even if the Assad regime survives, the potential military risk toward Israel cannot be discounted, making imperative a defensible border with Syria.

The first part of this study sums up the strategic advantages of Israel's control over the Golan Heights, which would be forfeited by a withdrawal from this area. The second part of this study explores the limited value to Israel of a peace treaty with Syria, emphasizing that the security disadvantages of transferring the Golan Heights to Syria in the framework of a peace treaty far outweigh the limited political advantages. The third part of this study analyzes the long-term viability of the status quo and suggests that Israeli military superiority and determination to keep the Golan Heights is important in deterring

the Alawite regime or possible successor regimes in Damascus from challenging the status quo. The fourth part of the study surveys the political history of the Golan Heights, and demonstrates that Israel has a legitimate historical claim over this territory. The fifth part of this study examines the legal status of this disputed territory and indicates that Israel has a valid legal claim to the plateau. The concluding section of this study offers policy recommendations.

Taking into consideration the historic rights of the Jewish people to the Golan Heights and their legal claims over this piece of land, Israel should consider adopting a new paradigm for relations with Syria – a "Peace for Peace" formula based on maintaining the status quo.

THE PRICE OF WITHDRAWAL FROM THE GOLAN HEIGHTS

Security Needs

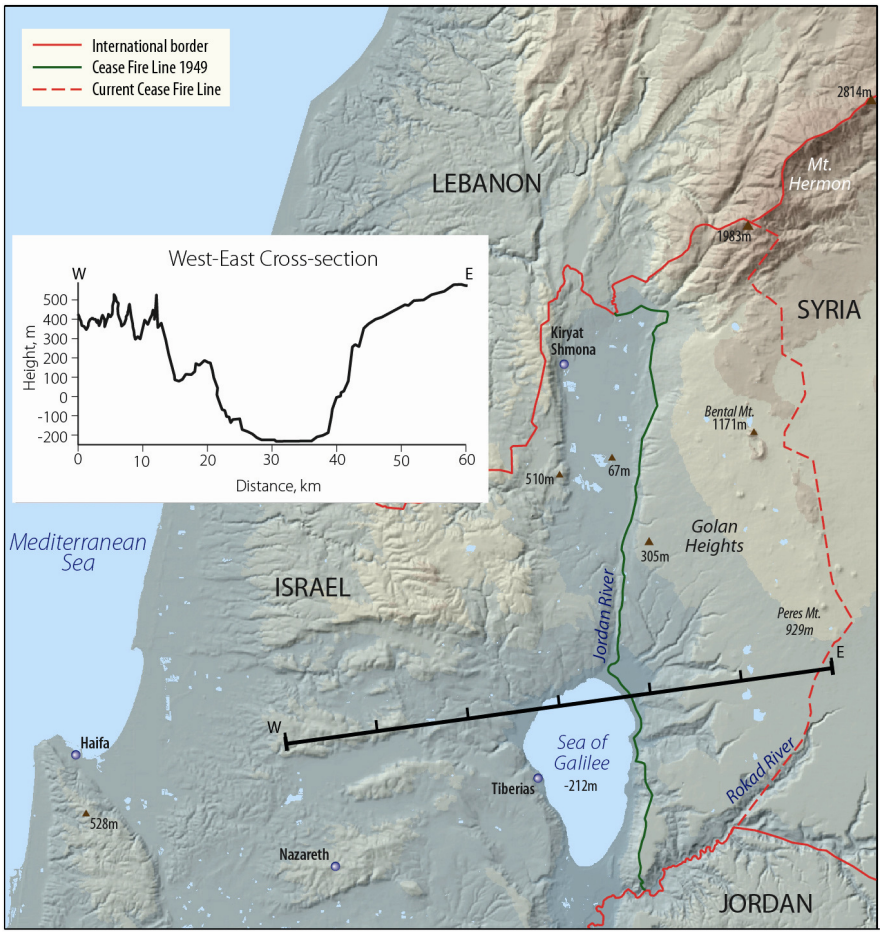
The Golan Heights is a sloping plateau, ascending from 300 meters on its west end to 1,000 meters on its east end, and covering a total area of 1,800 km^2 (695 sq. mi.). The Jordan River and the Sea of Galilee (part of the Syrian-African Rift) mark its western border, the Yarmuk River demarcates its southern perimeter, and the hills along the watershed line and the Rokad River bound it on the east. The 2,814 meter-high Hermon Mountain (partially in Israeli territory) marks the northern boundary of the Heights (see Map 1 and 2). The Hermon provides an excellent vantage point for the entire region – up to Damascus, only some 60 kilometers to the east, and over to the Haifa Bay, on the Mediterranean to the west (see Map 2). The Golan Heights dominate the Jordan River valley, the Israeli Galilee to its west, and the area leading to Damascus to its east.

Militarily, withdrawal from the Golan Heights would be extremely problematic. Control of this area gives Israel several important advantages, including those that were crucial in repelling the surprise Syrian military onslaught in October 1973, and has enabled Israel to maintain stability along this border. Indeed, despite the absence of a peace treaty, and despite regional tensions that eventually led to violent clashes between Israel and Arab actors, the border between Israel and Syria has remained quiet since 1974. Even the military

confrontation between Israeli and Syrian units in 1982, in the Lebanese arena, did not extend to the Golan Heights.

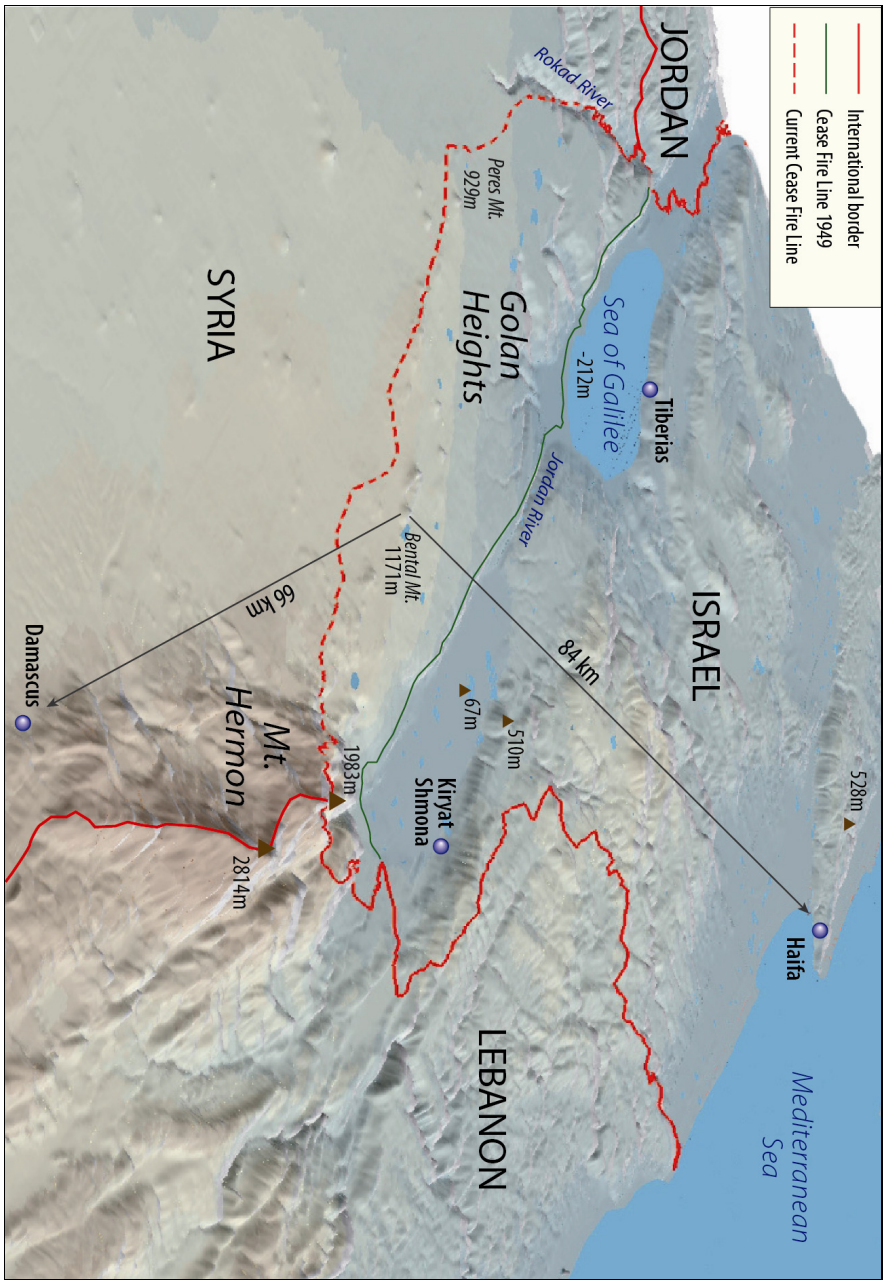
The current border along the watershed line – the hills in the Eastern part of the plateau – is the best defense line against a conventional military attack from the east[5] (see Map 3). Such an attack must overcome the topographical superiority of the defensive force, as the

Map 1: Northern Israel

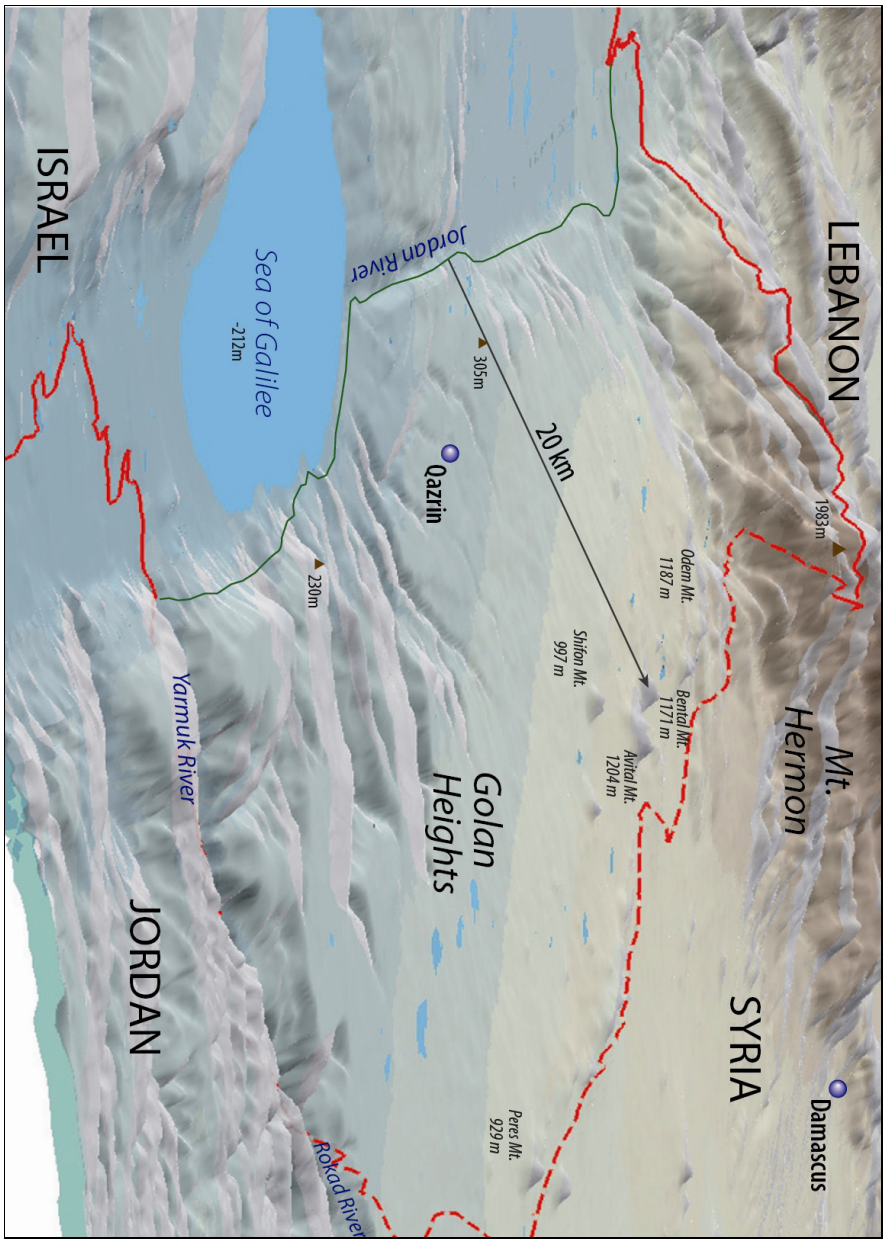


Note: All maps were created by The Center for Computational Geography, Geography Department, The Hebrew University of Jerusalem.

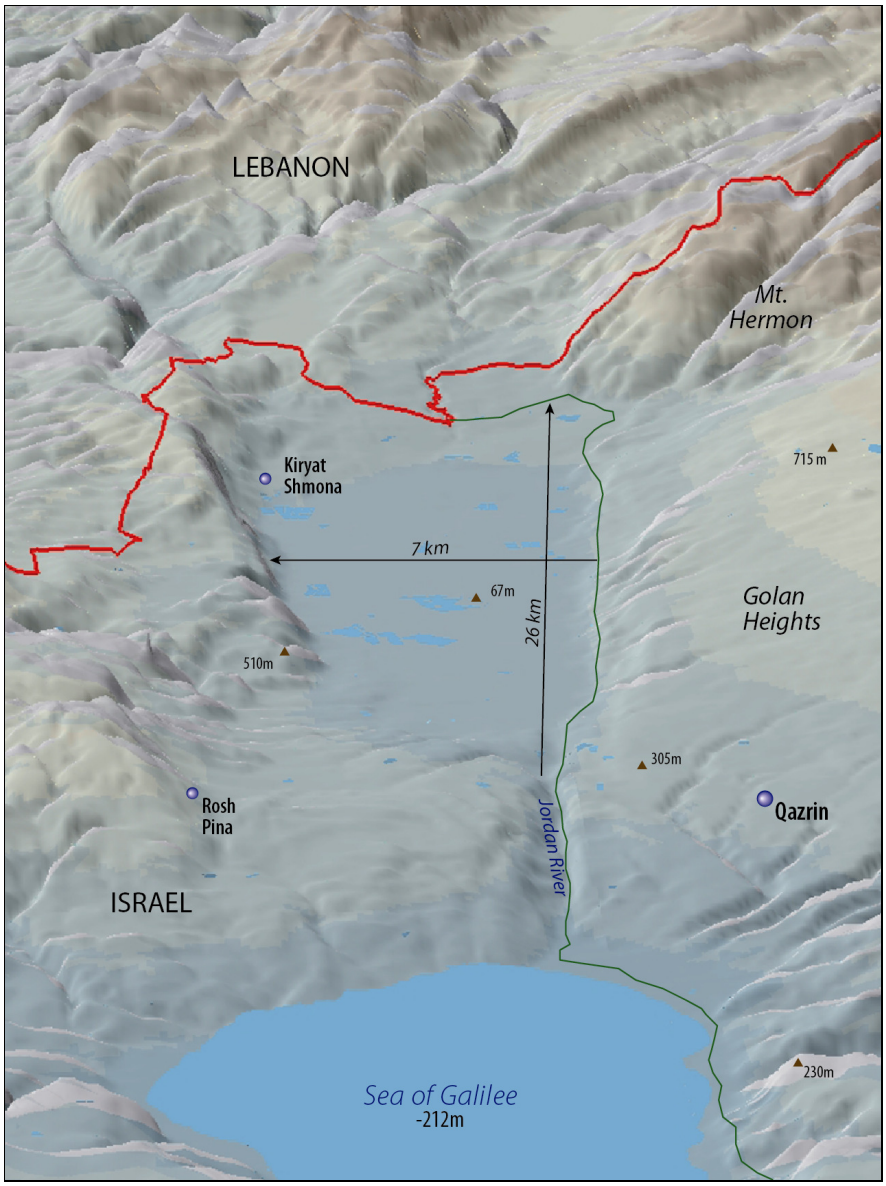
Map 2: Mount Hermon Overlooks Damascus and Haifa (A North to South Perspective)



Map 3: The Golan Heights



Map 4: "Finger of the Galilee"



terrain requires the attacking side to channel its forces in between the hills. These natural terrain bottlenecks allow a small defending force to repel an attack and bring in reinforcements if needed. In the 1973 October War, the Golan's topography enabled 177 defending tanks to stop approximately 1,500 Syrian tanks and gave the IDF the critical time to call up and deploy its reserve formations.[6] An armored attack can hardly be successful and cannot be sustained for long without taking the hills that Israel presently controls.

No other line on the plateau can confer such defensive advantages as the current border is based on the watershed line and the whole terrain west of this line descends toward the eastern cliffs on the Jordan River. A withdrawal from the Golan would place Israeli troops at its bottom, about 200 meters below sea level, with a very steep gradient toward the plateau at about 300 meters above sea level, making recapturing this territory in a crisis a very complicated military operation (see Topographical Cross-Section on Map 1 and Map 3).

Control over the Golan Heights enhances the safety of the strategic Haifa Bay area on the Mediterranean Coast by increasing its distance from Syrian positions to almost 90 kilometers. The Bay area is an important industrial hub, houses one of two main Israeli ports, and forms part of the strategically vital triangle, alongside Jerusalem and Tel Aviv, that holds most of the country's infrastructure and population.

Israeli military presence in the Golan Heights also prevents the formation of an indefensible pocket in the narrow strip (about 7 kilometers wide and 26 kilometers long) of the Upper Galilee, the northernmost part of Israel, an area sandwiched between Hizballah-controlled southern Lebanon and the Golan Heights (see Map 4).

Tens of thousands of Israeli citizens in this "Finger of the Galilee" could be easily disconnected from Israel and taken hostage in the case of a coordinated attack by Syria, if it controlled the Golan, and an Iranian-inspired Hizballah.[7] The capacity of this organization to inflict damage upon Israel has grown considerably since the end of the 2006 Lebanon War.

Israeli control over the Golan Heights has provided a quiet border and any change might have destabilizing effects. The proximity of the Golan to Damascus (just over 60 kilometers) has a tremendous deterrence value because it puts the capital, the nerve center of the Syrian regime, within easy reach of Israeli military might. Moving the Israel-Syria border westward denies Israel this option and reduces deterrence, which in turn invites aggression.

Israel's control of one of the peaks of the Hermon Mountain (1,983 meters high) in the northern Golan also provides the country with important intelligence gathering capabilities: It enables the use of electronic surveillance deep into Syrian territory, giving Israel early-warning capacity in case of an impending attack. Similarly, the topographical superiority of the current defense line improves access to targets. The use of precise guided munitions (PGMs), in particular, requires good intelligence since in the area of electronic warfare sight lines are extremely important.

Suggested alternatives to the intelligence stations, such as Airborne Warning and Control Systems (AWACs) and/or Unmanned Air Vehicles (UAVs) are not adequate. In contrast to an installation on a mountain, these cannot carry heavy equipment such as big antennas, and they can be shot down by anti-air missiles. Moreover, the amount of time they are in the air and able to provide intelligence is limited. Weather conditions may also influence the survivability of airborne systems. Surveillance satellites provide know-how primarily about static targets, but are not useful for providing tactical intelligence. Even communication satellites have disadvantages when compared to ground based stations.[8]

Yet, since the 1990s, some prominent Israelis have argued that modern technology diminishes the strategic value of land, thus justifying the willingness for territorial concessions. Shimon Peres has repeatedly voiced the argument against holding onto territories, saying that physical barriers and topographical advantages are no longer significant in the missile era.[9] According to this thinking, which carries considerable weight in Israel, strategic depth and defensible borders – articles of faith in the past – have became a strategic anachronism.[10]

This revisionist thinking ascribes greater importance to political agreements than to topography, geography and physical security. Arab acquiescence is, therefore, more important than the military potential of a particular line drawn on a map as only borders agreed upon by Israelis and Arabs are secure. In the opinion of former IDF Chief of Staff, Lt. Gen. (res.) Amnon Shahak, a Syrian embassy in Israel is more important than an early warning station,[11] and according to Maj. Gen. (res.) Zeev Livneh, "Peace is the best security."[12]

Actually, Israel has been very fortunate in not formalizing any agreements with Syria that involve withdrawal from the Golan Heights – the future of the regime is not clear and its intentions or its successor's intentions toward Israel are uncertain. Similarly, after the fall of Hosni Mubarak, great uncertainty surrounds the implementation of the Egypt-Israel peace treaty. Relying on shifting sands in the Middle East would be extremely shortsighted.

Moreover, simplistic slogans about the decreasing value of territory and topographical assets in light of recent technological advances ignore an important historical reality: that military technology has continuously fluctuated, occasionally favoring defensive postures or offensive initiatives. The history of armaments shows that each weapons system eventually has a counter weapon. For example, the firepower of machine guns was neutralized by tanks, which in turn were threatened by anti-tank missiles, which most recently triggered the emergence of sophisticated tank defense systems. The technological race is complex and contemporary technological advantages are always temporary as new technology is continually developed.[13]

Moreover, the technological offense-defense balance is not the primary factor in determining military outcomes; topographical constants can be a highly valuable asset. Strategists and militaries around the world still confer great importance upon the topographical characteristics of the battlefield. Thus, the design of Israel's northeast border should not be shaped by ephemeral current technologies that seem to grant advantages to Israeli defensive capabilities. While the link between technology and strategy is beyond the scope of this

paper, it is important to remember that the history of warfare shows that technological superiority and better weapons are not enough to win a war.[14]

While Syria may offer Israel various security arrangements to compensate for withdrawal from the Golan, such arrangements would be quite problematic.[15] For example, the demilitarization of the Sinai (200 kilometers wide), which has had a stabilizing effect on Egyptian-Israeli relations, cannot be emulated in the 24 kilometer-wide Golan. The Sinai demilitarization prevents a surprise attack from either of two states because the distance created by this buffer zone translates into warning time. In contrast, the small width of the Golan plateau is not enough to provide advanced warning of imminent attacks. The main fear is that a Syrian surprise attack, facing no opposition due to the demilitarization of the Golan Heights, could enable, in just a few hours, the positioning of several armored divisions along the western ridge of the Golan Heights – the area that controls the northern part of Israel.

The assumption that Israel would be able to preempt such a move is flawed. Syria may erode the demilitarization arrangements by salami tactics (minor violations of demilitarization that cumulatively and significantly change the status quo), which will make forceful Israeli responses to each violation unlikely. Moreover, Israel might not always be aware of violations as there is no way to erect foolproof verification mechanisms. Also, Israel may not receive early strategic warning regarding Syrian plans to take over the Golan and might not be able to successfully re-conquer the Golan Heights for political and operational reasons. The staging areas of the IDF west of the Jordan River would be effectively within firing range of artillery and missiles, which will slow an Israeli response to retake the Golan Heights. Finally, Israel may not have the freedom of action to use military force, as international circumstances may have a curtailing effect.

The possibility of extending demilitarization eastward into Syria is not a realistic option due to the proximity of Damascus. It is very unlikely that Israel could secure a demilitarization agreement with the rulers of Damascus that extends into areas in the vicinity of the city.

After all, a strong military presence in the capital is the mainstay of the regime. Control of the Golan Heights is thus a zero-sum game, one that cannot be modified by intellectual exercises.

Defensible borders are particularly needed considering that the broad geo-strategic position of Israel has deteriorated since the mid-1990s. Syria and Hizballah, two allies of rising Middle East power Iran, are sitting on Israel's northern border. Moreover, the 2006 Lebanon War was not the best Israeli demonstration of its use of force,[16] as it exposed Israel's vulnerabilities. And Turkey, the non-Arab rising Middle East power, has become anti-Israel.[17] Under such circumstance, Israel must heighten the threshold of what is meant by defensible borders. In final analysis, the political uncertainties characteristic of the contemporary Middle East indicate the need for great caution and little faith in security arrangements that are driven by transient political considerations.

Protecting Natural Resources

The Golan Heights also provides security for a strategic commodity – water. The Banias, the most important tributary of the Jordan River, originates in the Golan Heights. In the 1960s, Syria tried to divert the flow of the Banias and the Hatzbani, its sister tributary originating in Lebanon, from reaching the Jordan River. This attempt was averted by Israeli use of force, which precipitated the outbreak of the 1967 War. Moreover, the Golan Heights is part of the water basin of the Sea of Galilee, Israel's largest water reservoir. The lake is fed by waters running off the strategic plateau, which make up roughly half of all the water that flows in. Israeli control of the Golan Heights prevents the potential pollution of the lake. As well, growing populations and urbanization have put an additional strain on scarce water resources. While Israel is slowly developing desalinization capabilities to meet growing demands, reducing somewhat the strategic importance of water, desalinization remains very expensive.

Economic Considerations

Withdrawal from the Golan Heights would also include the economic cost of transferring military assets from the Golan to the Galilee and

uprooting and resettling 20,000 Jewish inhabitants. This will probably cost at least $20 billion. While it is still impossible to accurately assess the final cost of the 2005 pullout from the Gaza Strip, an interim report indicates a cost of $2.56 billion.[18] But the Jewish population in the Golan is almost triple what it was in Gaza, and the military infrastructure built over time in the Golan Heights is considerably more elaborate. Moving the inhabitants, the Israeli army and all IDF installations would be a heavy burden on Israel's economy. And it is unlikely that the US, which generously compensated Israel for the costs of withdrawal in the past, can take on such a financial task considering its current dire economic situation. In fact, even the Gaza withdrawal did not elicit US economic support.

A National Trauma?

Any Israeli government considering a withdrawal from the Golan Heights needs to take into consideration the potential deep psychological effects on Israeli society. In the past, Israeli society was generally successful in overcoming the trauma of removing settlers from areas like Sinai (1979) and Gaza (2005). But the Golan might prove otherwise due to the much larger number of settlers and the radically dissimilar attitudes of the Israeli public toward this region. In contrast to Gaza and the West Bank, Israelis have generally internalized the position that the Golan is an integral part of Israel. The Golan is a favorite tourist area for Israelis of all walks of life. Moreover, Gaza and the West Bank have been correctly seen as territories populated heavily by Arabs, in contrast to the Golan that has no Arab population. Thus, holding onto the Golan does not burden Israel with a demographic problem.[19]

Israeli consensus favors staying in the Golan even if this prevents a peace treaty with Syria. Public opinion polls show in recent years that 60-70 percent of Israelis oppose any concession on the Golan Heights.[20] A withdrawal from the Golan is going to be a hard sell to the Israeli public and the consequences of its implementation might be traumatic.

THE MEAGERNESS OF A SYRIAN QUID PRO QUO

The main reason that Israel should not accept the "Land for Peace" formula with Syria is that Syria has very little to offer. Simply put, what Syria can give Israel is not worth the loss of the Golan Heights. The Syrians cannot offer more than the "cold peace" delivered by Egypt, which entails a formal promise to refrain from using force against Israel coupled with a high level of hostility in the state controlled media and official organs and almost no "people to people" interactions. Moreover, such a "peace" does nothing to reform the education system, which ensures that past stereotypes of Jews and Israel are transferred to the next generation. Such a political atmosphere vis-à-vis Israel would make easy the transition from "cold peace" to war. And the eradication of defensible borders would make such a war less costly for Syria.

While the peace with Egypt, the strongest and most important Arab state, probably warranted territorial largesse in order to achieve a breakthrough in Arab-Israeli relations, the price for a peace treaty with Syria several decades later, when Israel is a much more entrenched and accepted reality in the region, should not be as high. Egypt violated the Arab taboo concerning Israel and "deserved" suitable compensation. Syria's potential change of course many years after Egypt is not as valuable.

A peace treaty with Syria will not prompt the recognition of Israel among the rest of the Arab world, which has gradually entered into varying types of peaceful interactions with Jerusalem on its own accord. Arab states no longer fear a Syrian veto on relations with Israel. The PLO entered into agreements with Israel in 1993 without any coordination with Damascus, as did Jordan in 1994. Actually, the Saudi peace initiative that was adopted by the Beirut Arab Summit (the Arab League Peace Initiative) in March 2002 indicates the willingness of the current Arab elites to come to terms with Israel. This is not necessarily a one-way historic process, but Syria's influence on future developments in the Arab world is limited. Moreover, its political stability is at stake nowadays, further reducing its regional clout.

Just as a peace treaty with Syria will hardly change Israel's regional standing, it also will not improve Israel's international status as sometimes advocated. Even the historic peace treaty with Egypt, a state much stronger and influential than Syria, did not change Israel's diplomatic status in the 1970s. At that time, the UN refused to lend legitimacy to the peace treaty and refrained from establishing a peacekeeping force in Sinai under the UN mantle. It is likely that a resolution of the Israeli-Palestinian conflict, which entails much more complex issues than just a territorial dispute between two political entities, would positively affect Israel's standing in the international arena; peace with Syria will not have the same effect.

Factors at play several decades ago, which favored Israel's acquiescence to a peace deal with Egypt based on the "Land for Peace" formula, are irrelevant to today's proposed agreement with Syria. At the end of the 1970s, Israel was interested in buttressing Egypt's change in orientation from pro-Soviet to pro-American. The 1979 peace treaty was also instrumental in strengthening Israeli relations with the US. In the 21st century, however, the Soviet Union no longer exists and the American-Israeli strategic relationship has been largely institutionalized. Furthermore, it is very unlikely that the US will go to great lengths to compensate Israel for the loss of the Golan Heights, something it was once prepared to do in the framework of the Egypt-Israel peace treaty.

Nowadays, a peace treaty with Syria will have only a miniscule impact on the Middle East regional balance. The naïve belief that Israeli territorial concessions will dissuade Syria from continuing its cozy relationship with Tehran is baseless. Since the Egyptian-Israeli peace treaty, Syria has seen Iran as its strategic partner, countering Israel's might. This relationship has been one of the most stable bilateral relations in the Middle East. In reality, Assad has clearly stated several times that Syria's foreign policy will not be held hostage to an Israeli-Syrian agreement.[21] When the US decided to send an ambassador to Damascus in December 2009, Syrian officials made clear that this would not be reciprocated by Syrian concessions, reiterating the longstanding Syrian response: "We would not accept any interfering in the Syrian sovereignty and the Syrian right to have

independent foreign relationships." [22] This latter part of the sentence referred to Syria's military alliance with Iran.

Paradoxically, those Israelis that belittle the strategic importance of the Golan believe that Syria ascribes to it great importance and that its transfer to Syrian hands would warrant a change in Damascus' foreign policy orientation. This is a strange belief since Damascus has refrained from realignment on many occasions. US Secretary of State Henry Kissinger already tried unsuccessfully to move Syria toward a pro-American orientation in the period after the October 1973 War. Under more auspicious international circumstances, immediately after the end of Cold War, the formidable US Secretary of State James Baker tried again but failed. Even when Washington was clearly the hegemonic power, the Syrians preferred to keep America at arms length. Syria also resisted the pressure from the two George W. Bush administrations to change course. The Assads may have a good reason to question American credibility. The American obsession with democratization led to the Hamas electoral victory in 2006, the Hamas takeover of Gaza in 2007, the toppling of the pro-American Mubarak regime, and the civil war against Libya's Qaddafi. The American democratic impulse might in turn help overthrow the Alawite regime in Syria.

This regime shares the anti-Americanism of similar dictatorships in Havana and Pyongyang where there is a genuine dislike of Uncle Sam. Opening up to the West creates a mortal danger. Anti-Americanism is widespread among the ruling elite of Syria as well as in Iran. Syria and Iran, in particular, see themselves as leading agents in the creation of a new world order where the West and the US play a much more limited role.[23] By fomenting anti-American and anti-Israel sentiment, these regimes achieve greater legitimacy at home and in the eyes of other Middle East countries.[24] For the same reason, a post-Assad regime would not necessarily become pro-American.

And, why would Bashar Assad, or any successor, jump on the American wagon at a time that the US displays weakness? America's foreign policy on the Middle East, particularly since the 2011 events, projects hesitance and lack of clarity. US President Barack H. Obama advocated engagement with Iran, set firm dates for withdrawals from

Iraq and Afghanistan, deserted Mubarak and Qaddafi – steps which are almost universally construed in the Middle East as signs of weakness. Moreover, the Obama administration made many gestures toward Syria[25] without Damascus modifying its alliance with Iran or its support for terror organizations in Lebanon, Iraq and among the Palestinians. A declining US is not a desirable ally for the power-politics prism of the authorities in Damascus.

Moreover, the expectation that Damascus will stop interfering in Lebanese affairs in the context of a peace deal with Israel is unsupported. Lebanon is still of great importance to Syria, and it is unlikely that any Syrian leader will relinquish influence on Lebanese politics. In all probability, Damascus will continue to be a key factor in the arms and cash flow to Hizballah. Indeed, US warnings for Syria to refrain from transferring missiles (including long range Scud-D) to Hizballah have remained unheeded.[26] While Syria may pledge to curb Hizballah's military wing from perpetrating terrorist attacks against Israel as one of the conditions for a peace deal, the reality is that Damascus may not be able to follow through. Hizballah is the strongest organization in Lebanon and seems to be under greater influence from Iran than Syria.[27] Syria is not indispensable in the arming of Hizballah since other routes are available. For example, the Egyptian overtures toward Iran, after the fall of Mubarak, have made the Suez Canal a safer route for Iranian ships. The inability of Damascus to deliver Hizballah casts doubt on the feasibility of a long-standing Israeli condition for peace – a peaceful border with Lebanon.

Similarly, Assad will be reluctant to refrain from intervening in Palestinian politics. Assad shows no inclination to expel the Islamic Jihad and Hamas headquarters from Syria. These organizations reject the existence of Israel and any peace talks. Moreover, they challenge the weak Palestinian Authority (PA). Reviving the prospect of Israeli territorial concessions to Syria, at a time when Damascus is engaged in sponsoring organizations engaged in a proxy war with Israel and others, would only reward such aggression. Thus, it is actually Syria that should make gestures to convince a skeptical Israeli public that it really wants peace with the Jewish state.

In previous peace negotiations with Syria, its strategic capabilities to attack Israel by long range missiles and by chemical weapons were not addressed. It is highly unlikely that Syria will agree to relinquish these capabilities, which serve primarily as a deterrent against Israel. Therefore, a peace treaty with Syria might influence, at best, only its short term intentions, but not its offensive potential. As political conditions in the Middle East can change rapidly, transferring control of the Golan Heights and its deterrent value to Syria, while leaving intact Damascus' strategic arsenal, is not very wise.

An issue so far ignored in the discussions of Israeli-Syrian relations is the nuclear aspirations of Damascus. Syria, in the past, tried to build a nuclear reactor for plutonium production with the help of North Korea and Iran. That installation was destroyed by an Israeli air strike in September 2007. The fact that a state of war exists between the two states made it easier for Israel to preempt and end Syria's nuclear endeavor. For the past four years Syria has stonewalled all efforts of the International Atomic Energy Agency (IAEA) to figure out what the exact nature of the Syrian nuclear program is. Paradoxically, a peace treaty could facilitate the spread of nuclear technology into Syria. Foreign suppliers would become less hesitant to provide sensitive equipment and technology to a state formally at peace with its neighbors. Moreover, it would be much more difficult for Israel to attack the nuclear infrastructure of a state that it is formally at peace with.

In addition, Israel has generally little to gain from the limited economic or cultural interactions with Syria which could result from a peace treaty. A Syrian dictatorship is unlikely to welcome open borders and free movement of people and goods into its territory. Syria has not opened up to globalization and has remained poor, an unappetizing market for most Israeli products. This is true of most of the Arab world, which has been stagnant for decades and does not have much to offer Israel. Moreover, these societies are despotic, corrupt, fanatic and in deep socio-cultural crises. Several UN Arab Human Development reports, written by Arab intellectuals, indicate a substantial lag between Arab countries and other regions, pointing out to serious deficiencies in freedom, education, gender equality, and

productivity.[28] Integration in the Middle East region has only limited benefits for Israel.

Taking into consideration a realistic assessment of the political benefits to be accrued by an Israel-Syria peace treaty, the inevitable conclusion is that its benefits are not very enticing, particularly if it entails a withdrawal from the Golan Heights.

THE VIABILITY OF THE STATUS QUO

Maintaining the status quo seems to be a more promising option than entering into a peace treaty. The status quo has provided for a quiet border since 1974, as Syria refrained from hostile activity in the Golan arena, despite its attempts to bleed Israel by proxies in the Lebanese arena. In the latter part of the first decade of the 21st century, Syria released many statements about "resistance" to Israeli occupation of the Golan, but no action resulted. The status quo has proved tenable for the past 37 years, which surpasses the period of time that Syria ruled the Golan Heights.

The status quo in the Golan is primarily a result of Israel's military superiority and its deterrence capability. As long as the power differential between Israel and Syria continues, there is little chance for a Syrian challenge to the status quo. This is power politics.[29] In world politics the designation of borders has always been partly a function of power relations – the weaker side generally accommodating the stronger side. A survey of almost 100 territorial disputes shows a tendency for resolution by force of arms. In most cases, the stronger and victorious power simply dictates who rules over the disputed territory. In fact, negotiated settlements, such as the Israeli-Egyptian peace agreement, are rare events.[30]

Many pundits insist that the Syrians would never accept less than the entire Golan Heights as a condition for peace, pointing out that the complete Israeli withdrawal from Sinai set a precedent for all future dealings with the Arab world. Yet, Syria has been seen to behave pragmatically and bow to superior power. When confronted with international determination to force Syria out of Lebanon in 2005, Syria backed down. Similarly, apprehensions about US power in the

1990s and about American intentions after September 2001 led the Syrian regime to exercise caution and even cooperate with America.[31]

Moreover, the territorial dispute between Syria and Turkey has confirmed Syrian capacity for pragmatism. In official maps of Syria to this very day, the Alexandretta region, annexed by Turkey in 1939, is demarcated as part of Syria.[32] However, while regarding the Turkish annexation as an unlawful occupation of sovereign Syrian territory, Damascus also recognizes Turkish military superiority and thus never threatens to go to war in order to regain the lost territory. Indeed, in December 2004, facing Turkish superiority, Syria seemingly surrendered its claim to the Alexandretta region, which is five times larger than the Golan.[33] Moreover, this territorial dispute did not prevent Damascus from maintaining diplomatic relations with Ankara.

Following this example of power politics, the ongoing territorial dispute between Israel and Syria should not serve as a pretext for not recognizing Israel or not having diplomatic relations with the Jewish state. With time, and taking into account Israel's undisputed military upper hand, the status quo could become the bridge to better relations.

Militarily weak with limited offensive ground capabilities, Syria cannot be a real match for the IDF. Yet, Syria has developed a large missile arsenal and most of Israel has been within range for over a decade. Its advanced chemical weapons arsenal, too, while never used, is another deterrent against potential Israeli aggression. Much of this arsenal includes inaccurate missiles, primarily for terrorist use against civilian populations. Only drastic improvements in the accuracy of these missiles could turn them into an effective threat to Israeli strategic installations. Although Syria has acquired more advanced capabilities to defend itself from an Israeli air attack, its missiles are still not immune from Israeli strikes. The September 2007 air strike deep inside Syria, against the partly constructed nuclear reactor, showed a modicum of Israel’s air force capabilities.

Still, a large-scale Israeli-Syrian military encounter cannot be entirely ruled out. Such a scenario could unfold if the US and/or Israel are seen to be weak, or if Syria wants desperately to disrupt the status

quo. This scenario could culminate in multiple missile salvos against Israeli population centers, the success of which would depend on Israel's ability to suppress the fire by attacking the launching sites and developing effective active and passive missile defense. In this way, Israel could probably neutralize much of the potential missile damage if it invests resources wisely and timely in appropriate defensive technologies, a subject beyond the scope of this paper.[34] Such investments are necessary in order to meet the missile challenges from other aggressors as well.

Syria may also try challenging the status quo by occupying a small area of the Golan Heights (a *mehtaf* or "quick grab" in Israeli strategic parlance) and then repelling Israeli counterattacks. Syria could also initiate a static war of attrition, though Israeli determination and strong riposte to provocation – including willingness to escalate – would likely bring a quick end to such warlike actions. Israeli control of the Golan is particularly valuable in this type of challenge.

The important point here is that the control of the Golan Heights justifies the potential price of an Israeli-Syrian war in the future. Still, such a price can be lowered significantly by wise Israeli military preparations and clear political resolve signaling Israel's intention not to relinquish the Golan Heights even at the prospect of war.

Syria might be able to heighten the price it extracts from Israel by enlisting Hizballah and Hamas in a coordinated military effort against Israel. The Islamic Republic of Iran could be expected to lend its support, although it might hesitate to be directly involved in military operations. This is a scenario that Israel obviously has to prepare for. As noted, an enhanced defensive posture and a willingness to escalate and/or launch preemptive strikes should be part of the response.

In summer 2011, Syria allowed unarmed civilians (Palestinians) to march toward the border with the Israeli Golan in an attempt to cross it. This unusual activity was designed to divert attention away from the regime's suppression of the opposition as well as to espouse commitment to the Palestinian cause. While initially caught by surprise, Israel successfully repelled these marches.

Beyond the power differential between Israel and Syria, another reason the status quo has held up for over 43 years is the little international interest in the territorial dispute between Israel and Syria. Many other interstate territorial disputes have also generated limited international interest, enabling the status quo to persist. For example, Russia's rule of the South Kuril Islands (since 1945), India's control of Kashmir (since 1947), Morocco's annexation of Western Sahara (since 1975), and Armenia's conquest of Nagorno Karabakh (since 1994) have been challenged for many years by their neighbors with little success, confirming the validity of the power politics paradigm.

Syria could hardly change the status quo through international pressure on Israel. In the post-Cold War era, Syria has less diplomatic leverage to enlist the international community to force Israel to withdraw from the Golan Heights since it is no longer backed by a superpower such as the Soviet Union.

At the regional level, Syria's influence has also waned. Syria, once the champion of the rather defunct Pan-Arab ideology, nowadays carries little weight in the Arab world. Moreover, at this particular historic junction, many Arab states share deep concerns over Syria's strategic relationship with Iran as Tehran becomes a rising power in the Middle East. They view Israel as a strategic ally when faced with a potential nuclear Iran – this reinforces the reluctant acceptance of Israel by the Arab elites. Telegrams sent by US diplomats from Egypt, Saudi Arabia and other pro-Western Arab states, as reported by WikiLeaks, clearly show that these capitals are much more concerned about a nuclear Iran than the Palestinian issue.[35] The "occupation of the Golan" has even less political resonance, and Syria is unlikely to harness any support for military action to recover the Heights. Actually, both Egypt and Jordan have tried to contain the influence of the Alawite regime due to its alliance with Iran, thereby strengthening the heterodox non-Sunni arc extending from Iran to Lebanon.

Finally, the Alawite regime itself might have an interest in preserving the status quo despite giving lip service to the imperative to return the Golan Heights to Syrian sovereignty. The continuous conflict with

Israel grants legitimacy to the minority rule of the Alawites by painting them as patriotic to the Arab cause. The struggle against the Jewish state provides a pretext for the economic failures of the regime as well as its infringements on human rights. As long as a state of formal war continues with Israel, the regime has a convenient excuse for stifling dissent.[36] The conflict with Israel is also useful in legitimizing the preferential economic treatment given to the military, the mainstay of the regime.

Yet, Syria is not interested in a large-scale confrontation with Israel because a military debacle could threaten the stability of the regime. It also has refrained from a low-intensity conflict because it fears escalation, which has been the typical Israeli response in such situations. Therefore, the mix between a publicly belligerent posture against Israel, bleeding Israel by proxies, and inaction over the Golan might well be optimal for the rulers of Syria.[37] The past 27 years of quiet along the Israel-Syria border possibly reflect a tacit agreement on the status quo.

It is difficult to gauge how a new regime, if the Alawite regime crumbles, will act vis-à-vis Israel. Current Syrian capabilities are not likely to change within a short time. While Syria's capacity to challenge the status quo remains limited, its political desire to do so may increase. Neither an Islamic Sunni revolutionary regime nor a proto-democratic Syrian state is likely to pursue peaceful relations with Israel or display any territorial flexibility on the Golan issue. While new leadership will probably focus on domestic challenges, revolutionary regimes tend to display warlike behavior in the immediate years after taking power.[38] Even if the weak democratic elements in Syria succeed in generating a democratization process, despite all odds, it is potentially dangerous for its neighbors. While a democratization process is laudable, empirical evidence shows that states in transition to democracy are more war-prone than others.[39] Therefore, defensible borders remain critical.

POLITICAL HISTORY

The Golan Heights falls within the biblical boundaries of the Land of Israel. Prophets during the First Temple period (930-586 BCE)

mention the residents of the Bashan region – the biblical Golan – as part of the Israelite nation. In the late 5th and 6th centuries BCE, the Golan was settled by Jewish exiles returning from Babylonia. During the Second Temple period (520 BCE-70 CE) Jews resided in that area. In the mid-2nd century BCE, Judah Maccabee's grandnephew, the Hasmonean King Alexander Yannai, added the Golan Heights to his kingdom. The uprising against the Roman Empire featured the famous battle of Gamla on the Golan Heights in 67 CE, three years before the fall of Jerusalem. Over 9,000 Jews were killed in this Masada-like encounter.

Even after the Roman repression of the Jewish uprising, Jews continued to live in the Golan until after the end of the Talmudic period (6th century). The Katsrin synagogue and many other archeological findings testify to a flourishing Jewish presence in the Byzantine period as well. The remains of some 25 synagogues from the period between the Jewish revolt and the Arab conquest in 636 have been excavated. The Golan is dotted with ancient Jewish villages.

Following the Arab invasion of the Middle East in the 7th century, many of the Golan Heights' residents underwent a process of Arabization and Islamization, like most of the populations in the newly Arab-ruled territories in the Middle East. Another significant stratum of political history began in the 16th century, when the Ottoman Turks took control of the area. During the Ottoman Empire (1517-1917), the Golan was considered a part of the *vilayet* (district) of Damascus, which also included then Palestine (Land of Israel).

The Zionist movement saw the Golan as part of its historic patrimony.[40] Indeed, Zionists began purchasing land at the end of 19th century and established several settlements. These newly established agricultural settlements faced very difficult challenges and were eventually deserted. The Bnai Yehuda settlement survived until 1920 when the last remaining inhabitants left the area following an Arab attack – this was part of a larger wave of pogroms against the Jewish residents of the Land of Israel. The Zionist movement continued its attempts to settle Jews in the Golan Heights until 1938, even appointing to this region a supervisor of Jewish lands, until Syrian

independence in 1946 (with the exception of the years when Syria was under French Vichy rule).[41]

At the San Remo Peace conference (April 1920), the Zionist movement secured international recognition for the incorporation of the Golan Heights into the boundaries of British Mandate Palestine. Notably, the conference's task was to implement the Balfour Declaration, which supported the creation of a national Jewish homeland in Palestine. The conference was convened at the end of World War I by the principal allied powers to determine the fate of the territories that were part of the defeated Ottoman Empire. The San Remo Resolution of April 24, 1920 turned the Balfour Declaration, a British statement of intent, into an internationally binding legal document.

Yet, as a result of the struggle between France and Great Britain over parts of the Middle East, the control of the northern border between French-controlled Syria and then British-controlled Palestine was renegotiated by February 1922. Following the ratification of this agreement in March 1923, the Golan Heights were arbitrarily allocated to the French Mandate of Syria, while the Sea of Galilee was placed entirely within the British Mandate of Palestine – this deviated from the San Remo resolution on Palestine.[42] When the French Mandate of Syria ended in 1946, the Golan Heights became part of the newly independent state of Syria.

During Israel's 1948 War of Independence, Syria joined the Arab onslaught of the newly born state and overran small areas west of the British Mandatory border (east of the Sea of Galilee), occupying them until 1967. The Syrians turned the Golan Heights, which constituted about 0.65 percent of Syrian land, into a military fortress from which they carried out continuous daily routine shelling of northern Israeli villages. In June 1967, Syria attacked northern Israel, but after some hesitation the IDF counterattacked and the Golan was captured by Israel after 21 years of Syrian control.[43] Immediately following the 1967 War, Israel was willing to give up the Golan in exchange for peace with Syria, but Syria refused the offer. In the aftermath of the October 1973 War, in which Syria was again the aggressor, Israel agreed to hand over to Syrian civilian control about

five percent of the Golan – namely, the town of Kuneitra – in the framework of a forces disengagement agreement between the two sides. This territorial slice was incorporated in 1974 into a demilitarized strip of land that runs along the ceasefire line and extends further east, which is under the military control of a UN peacekeeping force (UNDOF).

In 1981, Israel extended its law to the Golan Heights, which meant a de facto annexation. Nowadays, this region is populated by just over 20,000 Jews, spread throughout 32 settlements, and 20,000 Druze concentrated in the north. Since the beginning of the 20th century, the political entity that has had the longest possession of the Golan Heights is the state of Israel. Moreover, Israeli public opinion regards the Golan Heights as an integral part of the Jewish state. Most Israelis have consistently viewed the Golan Heights as a non-negotiable property and a large majority of the Israeli public strongly opposes any withdrawal from this area.

LEGAL STATUS

The Golan Heights is part of the historic Land of Israel. The San Remo Declaration of 1920 designated the Heights as part of the British Mandate, but this area was detached from Mandatory Palestine due to the competing imperialist ambitions of Great Britain and France and subsequently fell into the hands of Syria.

The armistice line between the newly established state of Israel and Syria that emerged in the aftermath of the 1948 War was drawn under the auspices of United Nations mediator Dr. Ralph Bunche. The new boundary largely reflected the ceasefire lines of 1949 and was labeled the "Green Line" after a green pencil was used to draw the map of the armistice borders. The 1949 armistice line with Syria (as well as along the West Bank) did not purport to establish definitive boundaries between the two countries.[44]

In 1967, Syrian troops crossed the border in an act of aggression against Israel, which subsequently led to the Israeli conquest of the Golan Heights. In the past, international law recognized conquest – in other words, the winner of territories in war could annex them. While

this doctrine is no longer favored, some jurists claim that a state that had previously been a victim of aggression and later ended up defeating the aggressor had the right to claim ownership or jurisdiction over the territory that it conquered during the war.[45] Syria, who opened fire on Israel without provocation in the 1967 War, was clearly the aggressor; any attempts by the UN Security Council to brand Israel as the aggressor in this case were not successful. While this principle of international law has become contentious, its legacy has some relevance for determining the future status of the Golan Heights.

Moreover, UN Security Council Resolution 242 from November 1967, the reference point for all peacemaking efforts in the Arab-Israeli conflict, postulates the need of the protagonists for "secure and recognized borders," indicating that security needs are an acceptable criterion for designing the borders between Israel and its neighbors. Israel can therefore demand revisions in the "Green Line" with Syria to suit its defense needs in the framework of any peace negotiations.

In the meantime, the current territorial "status quo" has limited international legitimacy. Israel's control of the Golan Heights is not disputed as long as Syria does not recognize the state of Israel and does not sign a peace treaty. While most of the world sees the Golan Heights as Israeli occupied territory, not even the Arab states expect Israel to unilaterally withdraw from the Golan without a peace treaty with Syria, as they subscribe to the "Land for Peace" formula.

In 1981, Israel formally rejected the position that the Golan Heights is occupied territory. Recognizing the strategic importance of the Golan Heights and the fact that this territory belonged to the historic Land of Israel, Israel's government submitted a bill to the Knesset unilaterally changing the legal status of the Golan Heights by extending the government's jurisdiction and Israeli law to this region. It was ratified on December 14, 1981. While the word annexation was not used, for all practical purposes the Golan Heights has become an integral part of the state of Israel.

Past attempts in the Knesset to overturn this law in order to signal to Syria territorial flexibility have been unsuccessful. In contrast, a law

was passed in November 2010 by the Knesset requiring that any government proposal including concessions on the Golan that does not get a special majority in the Knesset requires approval in a national referendum. Yet, to change this law, no special majority is required, which still leaves much leeway for any future Israeli government that commands the support of a simple Knesset majority.

CONCLUSIONS

Expectations of the international community for peace between Israel and its Arab neighbors are almost universally based on the "Land for Peace" formula, which, in the case of a possible Israeli-Syrian deal, links withdrawal from the strategic Golan Heights with a peace agreement. Such a formula, however, does not serve Israel's interests.

Giving up the Golan plateau deprives Israel of its best defense against potential Syrian aggression. It also signals Israeli weakness and undermines Israel's deterrence. Designing borders in accordance with current but changing military technology and transient political circumstances is strategically foolish.

Moreover, the expected political returns for Israel from a peace treaty with Syria are meager. Syria is unlikely to align itself with pro-Western Arab states and abandon its regional alliance with Iran in return for Israeli territorial concessions on the Golan Heights. Damascus has made abundantly clear that such realignment is not on the table. Its ability to "deliver" Hizballah in Lebanon is also questionable. Moreover, a peace treaty with Syria is not going to affect the diplomatic fortunes of Israel in the region or in the world. And, Syria, as well as the rest of the Arab world, has little to offer to Israel in economic or cultural terms. Israel hardly desires to integrate into a despotic, corrupt and poor region. This calculus is not affected by the prospects of a change in Syria's leadership.

Another compelling reason for not accepting the "Peace for Land" formula is that the status quo serves Israel's best interest and preserving it requires Israel to maintain its military superiority. Thus, while the possibility of disrupting the status quo by force exists, a Syrian challenge would be difficult diplomatically and militarily. As

long as Syria fears escalation and Israel's power, Israel has the upper hand. Israeli policies toward Syria should be guided by such power politics, just as most territorial disputes are conducted, and Syria must at some point swallow its pride.

Since retaining the Golan is more important for Israel than reaching a peace treaty with Syria in the foreseeable future, Israel should insist on a new paradigm, "Peace for Peace," based on the principle of defensible borders. The demand for secure borders seems reasonable and is rooted in international resolutions such as UNSC Resolution 242. The political unrest and volatility in the region, including questions about the foreign policies of Israel's neighbors, similarly prescribe against taking any significant security risks by ceding the Golan to Syria.

Israel should augment its claims for defensible borders on the Golan Heights with normative, legal and historic arguments. A return to the 1967 border is morally repugnant because it implies that the aggressor of 1967, Syria, should not pay any price for its flagrant violation of international norms. Israel should also emphasize its historic rights to this piece of territory and point out that these claims were accepted in the 20th century in internationally recognized documents. It should use these historical and legal arguments to bolster its claim of sovereignty over the Golan Heights.

Israel must regain the moral high ground in order to show that it is demanding land that is part of its historic patrimony – not land that was conquered by force. A discourse rooted in normative, historic and legal considerations is important in this quest. Such a discourse will buttress realpolitik imperatives that dictate Israeli control of the Golan Heights.

Notes

[1] Ariel Sharon was the only prime minister (2001-2005) that refrained from engaging in talks with Syria. His position became increasingly compatible with that of US President George W. Bush, who began his presidency (2001) with reluctance to focus on diplomatic efforts in the Arab-Israeli arena. For a short review of Israel-Syrian negotiations, see I. Rabinovich, "A 'Track in Waiting': The Prospects of New Israeli-Syrian Negotiations," *The Israel Journal of Foreign Affairs*, 3(3), 2009, pp. 7-13. For a political history of Syria see, B. Rubin, *The Truth About Syria*, New York: Palgrave MacMillan, 2007.

[2] J. Rynhold, *The Failure of the Oslo Process: Inherently Flawed or Flawed Implementation?* Mideast Security and Policy Studies No. 76, Ramat Gan: Begin-Sadat Center for Strategic Studies, Bar-Ilan University, March 2008.

[3] For an early assessment of the Middle East turmoil, see L. Anderson, "Demystifying the Arab Spring: Parsing the Differences between Tunisia, Egypt, and Libya," *Foreign Affairs*, May/June 2011, available at: http://www.foreignaffairs.com/articles/67693/lisa-anderson/demystifying-the-arab-spring (last viewed August 22, 2011); E. Fakhro & E. Hokayem, "Waking the Arabs," *Survival*, 53(2), April/May 2011, pp. 21-30; E. Inbar, "Israel and the Old-New Middle East, *Jewish Review of Books*, 1, Spring 2011, pp.7-9; L. Smith, "Weakening Washington's Middle East Influence," *Middle East Quarterly*, 18(3), Summer 2011, pp. 3-10.

4 Since May 2011, Turkey under Erdogan's AKP Islamist party seems to encourage regime change in Syria and helps Islamist elements in forging a coalition that could topple the Alawite rule. See A. Shadid, "Unrest Around the Arab World Endangers Turkey's Newfound Influence," New York Times, May 4, 2011, available at: http://www.nytimes.com/2011/05/05/world/europe/05turkey.html; D. Rosenberg, "Turkey's Middle East drive falters in Arab Spring," *The Media Line*, published by *The Jerusalem Post*, August 5, 2011, available at: http://www.jpost.com/MiddleEast/Article.aspx?id=219707&R=R3.

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[6] See C. Herzog, *The War of Atonement. October 1973*, Boston: Little, Brown and Co., 1975, pp.55-115.

[7] Mark Langfan brought this point to my attention. See his, *The Battle of the "Hula Pocket,"* Unpublished manuscript, February 2006.

[8] This has been emphasized to me by Haim Rosenberg, former Director of Long Range Planning at Rafael, Israel's Weapon Development Authority.

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[10] For an analysis of the new perceptions of national power, see E. Inbar, "Contours of Israel's New Strategic Thinking," *Political Science Quarterly*, 111(1), Spring 1996, pp. 48-51.

[11] A. Kaspi, "Interview with Amnon Shahak," *Al Hamishmar*, April 25, 1993.

[12] *Bamachane*, May 25, 1994.
[13] Probably the best survey of the paradoxical relationship between technology and war is M. Van Creveld, *Technology and War. From 2000 B.C. to the Present*, New York: The Free Press, 1989.
[14] For a study claiming that the importance of technology in shaping military outcomes has been overstated, see K. A. Lieber, *War and the Engineers. The Primacy of Politics over Technology*, Ithaca: Cornell University Press, 2005.
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[16] See E. Inbar, "How Israel Bungled the Second Lebanese War," *Middle East Quarterly*, 14(3), Summer 2007, pp. 57-65; A. Kober, "The Israel defense forces in the Second Lebanon War: Why the poor performance?" *Journal of Strategic Studies*, 31(1), March 2008, pp. 3-40; A. Rapoport, *The IDF and the Lessons of the Second Lebanon War*, Mideast Security and Policy Studies, No. 85 (Hebrew), Ramat Gan: BESA Center for Strategic Studies, December 2010.
[17] For the new orientation on Turkish foreign policy, see E. Inbar, "Israeli-Turkish Tensions and Their International Ramifications," *Orbis*, 55(1), Winter 2011, pp. 135-42.
[18] Four years after Israel withdrew from the Gaza Strip and Northern Samaria, the SELA administration presented the Israeli cabinet with a financial report detailing state expenditures: it says over NIS 7B were paid in restitution, NIS 3B were spent on security. Z. Lavi, "Final cost of pullout still undetermined" *Israel Business*, published by *Ynet News*, October 8, 2009, available at: www.ynetnews.com/articles/0,7340,L-3759524,00.html
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[31] Rubin, *The Truth About Syria*, p. 260.
[32] See the official website of the Syrian Ministry of Tourism: http://www.syriatourism.org/index.php?module=subjects&func=listpages&subid=114.
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