



المركز العربي للأبحاث ودراسة السياسات
Arab Center for Research & Policy Studies

ASSESSMENT REPORT

Israel Exploiting the Syrian Crisis to Legitimize its Annexation of the Golan

Policy Analysis Unit | May 2016

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Series: Assessment Report

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Introduction

The Israeli cabinet held its weekly meeting on April 27, 2016 in the occupied Syrian Golan Heights, the first such occasion since the Golan was occupied 49 years ago. Israeli Prime Minister Benjamin Netanyahu opened the meeting by saying that the Golan Heights would remain Israel's "forever" and that Israel would not withdraw under any circumstances. What made the Israeli government hold this provocative meeting in the Golan? And what message did Netanyahu wish to convey?

"A Golden Opportunity in the Golan"

The Israeli Knesset passed a law annexing the occupied Syrian Golan on December 14, 1981, at the instigation of the Menachem Begin government. This annexation provoked strong Arab and international opposition, and no state or international body has recognized it. Despite the annexation, successive Israeli governments have held talks, public and secret, direct and indirect, with Damascus regarding Israeli withdrawal from the Golan and its return to Syria, in exchange for the signing of a comprehensive peace treaty and normalization of relations. These talks have failed on every occasion because of Israeli intransigence and its refusal to withdraw to the borders of June 4, 1967.

In November 2010, the Knesset approved an initiative of the Netanyahu government for a Referendum Law that significantly impedes any attempts to withdraw from territories under Israeli sovereignty—meaning the Golan and occupied East Jerusalem (the latter also formally annexed). The law, which requires that any Israeli withdrawal from an area under its sovereignty must receive a majority of votes in a referendum, passed with the support of 61 out of a total of 120 Members of Knesset.

With the outbreak of the Syrian revolution in 2011, and the decision by the Assad regime to turn it into a civil war, Israel has adopted a stance that seeks a prolonged war which weakens Syria to the maximum possible extent. Since 2014, and particularly after the emergence of ISIL, the Israeli leadership and its theorists have promoted the idea that the old Syria has gone, and that there is no longer any chance of bringing it back; its fragmentation along sectarian, ethnic, and regional lines has become the de facto reality.¹ Insiders in the Israeli military and security establishments have openly

¹ See for example, Gideon Seir and Gabi Siboni, "Farwell Syria, Farewell Sykes Picot," INSS, 11/10/2015, at: <http://bit.ly/1WOJelx>.

called on their government to exploit the ongoing conflict in Syria. This would mean pressing for an international solution which would partition Syria as well as recognizing the Israeli occupation, and eventual annexation, of the Golan Heights.²

There are indications that Israel has encouraged other states to support the division of Syria as part of a regional carve up of the latter's territory. Zvi Hauser, a Netanyahu confidante and Cabinet Secretary from 2009-2013, wrote an article entitled "A historic opportunity in the Golan," urging Israel to take advantage of the new circumstances brought about by the war in Syria, the collapse of the Syrian state, and the changes in the Middle East, by obtaining international recognition of the annexation of the Golan. Hauser argued that Israel, which had been unable to stop the major powers from reaching "a bad agreement" with Iran on the nuclear issue, should make an effort to obtain suitable strategic compensation from the US. He recommended that this American compensation not be limited to providing new high-tech weapons to Israel, but include US recognition of the need for the Syrian Golan to remain under Israeli sovereignty in the form of a presidential commitment from the White House and a law in Congress. Hauser mentioned that the occupied Syrian Golan, unlike the Occupied Palestinian Territories, did not represent a demographic problem for Israel, because there were only 24,000 Syrian inhabitants as compared with 21,000 Jewish settlers.³ This reflects the fact that most of the original inhabitants of the Golan, who had numbered 130,000 during the 1967 Six Day War had previously been driven out by the Israelis, with most of the newly created refugees settling in Damascus neighborhoods such as Jdeidat Artouz and Al Hajar Al Aswad, to the south of the capital. Now numbering an estimated 600,000, these refugees and their descendants were some of the first Syrians to rebel against in early 2011, eventually leading to their second displacement, but this time at the hands of a supposed "Resistance Axis", Arab regime.

At his meeting with US President Barack Obama on November 9, 2015, Netanyahu sought to explore the American view of Israel's annexation of the Golan Heights in light of developments in the war in Syria. According to Israeli sources, Netanyahu briefly raised the issue with Obama during their discussions, with the Israeli premier stating that he had grave doubts about the possibility of reunifying Syria, thus making it

² See for example: Odei Dekal and others, "Syria—a new map and new players: challenges and opportunities for Israel," Memo 151 (Tel Aviv: Institute for National Security Studies, December 2015), at: <http://bit.ly/1lFXeQ5>.

³ Zvi Hauser, "A historic opportunity in the Golan," *Haaretz*, July 2, 2015, at: <http://bit.ly/219NCvL>.

necessary to think differently about the future of the Golan. Obama made no reply to Netanyahu's comments on the Golan.⁴

Helping to Make any Solution in Syria Fail

Netanyahu fears that recent US and Russian efforts to push for a political solution to the conflict raging in Syria could lead to a solution that preserves the country's unity. Netanyahu was furious when he read the draft proposal of UN special envoy Staffan de Mistura for a solution in Syria, a 12-point plan that opens by stating: "respect for Syrian sovereignty and independence, and its territorial integrity and unity. No part of the national territory may be ceded ... and the Syrian people is still committed to the restoration of the occupied Golan Heights by peaceful means." On the basis of this draft, Netanyahu realized that this text did not just reflect the position of the opposition and the Syrian regime on the return of the occupied Syrian Golan, but also expressed the position of the US, Russia, and the European Union.⁵ Netanyahu responded in two ways. First, he intensified Israeli contacts with Russia and the US, arranging his third visit to Moscow in seven months, and undertaking a media campaign stressing the strategic position and role of Israel in the region and its vital interests. He also stressed that the occupied Syrian Golan Heights were a part of Israel that it would not withdraw from under any circumstances, and that this had to be recognized as part of any solution for the conflict in Syria.

In this context, Netanyahu pulled two stunts. The first was a visit to the occupied Syrian Golan Heights while the Israeli army was undertaking exercises there. While there, he announced that the Israeli army had carried out dozens of attacks on Syrian targets in the recent past, contrary to usual Israeli policy over the years not to officially take responsibility for such operations. Some Israeli analysts thought that Netanyahu's statements were intended for the consumption of the US and Russian leaderships, to remind them of the need to take Israeli interests into account as part of any political solution to the war in Syria, particularly with regard to Israel's demand to keep the occupied Golan. The second stunt, which came around one week later, was to hold the

⁴ Barak Ravid, "Netanyahu to Obama: given the situation in Syria 'it's possible to think again' about the future of the Golan," *Haaretz*, November 10, at: <http://bit.ly/1UapvR>.

⁵ Samuel Meir, "What's hidden behind Netanyahu's announcement in the Golan," *Haaretz*, April 16, 2016, at: <http://bit.ly/1UapxDS>.

cabinet meeting in the Golan, where Netanyahu announced that the Golan Heights would remain in Israeli hands forever. He added that he had spoken to US Secretary of State John Kerry the week before, and had told him that he doubted that Syria would be able to return to its former situation given what he called “the presence of oppressed minorities there, like Christians, Druze, and Kurds” alongside “the presence of terrorist groups, headed by ISIL, Iran, Hezbollah, and others.” He also said: “I said to the US Secretary of State that we are not opposed to the settlement in Syria, provided that it is not at the expense of Israel’s security.” Netanyahu told Kerry that “the time has come for the international community to recognize two basic facts: first, that irrespective of what happens on the other side of the border, the border line will not change, and second that the Golan Heights will remain under Israeli sovereignty forever.”⁶

On April 21 this year, Netanyahu made a hurried visit to Moscow, in continuation of the efforts outlined above, to undermine any political solution that maintains the territorial unity of Syria and seeks to return the occupied Golan, as well as to enhance military and security coordination between Israel and Russia over their respective military actions in Syria. At the beginning of his meeting with Russian President Vladimir Putin, which lasted three hours, Netanyahu was careful to state to the media that the occupied Syrian Golan Heights were a red line for Israel and that Israel would never withdraw from them, whether or not there was a solution for the Syrian crisis.⁷

The discussions between Putin and Netanyahu centered around two subjects: first, enhancing coordination between the two countries to preclude any clash between Israel and Russian fighter planes, particularly given the continuing presence of the advanced Russia S-400 missile system in Syria; and second, the Russian view of the ceasefire in Syria and its efforts with the US to reach a political solution to the war in Syria. Netanyahu and Putin agreed to hold a further meeting in June on the occasion of the 25th anniversary of the renewal of diplomatic relations between the two countries.

⁶ Shlomo Cesana, “Netanyahu: we will never give up the Golan,” *Israel Hayom*, April 17, 2016, at: <http://bit.ly/1TqUWzS>.

⁷ Jonathan Lis, “Netanyahu met Putin in Moscow and said: the Golan is a red line,” *Haaretz*, April 21, 2016, at: <http://bit.ly/1qIN431>. For background on Netanyahu’s visit to Moscow see: Shlomo Cesana, “Netanyahu to meet Putin,” *Israel Hayom*, April 17, 2016, at: <http://bit.ly/1TqUYb0>.

An International Chorus of No

Many states, including friends of Israel, were quick to announce their rejection of Netanyahu's statements on the occupied Syrian Golan, with Germany being the first to do so, when its Foreign Ministry spokesman affirmed that the Israeli annexation of the occupied Syrian Golan was against international law and the UN Charter. He indicated that the basic principle of international law and the UN Charter was that no state has the right to annex areas of another state.⁸ The US State Department spokesman also affirmed that the US administration does not acknowledge that the Golan is part of Israel, stressing that Washington's policy on the Golan under various administrations, Democratic and Republican alike, has been constant and sees the future of the Golan as a subject to be determined by negotiations between Israel and Syria.⁹ UN Secretary-General Ban Ki Moon stated that Israel's annexation and continued occupation of the Syrian Golan were against international law and the UN Charter.

Both the Syrian regime and Syrian opposition condemned the holding of an Israeli cabinet meeting in the occupied Syrian Golan, and in many statements they affirmed their rejection of Netanyahu's statements in their entirety. Riyadh Hijab, coordinator of the opposition's High Negotiating Committee, affirmed at a press conference that the Golan was occupied Syrian territory, and that it would inevitably return to Syria. The Syrian Foreign Ministry called upon the UN and the Security Council to condemn Netanyahu's statements and to implement UN and UNSC resolutions concerning the Israeli occupation of the Syrian Golan. The Arab League held a special session at permanent-representative level on April 21, condemning the decision of the Israeli government to hold a cabinet meeting in the occupied Syrian Golan. In a statement from its Secretary-General, the Arab League rejected Netanyahu's statements and affirmed that the Golan is occupied Syrian Arab territory which must be returned to Syria.

⁸ Barak Ravid, "Germany: Netanyahu's declaration on the Golan is against international law," *Haaretz*, April 18, 2016, at: <http://bit.ly/1Uapx6T>.

⁹ Barak Ravid, "The US responds to Netanyahu: the Golan is not part of Israel," *Haaretz*, April 18, 2016, at: <http://bit.ly/1rs7WfJ>.

Conclusion

In spite of Israel's ongoing attempts to take advantage of the war in Syria to achieve its aims, chief among them obtaining international legitimacy for its annexation of the occupied Syrian Golan, such efforts have thus far been a miserable failure. No state or international body has recognized this annexation. Furthermore, the preoccupation of Syria and the Syrians with their bloody internal crisis must not deflect their attention or lessen their insistence on restoring their occupied territory. Nor should their struggle against tyranny be a reason to lose their bearings: Israel remains their enemy and is doing what it can to prolong their crisis and weaken and partition their state in an attempt to seize part of it. Moreover, the unprecedented violence being used by the Syrian regime against the Syrian people must not lead to a minimization of the crimes Israel is perpetrating in Syrian and Palestinian occupied territories, or lead to normalization with Israel on flimsy pretexts. The issue of the occupied Golan is a Syrian national issue, and also an Arab issue. The Golan Heights are occupied Arab land in the context of the 1967 Arab-Israeli war. The Zionist state is angling for opportunities to make the Arabs and the world accept its annexation of the Golan and Jerusalem, and all those who are complacent over the issue of normalization with Israel should bear that in mind.