

Washington Recognizes the Golan as Part of Israel

by Hugh Fitzgerald



In June 1967, Israel was forced to fight a three-front war of self-defense against Egypt, Syria, and Jordan. It managed to defeat all three of its enemies within six days. In its victory, it took the Sinai from Egypt, the West Bank from Jordan, and the Golan Heights from Syria. It is the Golan that has just been in the news, for the American government has at long last recognized the Golan as part of Israel.

The Golan Heights are particularly important for Israel's security. They loom over Israel on one side and Syria on the other. At its highest point, on Mount Hermon, the Golan is more than 9,000 feet high. The country that controls the Golan has a huge advantage over its enemy below. For nearly twenty years, that country was Syria. From 1948 to 1967, the Syrians

had used the Golan for one main purpose: to shell the Israeli farmers far below. Though there are different views in Israel on the disposition of the West Bank, there was no disagreement when Israel formally annexed the Golan in 1981.

Since 1981 no other countries have recognized the legitimacy of Israel's annexation of the Golan, until just now. The United States, in one of its most important decisions concerning Israel and the Arabs, on March 21 recognized the Golan as an integral part of Israel. The case for that recognition is very strong.

First, the Golan was won by Israel in a war of self-defense against three Arab aggressors. The 1967 war effectively began when Egypt's President Gamal Abdel Nasser, who declared a blockade to prevent Israeli ships from using the Straits of Tiran, moved tens of thousands of Egyptian troops deep into the Sinai, while demanding, and getting, the removal of U.N. peacekeepers so that his army, as he promised to hysterical Cairene crowds, could march north unhindered and destroy the Jewish state. Meanwhile, Syrian troops and artillery on the heavily-fortified Golan prepared for attack, but Israel attacked first and pushed the Syrians off the Golan and back into Syria. Given the Golan's enormous military value, in 1981, Israel formally annexed that plateau that loomed over the Galilee.

It has long been a principle of public international law that when an aggressor state loses in a war, the victor has a right to keep territory won in that war. For if it were not the case, if any aggressor who lost a war could be assured of having territory he lost returned to him, there would be little incentive for a would-be aggressor not to engage in war. The map of the world has been drawn and re-drawn by wars. Think of how much territory the Germans permanently lost after World War II, fully 25% of the territory of prewar Weimar Germany, to Poland (East Prussia) and the Soviet Union (among other territories it won, Russia holds onto Kaliningrad, the

former Königsberg, which is totally surrounded by Poland and Lithuania). Or take the example provided by the United States. By the Treaty of Guadalupe Hidalgo, in 1848, which ended the Mexican-American War, the U.S. gained the land that makes up all or parts of present-day Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. By its victory in the Spanish-American War, the United States won Guam, Puerto Rico, and the Philippines as territories.

Another example is Alto Adige, which under Austrian rule had been known as the Sudtiroel, which was awarded after World War I to Italy, one of the victorious Allies, by the Treaty of Saint-Germain-en-Laye. No one then, save for the Austrians themselves, found the Italian takeover of the Alto Adige as objectionable, and now everyone concedes that it is an integral part of Italy.

That was the accepted rule in international law. But things changed when it came to dealing with the consequences of Israel's spectacular victory in the Six-Day War. Until then, the so-called "international community" had raised no objections to the acquisition of territory by those who were victorious in a war of self-defense. With Israel, things would be different.

After the Six-Day War, there was much debate and wrangling at the U.N. as to how to treat the territories Israel had won. Resolution 242 was the result. The Resolution contains a clause emphasizing "the inadmissibility of the acquisition of territory by war." This clause has been endlessly trotted out by the Arab side, but it conflicts with two other, even more important parts of Resolution 242. The first is the call for the "Withdrawal of Israel armed forces from territories occupied in the recent conflict." The phrase "from territories" was fought over; the Arabs wanted the main drafter of the document, the British U.N. Ambassador Lord Caradon, to put in the words "all the" or "the," so that the phrase would now call for "withdrawal from all the

territories” or “withdrawal from the territories.” This Lord Caradon most explicitly refused to do; he said that he knew that that would be tantamount to pushing Israel back into the unacceptable 1949 Armistice Lines.

[Here](#) are Lord Caradon’s later discussions of the meaning of 242:

The chief drafter of 242 was Britain’s permanent representative to the UN, Lord Caradon (Hugh Mackintosh Foot). In a February 1973 interview with Israel Radio, he noted that “the essential phrase which is not sufficiently recognized is that withdrawal should take place to secure and recognized boundaries, and these words were very carefully chosen: They have to be secure and they have to be recognized. They will not be secure unless they are recognized.

And that is why one has to work for agreement. This is essential.

I would defend absolutely what we did. It was not for us to lay down exactly where the border should be. I know the 1967 border very well. It is not a satisfactory border. It is where troops had to stop in 1949, just where they happened to be that night. That is not a permanent boundary.”

On June 12, 1974, Lord Caradon told Beirut’s Daily Star that “it would have been wrong to demand that Israel return to its positions of 4 June 1967 because those positions were undesirable and artificial. After all, they were just the places the soldiers of each side happened to be the day the fighting stopped in 1949.

They were just armistice lines. That’s why we didn’t demand that the Israelis return to them and I think we were right not to.

In a 1976 interview published by the Journal of Palestine

Studies, Lord Caradon was asked why his resolution mentions withdrawal from "occupied territories" rather than from "the occupied territories." He responded: "We could have said: well, you go back to the 1967 line. But I know the 1967 line, and it's a rotten line. You couldn't have a worse line for a permanent international boundary. It's where the troops happened to be on a certain night in 1949. It's got no relation to the needs of the situation.

The demand for an Israeli retreat to "secure and recognized boundaries," Lord Caradon stressed, was not meaningless verbiage: "We deliberately did not say that the old line [the June 4, 1967, line, i.e., the 1949 armistice line], where the troops happened to be on that particular night many years ago, was an ideal demarcation line."

Lord Caradon reiterated the essence of the 242 logic on The Mac- Neil/Lehrer Report, on March 30, 1978: "We didn't say there should be a withdrawal to the '67 line; we did not put the 'the' in, we did not say 'all the territories' deliberately. We all knew that the boundaries of '67 were not drawn as permanent frontiers; they were a cease-fire line of a couple of decades earlier... We did not say that the '67 lines must be forever.

To summarize:

According to the traditional laws of war and peace, Israel has at least as good a claim to the Golan Heights as Russia does to Kaliningrad (which it took from Nazi Germany in World War II), or perhaps even better, because while Kaliningrad could not possibly again become a place from which Germany might attack Russia, with which the city does not even share a border, if the Golan were returned to Syria, it would inevitably again become a place from which the Syrians would resume their shelling. Israel has at least as good a claim to the Golan as the United States did in 1848 to all or parts of

present-day Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, which it won in the Mexican-American War. Israel has at least as good a claim to the Golan, a place from which attacks had repeatedly been launched by the Syrians, as Italy does to the Alto Adige, which it won during the First World War, and from which no Austrian attacks had come.

Lord Caradon stressed that Israel was not obligated by Resolution 242 to return to the pre-1967 armistice lines, and had a right to live in "secure and recognized boundaries." "Secure" boundaries means "defensible" borders, and military control of the Golan Heights, any fair-minded visitor would conclude, is essential to Israel's defense.

In 1967, President Johnson asked the Joint Chiefs of Staff to study what territorial adjustments would be necessary to meet Israel's minimum defense needs. They duly presented their military assessment of what, for Israel, would constitute "secure and defensible borders." Here is a small excerpt, about the Golan, contained in their Memorandum:

MEMORANDUM FOR THE SECRETARY OF DEFENSE

(JCSM-373-67)

Subject: Middle East Boundaries

Reference is made to your memorandum, dated 19 June 1967, subjects as above, which requested the views of the Joint Chiefs of Staff, without regard to political factors, on the minimum territory, in addition to that held on 4 June 1967, Israel might be justified in retaining in order to permit a more effective defense against possible conventional Arab attack and terrorist raids. [emphasis added]

From a strictly military point of view, Israel would require the retention of some captured territory in order to provide militarily defensible borders. [emphasis added] Determination of territory to be retained should be based on accepted

tactical principles such as control of commanding terrain, use of natural obstacles, elimination of enemy-held salients, and provision of defense in-depth for important facilities and installations. More detailed discussions of the key border areas mentioned in the reference are contained in the Appendix hereto. In summary, the views of the Joint Chiefs of Staff regarding these areas are as follows:

Here follows the paragraph about the Golan Heights:

Syrian Territory Contiguous to Israel. Israel is particularly sensitive to the prevalence of terrorist raids and border incidents in this area. The presently occupied territory, the high ground running generally north-south on a line with Qunaitra about 15 miles inside the Syrian border, would give Israel control of the terrain which Syria has used effectively in harrassing the border area.

The Joint Chiefs believed, as a military matter, that Israel had to hold onto the "commanding terrain" of the Golan Heights.

By all the rules of post-war settlement that have been recognized for centuries, Israel has a right to hold onto the Golan (see above the discussion of the American West, the Alto Adige, Kaliningrad). By the very terms of Resolution 242, which envisaged Israel retaining some of the territory it won in the Six-Day War, based on its right to "secure and recognized boundaries," Israel has a second, independent basis for claiming the Golan.

What the Trump Administration did in recognizing Israel's claim to the Golan was not only based on a recognition of Israel's legal, moral, and military claim to the area. It was also based on an understanding that Syria is now in the worst possible position militarily and politically to object to the Golan move. The time was right.

Militarily, Syria is completely on the ropes. Its army has been fighting a bloody civil war for eight years. About 200,000 soldiers and police fighting for Assad have been killed. Among the pro-government militias, many of whom before the civil war would have been members of the armed forces, 70,000 have been killed. As for the opposition forces, 175,000 have been killed who might once have served in the Syrian Army. In the civil war, then, Syria has lost 445,000 men on both sides. That does not count any of the foreign fighters. And the number of wounded must be at least twice that.

The loss of war materiel is also striking. In 2011, at the beginning of the civil war, Syria had 555 combat aircraft. By 2014, it had only 295 combat aircraft. By September 2018, by subtracting the number of aircraft known to have been lost (shot down, crashed, attacked while on the ground), Syria should now have less than 200 combat aircraft left, and smaller numbers, too, of combat helicopters. It has a total of 457 aircraft of all types – fighters, attack aircraft, transports, and trainers.

There is also a question of pilots. How many Syrian pilots have been killed ? How many pilots were among the five million Syrians who have fled the conflict and the country? At least several hundred are either dead or gone missing. There are many stories of Russian pilots flying Syrian Air Force aircraft, which testifies to the lack of Syrian personnel.

As to tanks and other armored vehicles, in the first two years of the civil war, from 2011 to 2013, the Syrian opposition managed to destroy, disable, or seize 1,800 T-55, T-62 and T-72 tanks plus BMP fighting vehicles exploded, burned, disabled or seized by rebels – with potentially thousands of crewmen also being killed, injured or captured. This loss amounted to 25% of the total number of tanks and other armored vehicles in the Syrian army. I cannot find online any information about tank losses since 2013, but if in the first two years of the civil war the SAA lost 25% of its tanks, it

is reasonable to assume that in the six years since, at least another 25-50% of Syrian tanks have been destroyed, disabled, or seized. Some have no doubt been replaced by Iran – but how many?

The SAA (Syrian Arab Army) has been degraded both on the ground and in the air; pilots have been killed or fled; many tanks have been destroyed, many tank crews have been killed. And this means that Israelis need not worry about the Syrians lashing out at them because of the American decision to recognize the Golan as part of Israel.

If there is little military threat from Syria at present, is there a political threat from other Arabs who want Syria to get back the Golan? Are those Arabs infuriated with the American decision to recognize Israel's annexation of the Golan? Not at all. They no longer support Bashar al-Assad or Syria. The ruthlessness of the Alawite (Shia) suppression of its Sunni opposition, and Bashar al-Assad's decision to ally himself with Shi'a Iran, even to the extent of allowing Iran to establish bases inside his country, have effectively isolated Syria from the rest of the Arab world, especially from the rich Gulf states. Saudi Arabia, the Emirates, Bahrain, Kuwait, Egypt all see Iran as their main enemy, and recognize that Israel is their ally against it. According to a [New York Times report](#) by Ben Hubbard on March 23, "the Gulf states are more interested in partnering with Israel against Iran than in standing up for Arab dignity, and unrest and economic troubles have left other Arab countries more concerned with their own affairs."

Of course, there was a pro forma denunciation of Washington's recognition of the Golan as part of Israel by the Arab League, which called the "official American recognition" of Israeli sovereignty over the Golan "completely beyond international law." The Gulf Cooperation Council (GCC) also expressed its regret. Trump's statement "will not change the reality that (...) the Arab Golan Heights is Syrian land occupied by Israel

by military force in 1967,” said Abdul Latif Al Zayani, the GCC secretary general.

“The statements by the American president undermine the chances of achieving a just and comprehensive peace.” But that was about it, from the Arab and Muslim countries: no angry ultimatums, no street demonstrations, no threats to retaliate against the Americans. The GCC and the Arab League did the minimum expected.

The report in the Times continues:

As for Syria, its own war has left the country so weak and ostracized that few care what it wants.

The Golan was always seen as the carrot that Israel would cede for peace with Syria, and now peace doesn't matter, Syria doesn't matter and maybe Syria doesn't exist at the table as the legitimate owner of the land,” said Kareem Sakka, editor in chief of Raseef22, an Arabic news site.

“The country [has been left] so weak and ostracized.” “Few care what it wants.” “Syria doesn't matter.” “Maybe Syria doesn't exist at the table as the legitimate owner of the land.” Those remarks were made not by an Israeli, but by an American reporter and a well-known Arab Muslim journalist. Bashar al-Assad may have held on to power, but neither he, nor any successor, is going to get back the Golan. It has been an integral part of Israel since 1981, providing the “secure” – i.e., “defensible” – border in the north that a proper reading (that follows Lord Caradon), of U.N. Resolution 242 requires.

What about the people in the Golan? There are 26,000 Jews and 22,000 Druze living on the Golan. Many of the Druze, especially the older ones, have declared themselves opposed to Trump's recognition of Israel's sovereignty. Their reason for so doing is clear: some of the Druze on the Golan have relatives inside Syria. They fear two things: first,

retaliation against those relatives by the Syrian government if the Druze on the Golan do not make a show of opposing – whatever they really think – Israel's sovereignty; second, they worry that if Syria were ever to get back the Golan, it would punish those Druze who had been openly pro-Israel. They need not fear Israel, which would never harm those expressing pro-Syrian sentiments. Once the Druze in the Golan digest the significance of Trump's move, and become more convinced that Israel never will give up the Golan, many of them – especially those who don't have relatives in Syria – can more openly support Israel. The Druze in Israel serve with distinction in the IDF, including in such elite units as Sayeret Matkal; there are three Druze pilots in the IAF. There is even a Zionist Druze Circle, headed by Amal Nasser el-Din, for decades an ardent Zionist. The further away the Druze community is from the Golan, the more pro-Israel its sentiments.

Now Israel can work on encouraging other likely prospects to join the Americans in recognizing the Golan as part of Israel. Among the possibilities are Brazil, because of its pro-Israel President Bolsonaro, and Venezuela, should Juan Guaido come to power; Guaido is very well-disposed toward Israel, while Maduro is not only strongly supported by the "Palestinians," but has [let it be known](#) that he's thinking of becoming a Muslim. Other countries that might be persuaded to recognize the Golan as part of Israel include Guatemala (which has already moved its embassy to Jerusalem), Romania (which has just announced its intention to move its embassy to Jerusalem), the Czech Republic, Hungary, Lithuania, Honduras, and Australia.

With Washington's move, the status of the Golan has now been settled. It could not have been better timed. Syria is now war-ruined; it needs more than 300 billion dollars merely to rebuild its infrastructure; its military has been severely degraded by eight years of civil war; the country remains a

pariah among Arab states because of its alliance with Iran. That is why the Arab League and the GCC both issued what, for the Arabs, were the mildest of objections to Washington's recognition of the Golan as part of Israel.

The transfer of the American Embassy to Jerusalem, Israel's capital, has taken that issue off the negotiating table. The recognition by Washington of the Golan as part of Israel has done the same for that strategic slice of real estate. All that is still available for discussion – and not forever, as Mahmoud Abbas appears to think – is the status of the West Bank. Israel still retains the right, under U.N. Resolution 242, to “secure” (“defensible”) boundaries, which many military men would agree coincides with the present borders – and that includes all of the West Bank. As for the “Palestinians,” they should be granted as much local autonomy in the West Bank as is consonant with Israel's security. The greater the threat of terrorism, the less autonomy will be granted the “Palestinians.” It's up to the Arabs to make their choice.

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