

**A NEW HORIZON IN U.S.-ISRAEL RELATIONS:
FROM AN AMERICAN EMBASSY IN JERUSALEM
TO POTENTIAL RECOGNITION OF ISRAELI
SOVEREIGNTY OVER THE GOLAN HEIGHTS**

HEARING

BEFORE THE
SUBCOMMITTEE ON NATIONAL SECURITY
OF THE
COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTEENTH CONGRESS

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SALEM TO POTENTIAL RECOGNITION OF
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HEIGHTS**

Tuesday, July 17, 2018

HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON NATIONAL SECURITY
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
Washington, D.C.

The subcommittee met, pursuant to call, at 10:05 a.m., in Room 2154, Rayburn Office Building, Hon. Ron DeSantis [chairman of the subcommittee] presiding.

Present: Representatives DeSantis, Hice, Lynch, and Welch.

Also present: Representatives Grothman, Perry, and Lamborn.

Mr. DESANTIS. The Subcommittee on National Security will come to order.

Without objection, the chair is authorized to declare a recess at any time.

Today's hearing on recognizing Israel's sovereignty over the Golan Heights comes at the dawn of a new horizon in U.S.-Israel relations. The Trump administration has proven to be a staunchly pro-Israel administration. President Trump took the long overdue steps of recognizing Jerusalem as Israel's capital in opening the U.S. embassy in Israel there this past May. Many Presidents had promised to move the embassy, but it was President Trump who kept his promise and delivered. And I would admit that this committee was actively involved in that. We actually have some people who helped testify right before the decision, which I think was very important. So thank you.

The President withdrew from the Iran deal that paved the way for Iran to acquire a nuclear weapon and provided huge amounts of money in sanctions relief and \$1.7 billion in cold, hard cash.

He pulled the U.S. out of the anti-Israel U.N. Human Rights Council where the world's worst human rights violators routinely vilify the world's only Jewish state.

He signed the Taylor Force Act into law, holding the Palestinian Authority accountable for its cash payments to terrorists.

And he appointed a truly outstanding Ambassador to Israel, my friend, David Friedman.

The President now has the opportunity to take another major step to advance American interests and to fortify the U.S.-Israel relationship by recognizing Israeli sovereignty over the Golan

Heights. The Golan Heights is essential to Israel's security. A strategic high ground along Israel's borders with Syria and Lebanon, the Golan's topography grants Israel with observation and intelligence capabilities that allow it to detect enemy activities. It also offers incredible defensive advantages in repelling an attack. It allows Israel to defend critical segments of territory like the Sea of Galilee and Haifa Bay. It serves as a major water source and is a growing population center.

The importance of the Golan is illustrated by Major General Giora Eiland, the former head of Israel's National Security Council who wrote that, quote, "Israel does not possess a plausible solution to its security needs without the Golan Heights." End quote.

Israel's need for the Golan Heights is clearer than ever, given the threats it currently faces on its northern border. Iran has escalated its aggression against the Jewish state to unprecedented levels in recent months, launching direct attacks on Israel from Syria. In May, Iranian forces in Syria fired approximately 20 rockets at Israeli military positions in the Golan Heights. In February, Iran sent an armed drone into Israeli airspace. Iran has also equipped its terrorist proxy Hezbollah with advanced weapons, including over 100,000 rockets and missiles aimed at Israel. And amidst the chaos of Syria's civil war, terrorist groups, including ISIS, have gained footholds along the Syria border with Israel.

We can only imagine how much worse the threats to Israel's north would be and threats to the security of the broader region would be if the Golan was in the hands of what remains of the Syrian regime or Iran or Hezbollah or ISIS. It would leave Israel's enemies in control of that high ground and stationed even closer to Israel's heartland.

Now, this past weekend, we saw Hamas launch nearly 200 rockets at Israel, a stark reminder of the consequences of Israel's withdrawal from Gaza. Hamas' latest attack demonstrates why it is so important that Israel keep the Golan Heights.

In Syria, Bashar al-Assad's government has launched a ruthless campaign to retake the country south backed by Iran and Russia. The Syrian dictator has slaughtered his own people in his desperate bid to cling to power. Countries, including the United States, Britain, France, Germany, and Canada, as well as the U.N., have all made clear that the Assad regime has no legitimacy. The U.S. should push back against Assad and Iran and Russia's expanding influence. President Trump's action in ordering air strikes made clear that Syria's use of chemical weapons would not be tolerated. The President can further U.S. national security interests and send Assad, Iran, and Russia another strong message with the stroke of a pen by recognizing Israel's sovereignty over the Golan.

Recognizing this claim is also the right thing to do. Israel won the Golan in a defensive war in 1967. It repelled another Syrian attack there in 1973. In 1981, with the passage of the Golan Heights law, Israel permanently integrated the area as part of its country, and today the Golan flourishes as a growing center of agriculture, industry, tourism, and wineries.

But other nations have yet to recognize Israel's sovereignty over the Golan despite the fact that its acquisition of the area in a defensive war was consistent with principles of international law.

And it is clear that without the Golan, Israel would not have secure and recognized boundaries free of threats or acts of force, as U.N. Security Council resolution 242 calls for. By recognizing the Golan as part of Israel, the U.S. would send a clear message that Syrian belligerents will not be rewarded and that Israel's victory over its aggressor has consequences.

As Prime Minister Netanyahu said, the time has come, after 50 years, for the international community to acknowledge that the Golan Heights will permanently remain under Israeli sovereignty and that whatever happens on the other side of the border, that line is not going to change.

The case for recognition now is clear. Such a move would bolster Israel against the threats on its northern border and repudiate the Assad regime's butchery and Russia and Iran's designs in Syria. It would recognize the reality that Golan Heights is part of Israel and is vital to its national security. With the current state of Syria, the prospect of peace negotiations is nonexistent, but the current danger Israel faces from Iran, Hezbollah, and other terrorist groups like ISIS makes clear that given the instability in the Middle East, Israel could not afford to give up the Golan under any circumstances. Israel's security should be non-negotiable and so should America's commitment to it. It is time to stand with our ally on the Golan and against these common enemies. This is a policy that the President should implement and that all Members of Congress should support.

And I would note that we do have a great panel of witnesses here to discuss this issue. So I want to thank all the witnesses for coming and providing their views. Just think how crazy it would be to say that Israel should give the Golan to Assad or some of these proxies. It would be absolute madness. So let us discuss this issue today.

And before we hear from our witnesses, I would like to recognize the ranking member, Mr. Lynch, for his opening statement.

Mr. LYNCH. Thank you, Mr. Chairman.

I would also like to thank this esteemed panel of witnesses. Most of you are frequent flyers to this committee, and we appreciate your advice and words of wisdom.

During my time here in this Congress, especially in my role as ranking member on the Subcommittee on National Security, I have labored mightily to maintain the proper decorum, sense of decorum, and chosen my words carefully to avoid vitriol and the harmful rhetoric that sometimes infuses the arguments of the extremes of each of the parties. I have done so in the hope of providing an open channel across the aisle for the meaningful and thoughtful dialogue to take place that is necessary to move this country forward.

This morning I am compelled by that same sense of decency and concern for our national security to briefly comment on the President's remarks in Helsinki yesterday.

Yesterday for me was a moment of national embarrassment. And I feel the President's words and positions taken constitute a physical injury upon the national security of this country.

I only have two recommendations, quite briefly.

One is to reassure the men and women who serve this country in our intelligence agencies continue to do the work necessary to keep our country safe. We value—we value—the work that is being done by our national intelligence agencies. We want them to continue that work.

The second recommendation I have is a return to fact-based decision-making in this country. Push back on the ideology and the rhetoric that comes from the extreme ends of each party. Look at the facts and the intelligence that our hardworking, brave women and men in the intelligence agency bring us. A return to fact-based decision-making will help this country, will make us stronger.

In regards to the matter before us on the Golan, it is a, I suppose not unusually, very, very tumultuous time in the region. And we should make sure that whatever actions we take enhance the national security of Israel and the United States and our allies. Again, a return to fact-based decision-making based on the facts on the ground in and around the Golan.

Now, Mr. Issa from this committee and I spent a week, maybe 10 days, in the Middle East a couple of weeks ago meeting with Prime Minister Netanyahu, King Abdullah, meeting with leadership in Bahrain, with President el-Sisi in Egypt to talk about this confluence of events and the instability that has been brought about by the collapse of ISIS, the presence of numerous militia, so-called rebels, in Syria, the advancements being made by Bashar al Assad and his troops supported by Hezbollah, and the presence of Iranian militia in an area so close to Israel.

There has been an armistice or truce in place around the Golan since 1974, and we must be sure that any steps we take as a party to annex the Golan officially at this moment does not precipitate something that is inimical and harmful to the national security of Israel and of our allies in the region, including of course our own country.

So I think it is a time again to return to fact-based decision-making with careful, careful consideration to the facts on the ground in that area. But I think it is a worthwhile discussion, and I am eager to hear from our witnesses.

Again, I thank the chairman for holding this hearing.

And I yield back the balance of my time.

Mr. DESANTIS. The gentleman yields back.

I am pleased to introduce our witnesses. We have Dr. Michael Doran, Senior Fellow at the Hudson Institute; Ambassador Dore Gold, President of the Jerusalem Center for Public Affairs; Professor Eugene Kontorovich, Northwestern University School of Law; Ambassador Daniel Kurtzer, the S. Daniel Abraham Professor in Middle Eastern Policy Studies at the Woodrow Wilson School of Public and International Affairs at Princeton University; and Mort Klein, President of the Zionist Organization of America. Welcome to you all.

Pursuant to committee rules, all witnesses will be sworn in before they testify. So if you can please stand and raise your right hand.

[Witnesses sworn.]

Mr. DESANTIS. Please be seated.

All witnesses answered in the affirmative.

In order to allow time for discussion, please limit your testimony to 5 minutes. Your entire written statement will be made part of the record. As a reminder, the clock in front of you shows the remaining time during your opening statement. The light will turn yellow when you have 30 seconds left and red when your time is up.

Please also remember to press the button to turn your microphone on before speaking.

With that, we will recognize Dr. Doran for 5 minutes.

WITNESS STATEMENTS

STATEMENT OF MICHAEL DORAN

Mr. DORAN. Chairman DeSantis, Ranking Member Lynch, and distinguished members of the subcommittee, thank you for having me speak today. It is an honor to appear before you on such a consequential issue in our national security.

Mr. Chairman, the question of the Golan is part of a larger strategic problem. The Syria that will emerge from this devastating civil war will look nothing like the one we knew in 2011 when it began.

This simple fact raises a big question. What is the Syria that we would like to see emerge from this conflict? What is the Syria that will best contribute to international peace and stability?

That question is too big to answer here today, but we can tackle one piece of it. This war should lead to the United States recognizing Israeli sovereignty over the Golan Heights. Anyone truly concerned with international peace and security must conclude that this change is in the best interest of everyone, with the exception of the Iranian regime and its allies. And it is manifestly in the interest of the United States.

In my written testimony, I gave six reasons why this is the case. Here I will summarize just four of them.

First of all, it passes the test of the laboratory of real life. The last 70 years constitute the laboratory of real life, and its results are incontrovertible. When in the hands of Syria, the Golan Heights promoted conflict. When in the hands of Israel, they have promoted stability.

Before the 1990s, the Syrian Government refused to talk to Israel. Since the 1990s, it has unwaveringly demanded that Israel must withdraw to the line of 4 June 1967. This line would place the Syrians once again on the shores of the Sea of Galilee, and it would place them atop the Golan Heights peering down at Israeli villages below. It would create a wedge of Syrian territory between Israel and Jordan to the south of the Sea of Galilee.

The practical choice before us, therefore, is whether to support the permanent acquisition of the Golan Heights by Israel or to continue to whet the appetite of the Syrian regime for the acquisition of that territory.

Between 1949 and 1967, literally thousands of clashes erupted between the two sides. By contrast, ever since Israel took control of the Golan Heights in June 1967, they have served as a natural geographic buffer between the two belligerents. The American in-

terest, the interest of peace and security more generally, militates in favor of it remaining in Israeli hands.

The second reason, containing Iran. From the outbreak of the civil war, Iran and Russia have worked aggressively and brutally to shape a new Syria that will serve their interests. The influence of Iran is particularly worrisome because, in the division of labor between Moscow and Tehran, Iran provides much of the ground forces. If Israel were to withdraw from the Golan Heights, Iranian forces would replace them.

Mr. Chairman, ask yourself a few simple questions. Would any responsible American statesman ever choose to place Iranian soldiers on the Golan Heights so that they could peer down through their rifle scopes at Jewish civilians below? Is there any American interest that would be served by allowing Iran to have direct access to the Sea of Galilee, Israel's primary water reservoir? Would it ever be wise to place Iranian troops on the southern shores of the sea where its territory would serve as a wedge between Jordan and Israel?

The answer to all of those questions, obviously, is no.

The third reason, the inherent instability of Syria.

The risk of returning the Golan Heights to Syria is not simply a function of the current geopolitical alignment of the Assad regime. It is difficult to imagine at this moment, but it is not impossible that in the future a pro-American regime could emerge in Damascus and seek peace with Israel. Even then, however, it would still be too risky to return the Golan because Syria by its nature is inherently unstable. The conflict we are witnessing today is but the latest and the worst episode in a history of political chaos that has afflicted the country since its independence. Even if a regime favorable to the United States were to one day emerge in Damascus, we could never count on it to survive. The laboratory of real life teaches us that if we want the Golan Heights to serve as a reliable buffer between Syria and Israel and between Syria and Jordan, we must leave them in the hands of the Israelis.

Lastly, aligning diplomacy with reality. We must recognize a simple fact: Israel is never going to withdraw from the territory. And for very good reason.

Not recognizing this reality is diplomatic malpractice. Failing to recognize obvious truths is bad for nations in the same way that it is bad for individuals. It creates delusions that take increasing amounts of psychological and material resources to sustain.

Pretending that it is still 1973 and that we recognize a Syrian claim to the entire Golan, when in reality we do not, is not simply a diplomatic nicety. It is a formal invitation to the very real Iranian army in Syria and the very real Iranian Hezbollah proxy to continue a campaign of low intensity warfare to reclaim the occupied Golan.

Whose interest is served by the United States adopting stances that lend credence to the claims of Iran and Hezbollah, to the claim that Israel is occupying Syrian land? Certainly not the American interest. Certainly not Israel's or Jordan's. And it is not in the interest of the Syrian people themselves who benefit from the stability that the Golan buffer provides. Refusing to recognize reality serves only the interests of Iran, Hezbollah, and Bashar al Assad.

Why should the United States expend very real political capital to help those hostile entities improve their strategic position against the United States and its allies?

In sum, recognizing reality will deny oxygen to our enemies and strengthen our allies, precisely what a sound foreign policy should seek to achieve.

Thank you once again. It has been a great honor to address you.
[Prepared statement of Mr. Doran follows:]

**Testimony Before the House Committee on Oversight and Government Reform
Subcommittee on National Security**
Washington, DC
July 17, 2018

**“A New Horizon in US-Israel Relations: From an American Embassy in
Jerusalem to Potential Recognition of Israeli Sovereignty over the Golan
Heights”**

Prepared statement by:
Michael Doran
Senior Fellow, Hudson Institute

Chairman DeSantis, Ranking Member Lynch, Distinguished Members of the Subcommittee: Thank you for inviting me to speak today. It’s an honor to appear before you on such a consequential issue in our national security. It is my intention to argue that the US national interest demands recognizing Israel’s sovereignty over the Golan Heights.

Mr. Chairman, wars have consequences. The Syrian civil war has laid waste to major cities, killed over half a million people, and uprooted nearly half the country’s population. Many of the millions of refugees who now live in camps in the surrounding countries will never return home. Jihadis have flocked to Syria, whether in support of the Islamic State or another of the many Islamist militias that have proliferated in the chaos. American, Russian, Turkish, and Iranian forces, among others, are also operating on Syrian soil. When and how their operations will end, precisely, is anyone’s guess, but one thing is certain. The Syria that will emerge from this devastating conflict will look nothing like the one we knew in 2011.

This simple fact raises major strategic questions. What is the Syria that will serve the best interests of its inhabitants and its neighbors? What is the Syria that will best contribute to international peace and stability? And what is the Syria that will best serve the interests of the United States and its closest allies, Israel first among them? Generally speaking, these are questions, of course, that are inherently difficult to answer, not least of all because of the large number of influential powers

who will insist on their voices being heard. We can formulate answers, but it is the brutal chopping block of history that will determine the final outcome.

While we cannot answer some of the bigger questions, we can clarify our thinking about basic principles, and we can formulate clear paths forward in certain limited areas. The issue of the Golan Heights is precisely just such an area. One consequence of this war should be a change in our policy: the United States should recognize Israeli sovereignty over the parts of the Golan Heights that it now controls. Anyone truly concerned with international peace and security must conclude that this change is in the best interest of everyone, with the exception of the Iranian regime and its allies. And it is manifestly in the interest of the United States. Here are six reasons why.

1) The Laboratory of Real Life

On 14 December 1981, the government of Prime Minister Menachem Begin extended Israeli “law, jurisdiction and administration” to the Golan Heights, a step that amounted to annexation in all but name. The United Nations Security Council immediately condemned the move. In addition to voting in favor of the condemnation, the Reagan administration temporarily suspended a strategic dialogue with the Begin government. But, while eager to display its displeasure, the administration also signaled an interest in containing the damage to US-Israeli relations by vetoing efforts in the United Nations to punish Israel.

Reagan was angry not just at what Begin did but also at how he did it. Great-power patrons hate to be surprised by their clients’ unilateral actions. Still, after the initial kerfuffle, the Israeli action ceased to cause the United States any serious discomfort. We might now sum up the official American policy toward the annexation as “illegal but acceptable.”

The time has come, however, to erase the stigma of illegality, which serves no purpose. A review of the history demonstrates that the Israeli annexation is the most preferable outcome imaginable. When discussing the border that best serves American interests, there is only one other option realistically on offer, and it is far from pleasant. Since the 1990s, the Syrian government has unwaveringly

demanded that Israel must withdraw to the line of June 4, 1967. The practical choice before us, therefore, is whether to support the permanent acquisition of the Golan Heights by Israel or to continue to whet the appetite of the Syrian regime for an Israeli withdrawal.

To grasp the full nature of the Syrian demand, it is useful to remember that the British and French originally delineated the border between Syria and Palestine in 1923. Although there was often competition and distrust between London and Paris, they were certainly not belligerents. The British and French officials who drew the border gave no thought to the military defense of their respective territories. They were creating a purely administrative line.

A major concern of the British was to ensure that the waters of the Sea of Galilee would belong to Palestine, whose development depended on it. In the northeast corner of the sea, they drew the line just ten meters east of its shore. In the interwar era, this ten-meter strip posed no problem. After the 1948 end of the British mandate for Palestine, however, the quiet administrative line suddenly became a fortified battle line between two warring nations. The ten-meter strip became impossible for Israel to hold militarily, and the Syrian military gobbled it up. Syria thus acquired a position on the northeast shore of the Sea of Galilee, despite the fact that the 1947 United Nations partition plan for Palestine placed the sea entirely in the Jewish state.

The ten-meter strip was by no means Syria's only territorial gain. It also acquired, to give just one more example, a position on the southern shore of the sea, commanding a point where Syria, Jordan, and Israel converged. In addition, Syria enjoyed a great topographical advantage. The British and French had placed the Golan Heights entirely inside Syria, which now commanded the high ground along much of the border.

The military impracticability of the 1923 border conspired with geography and the vicissitudes of war to produce an inherently unstable arrangement. The Israelis had a powerful incentive to assert sovereignty over territory that the Syrians had robbed from the Jewish state envisioned by the partition resolution. Meanwhile, the Syrians remained opposed to the very existence of Israel and they

exploited their high-ground advantage to harass the Jewish settlements below. Violence was ever present along the armistice line. Between 1949 and 1967, literally thousands of clashes erupted between the two sides. By contrast, ever since Israel took control of the Golan Heights in June 1967, they have served as a natural buffer between the two belligerents.

The last 70 years constitute the laboratory of real life, and its results are incontrovertible: When in the hands of Syria, the Golan Heights promoted conflict. When in the hands of Israel, they have promoted stability.

2) A Misguided Reliance on International Law

The idea that it is best for everyone that the Golan Heights remain in Israeli hands has long been evident to American policymakers. Consider the letter that President Gerald Ford wrote to Israeli Prime Minister Yitzhak Rabin on September 1, 1975. “The U.S. has not developed a final position on the borders,” he wrote. “Should it do so it will give great weight to Israel’s position that any peace agreement with Syria must be predicated on Israel remaining on the Golan Heights.” But despite this strong predilection, American leaders have refrained from taking the next step and openly supporting Israeli sovereignty. Why?

One part of the answer is the exaggerated influence on policy of a single international legal principle. In numerous resolutions since 1967, the United States has asserted the impermissibility of acquiring territory by force—even territory taken in a war, such as the 1967 conflict, that was entirely defensive in nature. For example, United Nations Security Council Resolution 497, the resolution that immediately condemned the Israeli annexation, reads as follows: “[T]he acquisition of territory by force is inadmissible, in accordance with the United Nations Charter, the principles of international law, and relevant Security Council resolutions.”

Some American policy-makers have elevated this principle to an inviolate law and, moreover, made policy subordinate to it. Their well-intentioned motive, no doubt, is to de-legitimize the use of force as a means of solving disputes. Allowing exceptions to the rule, so their thinking goes, would incentivize states to launch wars of territorial acquisition under the pretext of self-defense. However wise this

thinking might be in general, in the specific case of Syria it has backfired. It has taught the Assad regime that, regardless of how loathsome its behavior, the United States can always be relied upon to hold the Golan Heights in escrow for Syria.

As we all know, the Assad regime has a history of routinely violating international law. It arms Hezbollah and other terrorist organizations in contravention of Security Council resolutions and it develops and uses chemical weapons—to give just two examples. It conducts these policies, in part, in order to weaken Israel, whose very right to exist it has historically denied. At the same time, Syria has faithfully presented itself as an adversary of the United States. During the Cold War it sided with the Soviet Union. During the Iraq war it facilitated al-Qaeda's foreign-fighter pipeline. And today it is one of the closest partners of Iran in the latter's "Resistance Bloc," which is explicitly dedicated to undermining the American regional order.

America's reflexive support for the principle of the impermissibility of acquiring territory by force has allowed Syria to escape the just consequences of this malignant behavior. A vote in Congress in favor of Israeli sovereignty over the Golan Heights would be a first step toward freeing the official American mind from the shackles of a perverse legalism that prevents it from supporting friends and punishing enemies.

3) The Peace Process Trap

The legalistic mindset, however, is but one part of larger problem, which we might dub "the peace process trap." The Camp David Accords, arguably the greatest achievement of American diplomacy in the Middle East, were the vehicle by which Egypt left the Soviet orbit and became a leading member of the American camp in the Middle East. Ironically, this strategic success gave rise to a pernicious misconception—namely, that the Egyptian agreement initiated a "peace process" that would inevitably grow more robust over time, eventually enveloping Syria. Like Egypt, the thinking went, Syria would make a land-for-peace deal with Israel and, thereby, take up a position of pride in the American-led order.

The peace process trap rests on a host of erroneous assumptions, including, among others: that the Assad regime is as uncomfortable with the status quo as Sadat was in his alliance with the Soviet Union; that it is most eager to improve relations with the United States; and that the Golan Heights is as valuable to the Syrian regime as Sinai was to Egypt. These assumptions are alive and well among our foreign-policy elite even today, but they did the greatest damage to American diplomacy in the 1990s, when Syrian dictator Hafez al-Assad exploited them to buy valuable time.

In the 1990s, the senior Assad was at his most vulnerable. The end of the Cold War had deprived him of his great-power patron, the Soviet Union. He was also weak, flanked as he was by Turkey and Israel, powers that were traditionally hostile to him and militarily much more advanced. In addition, Ankara and Jerusalem were allies of America, which had just orchestrated an awesome display of military when it drove the forces of Iraqi President Saddam Hussein from Kuwait. How, Assad asked himself, could he avoid becoming a target of American wrath?

His deliverance came with a two-word incantation: peace process. Assad soon discovered that merely agreeing to talk with Israel, under American auspices, won him remarkable solicitude from President Clinton. Recognizing a good thing when he saw it, Assad insisted on two preconditions: negotiations with Israel must be conducted on the basis of the June 4, 1967 line; and Israel must agree, up front, to consider a full withdrawal to that line. So eager was the Clinton administration to bring Assad in from the cold that it readily encouraged Israel to accede to these preconditions.

The ready American (and Israeli) acceptance of the June 4, 1967 line is nothing short of startling. That line, as we have seen, leaves Syria in possession of territory along the shores of the Sea of Galilee and elsewhere that it acquired by force in 1948. In other words, to win over its enemy, the Clinton administration dispensed with the principle of the impermissibility of the acquisition of territory by force—the very principle that the United States has remained ever vigilant in applying to its ally, Israel.

But this undue deference to a vulnerable enemy is not the most troubling aspect of the courtship of the elder Assad. Laboring under the misconception that the negotiation over the Golan was the big play, the Clinton administration was blind to the fact that Assad was simply buying time while he worked on his true priority: partnering with Iran to build up Hezbollah in Lebanon. The full extent of the American miscalculation would not become apparent until 2006, with the outbreak of war between Israel and Hezbollah. That conflict revealed that Hezbollah now wielded military capabilities that made it a highly effective counterbalance to Israeli—and therefore American—power. It also revealed that Iran, not Syria, was now the most dangerous strategic threat to the United States.

In short, the American fixation on brokering a Golan deal led Washington to misread the strategic map and to allow its enemies to outflank it. This mistake is the essence of the peace process trap. By recognizing Israeli sovereignty over the Golan, Congress will help prevent policy-makers from repeating the mistakes of the past.

4) Iran, the Power behind the Throne

The rise of Iran, which began in the 1990s, shows no signs yet of abating. From the outbreak of the civil war, Iran and Russia have worked aggressively to shape the conflict so as to serve their interests. The influence of Iran is particularly worrisome because, in the division of labor between Moscow and Tehran, Russia provides the air power whereas Iran provides much of the ground forces.

The latter forces come, primarily, in the form of Shiite militias, at the front ranks of which stands Lebanese Hezbollah. Increasingly, the units that we are calling “Syrian government forces” are men who are armed, trained, and equipped by Iranians. It is impossible, therefore, to state with clarity where the Syrian military ends and the Iranian military begins.

Thanks to Iran’s newfound ground presence, it is well on the way to completing a so-called “land bridge” stretching from Tehran to Beirut. There can be no doubt that a major aim of the land bridge is to increase the military pressure on Israel (and Jordan too). Under the circumstances it is unthinkable that the United States would sponsor talks, as it did in the 1990s, entertaining the idea that Israel

would withdraw to the June 4, 1967 border. Such a withdrawal would mean allowing Iranian Revolutionary Guards to occupy the positions above the Israelis once occupied by Syrian troops.

Would Americans ever consciously choose to place Iranian soldiers on the Golan Heights, so that they could peer down their riflescopes at Jewish civilians below? Is there any American interest that would be served by allowing Iran to have direct access to the Sea of Galilee, Israel's primary water reservoir? Would it ever be wise to place Iranian troops on the southern shores of the sea, where its territory would serve as a wedge between Jordan and Israel?

The answer to all of these questions, obviously, is no. And the clearest way to send that message to the world is to pass a law recognizing Israeli sovereignty over the Golan Heights.

5) The Syrian Mirage

But the risk of returning the Golan to Syria is not simply a function of the current geopolitical alignment of the younger Assad's regime. It is difficult to imagine at the moment, but it is not impossible that in the future a pro-American regime could emerge in Damascus. Even then, however, it would still be too risky to return the Golan.

Modern Syria is an artificial construct, created by British and French imperialists to serve their interests. At no time in the previous 1,000 years did there exist a political unit even remotely approximating the modern Syrian state. The comparison with Egypt is instructive. Over the last 1,000 years, Egypt has sometimes been a regional power center in its own right, and sometimes subsumed in larger empires. Even when ruled as a province, however, it always retained its own unique political identity. Syria has no such enduring personality. In ancient times, it was always a crossroads—a frontier, if you will—between empires based on the more fertile parts of the Middle East: in Asia Minor, Mesopotamia, and Egypt.

These seemingly academic details have profound contemporary relevance. Modern Syria is inherently unstable. The conflict we are witnessing today is but the latest and the worst episode in a history of political chaos that has afflicted Syria

with shocking regularity. The country suffered three coups in 1949 alone, and one each in 1951, 1954, 1961, 1963, 1966, and 1970. The last coup brought to power Hafez al-Assad, who ruled with an iron fist. The brutality of dictatorship ensured 30 years of misleading stability that happened to coincide with the rise of the peace process and the end of the Cold War.

Call it the Syrian mirage—the impression that the Assad regime had the wherewithal to follow in the footsteps of Sadat. When the United States brokered the Camp David Accords, it and Israel took a calculated risk: that Israel could relinquish the geographic buffer of the Sinai Peninsula because Egypt was a stable polity capable of sticking to its agreements. That calculation has passed the test of time. Syria, by its very nature, is simply not such a polity. The laboratory of real life teaches us that if we want the Golan Heights to serve reliably as a buffer between Syria and Israel and Jordan, we must leave them in the hands of the Israelis. Even if a regime favorable to the United States were to one day emerge in Damascus, we could never count on it to survive.

We owe it to the Syrian people, in the name of honest interaction, to state clearly our firm conviction that the days when we will entertain a return to the June 4, 1967 are long past. As far as the United States is concerned, the Golan Heights belong to Israel—and that ownership, we believe, is in the best interests of all parties.

6) Aligning Diplomacy with Reality

The starting point for rational discussion of the American position on the question of the Golan Heights must be this simple fact: Israel is never going to withdraw from the territory. No responsible Israeli official can witness the chaos in Syria today and fail to utter a sigh of relief that Prime Minister Ehud Barak refrained from cutting a deal to withdraw in the 1990s.

Not recognizing this reality is diplomatic malpractice. Failing to recognize obvious truths is bad for nations in the same way that it is bad for individuals. It creates distortions and delusions that take increasing amounts of psychological and material resources to sustain. As a consequence, policy-makers then make mistakes,

which by definition do damage to the American interest. Those mistakes have consequences. This cycle will become increasingly expensive to maintain—in prestige, trust, our resources, and other people’s resources. Eventually it will collapse in on itself, leaving the United States with zero in return for its investment, and a much less pleasant reality to deal with.

Pretending that it is still 1973 and that we recognize a Syrian claim to the entire Golan—which in reality we do not—is not simply a diplomatic nicety. It is a formal invitation to misguided allies, such as the major states of the European Union, which are more susceptible to the peace process trap than any American diplomat. Even worse, it is a formal invitation to the very real Iranian army in Syria and the very real Iranian Hezbollah proxy in Syria and Lebanon to continue a campaign of low-intensity warfare to “reclaim” the “occupied” Golan. Will we then provide Israel with weapons and diplomatic backing to counter the physical attacks of enemies—attacks that at any point can devolve, on purpose or by accident—into a larger war?

Whose interest is served by the refusal to recognize reality on the Golan? Certainly not ours. Certainly not Israel’s or Jordan’s. And it is not in the interests of the Syrian people themselves, who benefit from the stability that the Golan buffer fosters. Refusing to recognize reality serves only the interests of Iran and Hezbollah first, and their junior partner Bashar al-Assad second. Why should the United States expend very real political capital to help those hostile entities improve their strategic position against the US and its allies?

In sum, recognizing reality will deny oxygen to our enemies and strengthen our allies—precisely what a sound foreign policy should seek to achieve.

Mr. DESANTIS. Thank you.
Ambassador, 5 minutes.

STATEMENT OF AMBASSADOR DORE GOLD

Ambassador GOLD. Mr. Chairman, thank you for convening today's hearing. Mr. Lynch, thank you as well.

A discussion about the Golan Heights today might seem baffling. Increasingly in recent years, many Israelis have expressed a huge sigh of relief that previous rounds of Israeli-Syrian negotiations did not result in an Israeli withdrawal from the Golan Heights. It basically did not go anywhere. These Israelis imagine that had these earlier talks been concluded on Syrian terms, that in 2011, with the outbreak of the Syrian civil war, the forces of Jabhat al Nusra, Da'ish—that is, ISIS—not to mention Assad's own ruthless army would have been sitting along the coastline of the sea of Galilee with their weapons aimed at the City of Tiberius across the lake.

What has changed today is that with the imminent victory of the forces of Bashar al Assad in the sector of South Syria, new diplomatic initiatives by outside actors cannot be ruled out. Already in March 2016, the U.N.'s Special Envoy on Syria, Staffan de Mistura, proposed a paper called "Essential Principles of a Political Solution in Syria." The first point of his 12-point paper specifically called for, quote, "the restoration of the occupied Golan Heights," unquote, to Syria. This past February at the Valdai Conference in Moscow, which I attended and I spoke at, Vitaly Naumkin, the leading Russian authority on Syria insisted that Israeli sovereignty over the Golan Heights could not be accepted. He raised doubts about its very legality.

What has changed today is that with the imminent victory of the forces of President Assad, these types of voices will increasingly be heard. Traditionally the Golan Heights has been the front line for Israel's defense in the north. Israel faced acute asymmetry in active duty forces against Syria. This meant that in 1973, Israel had to withstand an attack by 1,400 Syrian tanks with only 177 tanks on its side. Israel planned on a strategic line of volcanic hills, known in Hebrew as Kav Ha-Tilim, that helped it to withstand any Syrian assault until Israel's reserve mobilization was complete.

What are Israel's potential sources of concern that make the Golan critical for Israel's security today?

First, given the proclivity of Middle Eastern regimes to spend their resources on military acquisitions, the eventual recovery of the Syrian army must be anticipated despite its current weaknesses. In light of Russia's role in saving the Assad regime, massive Russian arms transfers to the Syrian armed forces will likely provide the basis for the renewal of Syrian military power.

But there is a second source of concern for Israel. Iran's conversion of Syria into a satellite state that will host Iranian forces and bases.

In addition, Tehran has been creating Shiite proxy militias modeled on the basis of Lebanese Hezbollah using manpower from a number of countries, including Lebanon, Iraq, Yemen, Pakistan, to take up positions in Syrian bases. The Iranians have deployed elements from the Fatemyoun Division, which is made up of Afghan Shiite refugees. As reported as recently as July 11th, Hezbollah

and Iran-handled Shiite militias are integrated into the Syrian army in its campaign to take control of south Syria.

Iran founded a Syrian branch of Hezbollah in 2014. A year earlier, the commander of the Revolutionary Guard's Qods Force, General Qassam Soleimani, proposed unifying many of the various proxy forces and creating a 150,000-man army for operations in Syria. These units have operated under the command of Iran's Islamic Revolutionary Guard Corps. Many were active in the battle for Aleppo and now in Deraa, in southern Syria, right next to the Golan Heights.

Iran's military goal is to create a land corridor from Iran itself across Iraq and Syria to the Mediterranean, which will help it unify its various fronts and establish its hegemony over the Middle East. It will aid Iran to advance the encirclement of Jordan and Saudi Arabia. It will also provide it with an assured line of supply to Syria and to Lebanon as its military presence grows. Locally Iran seeks to link southern Lebanon and the Golan Heights.

But there could be other objectives as well for Soleimani's army. Recently Hossein Salami, the deputy commander of Iran's Revolutionary Guard Corps, declared that the Islamic army in Syria now operating in the Golan Heights, was awaiting orders to eradicate—let me repeat that—eradicate the evil regime of Israel. He used the Farsi word, Mahv, meaning annihilation or to make extinct. He added that the Zionist regime has no strategic defensive depth, hence this goal was achievable. Even if this statement was motivated by the need for rhetorical flourish, it nonetheless demonstrates the general intent of Iran to use the Golan region for offensive operations against Israel. It would be folly for the state of Israel in any case to ignore statements of this sort by Tehran, especially when they are backed by concrete actions.

I am now reaching my conclusions.

Israel today is under assault by a self-declared Iranian-led axis of resistance, which has been operating under Russian protection. As the Syrian state recovers from the Syrian civil war, its allies can be expected to make demands on its behalf like the return of the Golan Heights to Syria. In fact, these demands have already been voiced.

The strongest rebuttal to this effort would be the recognition of Israeli sovereignty over the Golan Heights. This would demonstrate conclusively that those who use force to threaten their neighbors will not benefit in the court of international diplomacy. States today have a choice. They can back the demands of Iran and its supporters, or they can recognize the rights of Israel in the Golan Heights. U.S. recognition of Israeli sovereignty would set an important example for others.

Three United States administrations consistently in written letters of assurance to Israel confirmed that they envisaged at the end of the day, Israel must remain on the Golan Heights. That core bipartisan principle of past U.S. policy cannot be realized in the long term without Israeli sovereignty over the Golan confirmed.

[Prepared statement of Ambassador Gold follows:]

Written Testimony

Mr. Chairman, thank you for convening today's hearing. A discussion about the Golan Heights today may seem baffling. Increasingly, in recent years, many Israelis have expressed a huge sigh of relief that previous rounds of Israeli-Syrian negotiations did not go anywhere and the Golan remains under Israeli control. They imagine that had these earlier talks been concluded, then in 2011, with the outbreak of the Syrian civil war, the forces of Jabhat al-Nusra, Da'ish (ISIS), not to mention Assad's own ruthless forces, would have been sitting along the coastline of the Sea of Galilee, with their weapons aimed at the city of Tiberius across the lake.

What has changed today is that with the imminent victory of the forces of President Bashar Assad in the sector of South Syria, new diplomatic initiatives by outside actors cannot be ruled out. Already in March 2016, the U.N.'s Special Envoy on Syria, Staffan de Mistura, proposed a paper on "Essential Principles of a Political Solution in Syria." The first point of his paper specifically called for "the restoration of the occupied Golan Heights" to Syria. This past February at the Valdai Conference in Moscow, Vitaly Naumkin, the leading Russian authority on Syria insisted that Israeli sovereignty over the Golan Heights could not be accepted. He raised doubts about its very legality.¹

Past US Assurances

US recognition of Israeli sovereignty over the Golan Heights would constitute the fulfillment of a series of previous diplomatic assurances given to Israel by past administrations regarding the international status of Israel's position on that strategic plateau. Israel captured the Golan Heights in the 1967 Six Day War, after years during which the Syrian armed forces positioned there bombarded Israel's farms and towns, situated roughly 1,700 feet below, with artillery fire. Moreover, the Syrians seized parts of Israeli territory, in direct violation of their armistice obligations, at al-Hama, the Banias and the northeast shore of the Sea of Galilee, claiming part of the lake as a result. They also sought to divert the headwaters of the Jordan River that flowed through the Golan Heights.

During the negotiations over what came to be known as the Sinai II Agreement between Egypt and Israel, the US provided assurances with respect to other Arab-Israeli fronts that could become part of future peace talks. In that context, President Gerald Ford wrote to Prime Minister Yitzhak Rabin on September 1, 1975 the following with respect to the Syrian front: "The U.S. has not developed final position on the borders. Should it do so, it will give great weight to Israel's position that any peace agreement be predicated on Israel's remaining on the Golan Heights."²

The Ford Letter was not relegated to the dust bin of history. Sixteen years after it was delivered, in the context of the preparations for the 1991 Madrid Peace Conference, Secretary of State

James Baker wrote a new letter of assurances to Prime Minister Yitzhak Shamir, which included a clause reconfirming President Ford's written commitment to Prime Minister Yitzhak Rabin of September 1975 regarding the importance of the Golan Heights to Israel's security.³

There was a third occasion in which the commitment made in the Ford Letter was renewed. During the Clinton administration, Secretary of State Warren Christopher wrote a letter of assurances to Prime Minister Benjamin Netanyahu on September 19, 1996 committing the U.S. to the Ford Letter as well.⁴

The Ford Letter admittedly had its limits. It was not a formal recognition of the Golan Heights as Israeli territory. It was not a legal document but rather a declaration of policy. It related specifically to a future peace agreement. How would it function if no formal peace treaty was signed? What was true was that the Ford Letter never stopped an Israeli government from exploring the possibility of reaching peace with Syria in the past, including the governments of Yitzhak Rabin, Ehud Barak, and Benjamin Netanyahu.

A willingness to negotiate of course did not mean that when the moment of truth arrived, these prime ministers were willing to actually withdraw from Golan territory in full. The Ford Letter had enormous diplomatic significance nonetheless, for it conveyed a consistent American understanding at the highest level that Israel must remain on the Golan Heights. The question that arises from this statement is how an Israeli force can remain without Israel sovereignty on the ground.

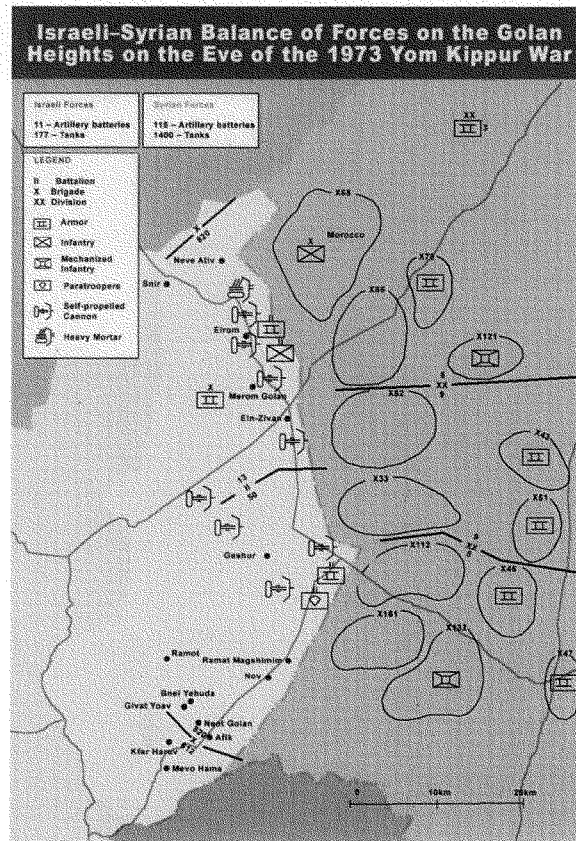
Israel's Security Concerns

The fact that the Ford Letter survived was an important indication that the US recognized the vital importance of the Golan Heights to Israel even with the dramatic changes that occurred in the Middle East after the first Gulf War and at the end of the Cold War. Traditionally, Israel had been concerned with the asymmetry in the active duty forces between Israel and Syria that were deployed along the Syrian front. Prior to the completion of Israel's reserve mobilization, this asymmetry gave Syria a huge quantitative advantage on the ground.

Thus back in 1973, along the Golan Heights, Israel had to withstand a threat of 1,400 Syrian tanks with only 177 Israeli tanks [See Map: the Israeli-Syrian balance of forces on the Golan Heights on the eve of the Yom Kippur War in 1973]. The Golan Heights does not provide strategic depth to offset this challenge as did the Sinai Peninsula; the Golan is only 16 miles across at its widest point.

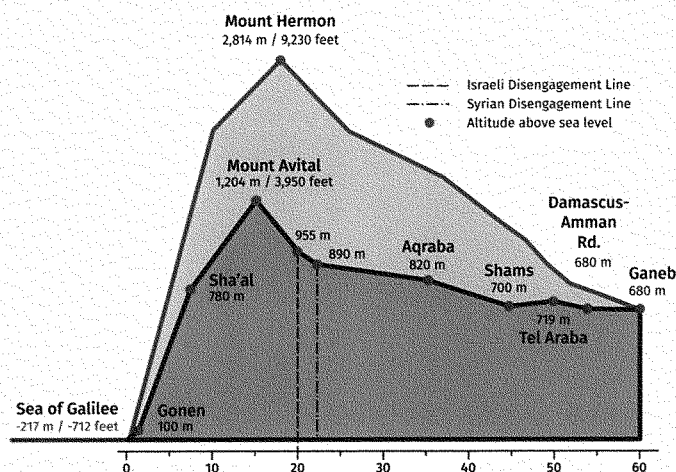
But it has a strategic line of volcanic hills – known in Hebrew as Kav Ha-Tilim – that over the years gave a small Israeli force a distinctive topographical advantage in the event it came under attack, allowing the Israel Defense Forces to withstand any ground offensives. Israel's control over the ascent to this line is critical so that Israeli forces can reach this defensive line and for

protecting the Galilee from aggressors. Moreover, the small standing force on the Golan Heights would not be dependent on close air support from the Israeli Air Force, which could devote itself to achieving air superiority and taking out ground to ground missiles aimed at Israeli population centers.



In addition to topographical factors, Israel's presence on the Golan Heights provides a vital strategic intelligence advantage. Indeed, the IDF post atop Mount Hermon is known to Israelis as "the eyes of the nation." Thanks to the advance warning capabilities from this point, Israeli forces were able to retake the Golan Heights in 1973. [See figure below: Israel's forward defense line at "Kav Hatilim" on the Golan Heights]

Israel's Forward Defense Line at "Kav Hatilim" on the Golan Heights: a Cross-Section at Mount Avital



What are Israel's potential sources of concern? They are twofold. First, there are the Syrian armed forces themselves. With the Syrian civil war reaching conclusion and the Syrian ground forces severely degraded, this might not seem an alarming scenario for Israelis at present. But it would be a cardinal error to base Israel's planning on a snapshot of reality that will not be relevant in a few years. For given the proclivity of Middle Eastern regimes to spend their resources on military acquisitions, the eventual recovery of the Syrian army must be anticipated. In light of Russia's role in saving the Assad regime, massive Russian arms transfers to the Syrian armed forces will likely provide the basis for the renewal of Syrian military power.

There has been a second source of concern for Israel: the deployment of expeditionary forces by third parties on Syrian soil. In 1973, for example, Iraq dispatched an expeditionary army, consisting of one third of its ground order of battle, to fight Israel in the Golan Heights. Today, the primary concern with Iraqi formations entering Syria has been replaced with a new focus on the role of Iran in converting Syria into a satellite state that will host Iranian forces.

In addition, Tehran has been creating Shiite proxy militias, modeled on the basis of Lebanese Hezbollah, using manpower from a number of countries including Lebanon, Iraq, Yemen, and Pakistan to take up positions in Syrian bases. The Iranians have deployed elements from the Fatemyoun Division which is made up of Afghan Shiite refugees. As reported as recently as July 11, Hezbollah and Iran-handled Shi'ite militias are integrated into the Syrian army in its campaign to take control of south Syria.⁵

Iran founded a Syrian branch of Hezbollah in 2014. In 2013, the commander of the Revolutionary Guards' Qods Force, General Qassam Soleimani, proposed unifying many of the various proxy forces and creating a 150,000 man army for operations in Syria. These units have operated under the command of Iran's Islamic Revolutionary Guard Corps. Many were active in the battle for Aleppo, and now in Deraa, in Southern Syria, right next to the Golan Heights.

Iran's military goal is to create a land corridor from Iran itself across Iraq and Syria to the Mediterranean, which will help it unify its various fronts and establish its hegemony over the Middle East. It will also provide it with an assured line of supply to Syria and to Lebanon as its military presence grows. Locally Iran seeks to link Southern Lebanon with the Golan Heights.

But there are other objectives as well for Soleimani's proposed army. Recently Hossein Salami, the deputy commander of Iran's Revolutionary Guards declared that the Islamic Army in Syria now operating in the Golan Heights was awaiting orders to eradicate the "evil regime" of Israel (he used the Farsi word *محو* *Mahv*, meaning annihilation or to be made extinct). This declaration reflects the world view of the senior leadership in Tehran, including Ayatollah Ali Khamenei.⁶

Salami added that "the Zionist regime has no strategic-defensive depth," hence this goal was achievable. Even if this statement was motivated by the need for a rhetorical flourish, it nonetheless demonstrates the general intent of Iran to use the Golan region for offensive operations against Israel. It would be foolhardy for Israel, in any case, to ignore statements of this sort by Tehran, especially when they are backed by concrete actions.

Over the last decade the proliferation of various Islamist militias, whether they are Shiite or Sunni, have produced forces that are not classic conventional armies, but they nonetheless represent a formidable threat. Hezbollah itself has a missile force of some 100,000 rockets that is larger than most conventional armies. The Houthis have been firing missiles from Yemen into the Saudi Capital, Riyadh. In 2014, ISIS took out four Iraqi divisions and captured their equipment including Abrams tanks.

The fusing of terrorist organizations with conventional weapons capabilities is sometimes called Hybrid warfare and it is likely to be a part of the strategic landscape in the future. As long as wars are ultimately won by maneuvering armed forces on the ground, then topographical and terrain conditions will continue to play a critical role in Israel's security. Under these conditions, the Golan Heights remain vital for the defense of Israel.

The Lessons of Past Diplomacy

True, Israeli governments were prepared to negotiate the future of the Golan Heights. But these negotiations were not predicated on the idea that the Golan Heights had lost their strategic value. Instead, they were based on ideas of how to continue to benefit from the Golan Heights even after Israel would no longer be present.

For example during the period in which Prime Minister Ehud Barak negotiated the future of the Golan with the Assad government, he was still cognizant of the fact that Israel could not be defended without the Golan. "Security arrangements" were to replace Israel's presence on the Golan itself. Accordingly it was proposed that the Syrian Army would need to withdraw its major formations to a distance of at least 60 kilometers from Kav Hatilim, even behind the Syrian capital Damascus, many of them much farther. Thus the area from the Golan Heights to Damascus would be essentially demilitarized.

The security arrangements proposed would leave Israel off the Golan Heights but still deployed at a shorter distance from Kav Hatilim – roughly 20 kilometers away. In the event that a Syrian regime chose to renew hostilities with Israel, the security arrangements model envisioned Israel becoming aware of Syrian intent and dispatching its army to Kav Hatilim, which it would reach before the Syrian Army. This was essentially a race between two armies for the ideal line of defense that Israel currently employs.

But was this model reliable? Major General (res.) Giora Eiland served as the head of the IDF Operations Branch during the Syrian-Israeli negotiations under Prime Minister Ehud Barak. In that capacity he was one of the main architects of the security arrangements considered by Israel during that period. He just published an autobiography in which he writes that he already had serious doubts back then about the assumptions upon which the security arrangements model were based.⁷ He asked:

- a. Would Israel have the intelligence capabilities to detect Syria's intentions to attack in real time, especially once Israel lost its intelligence outposts on the Golan Heights?
- b. Even if Israel received the intelligence that Syrians were about to move their forces, would Israel interpret that information correctly?
- c. Even after receiving the intelligence warning, would the Israeli government have the audacity to order the IDF to its defensive line, especially since that line was now located inside of Syrian territory?

Other questions might be asked about the earlier security arrangements model. Would any Syrian government keep the force limitation provisions of any agreement for long? This question is particularly pertinent for the maintenance of such provisions in the area of the Syrian capital, Damascus. Given the narrow geography of the Golan sector, violations of Golan security

arrangements would have a far more profound impact on Israel's security than any comparable violations by Egypt, where a 120 mile buffer separates the Suez Canal from Southern Israel.

In short, Israeli security arrangements on the soil of the Syrian state could be easily eroded. Israel would be left without the Golan Heights and without the security it needed. Finally even if a future Syrian regime agreed to such arrangements, would foreign militias feel themselves bound by them?

For Eiland, there was a clear lesson from his experience. Trying to preserve Israeli security without the Golan Heights would not work. He concludes that the person who saved Israel from itself during the 1999 negotiations when it was ready to explore a Golan withdrawal was President Hafiz al-Assad, whose intransigence blocked a final agreement. What emerged from this experience was confirmation of an important diplomatic principle: where Israel has vital security needs in contested areas, it must assure its sovereignty there.

Unresolved Sovereignty Questions across the Middle East

Even today there are multiple unresolved sovereignty questions across the Middle East. Within Syria itself there is the question of its lost province of Alexandretta, which was transferred by the French to Turkey in 1939 after a highly questionable referendum. It came to be known as Hatay. It appeared that this dispute was going to be resolved but in the end the Syrians refused to acquiesce to Turkish sovereignty. Egypt and Sudan have a major territorial dispute over the Halaib Triangle, along the Red Sea, involving nearly eight thousand square miles. The Shebaa farms were disputed between Lebanon and Syria, but today they are part of the Golan Heights.

It should be recalled that the Golan Heights has now been under Israel for 51 years. From the declaration of Syrian independence to the 1967 Six Day War, the Golan was under Syria for only 21 years. And in 1981, Israel extended its law, jurisdiction and administration to the Golan Heights. Thus, Israel's position in the Golan Heights is not a recent development, but rather it is something that many in the international community have become accustomed to. The Jewish presence in the Golan actually dates back to the First Temple period, and was marked by major historical events like the fall of Gamla to the Roman Empire; it extended to as late as the eighth century CE.

To compare Israeli sovereignty in the Golan to Russia's claims in Ukraine or Chinese claims in the South China Sea is simply not valid. Some will try to argue that recognizing Israeli sovereignty over the Golan could encourage aggression by states in other territorial disputes. It must always be stressed that Israel captured the Golan in a war of self-defense. Israel was attacked in three wars by Syria – in 1948, 1967 and 1973. Aggressors must understand that they are not going to be rewarded, but those who defend themselves from aggression can be rewarded at the end of the day. This understanding will deter aggression in the future.

Conclusions

Israel today is under assault by the self-declared Iranian "Axis of Resistance," which has been operating under Russian protection. The threats of this pro-Iranian axis are viewed as a challenge not only by Israel, but by an assortment of Middle Eastern countries threatened by its activities from Morocco in the West to the Arab Gulf states and many of the riparian states of the Red Sea. These countries would have little problem with Israel retaining the Golan Heights.

As the Syrian state recovers from the Syrian civil war, its allies can be expected to make demands on its behalf, like the return of the Golan Heights to Syria. In fact, these demands have already begun to be voiced. The strongest rebuttal to this effort would be recognition of Israeli sovereignty over the Golan Heights.

This would demonstrate conclusively that those who use force to threaten their neighbors will not benefit in the court of international diplomacy. States today have a choice. They can back the demands of Iran and its supporters or they can recognize the rights of Israel in the Golan Heights. US recognition of Israeli sovereignty would set an important example for others. Three US administrations consistently confirmed that they envisaged that at the end of the day, Israel must remain on the Golan Heights. That core bi-partisan principle of past US policy cannot be realized in the long term without Israeli sovereignty over the Golan confirmed. It is my hope that this committee will support this outcome.

¹ Exchange between Amb. Dore Gold and Dr. Vitaly Naumkin at Valdai Conference, February 20, 2018 <http://jcpa.org/video/dore-gold-asserts-israels-legal-rights-to-the-golan-heights-at-international-meeting-in-moscow/>.

² Gerald Ford's Letter to Rabin, September 1, 1975, <https://www.jewishvirtuallibrary.org/president-ford-letter-to-israeli-prime-minister-rabin-september-1975>

³ "US Letter of Assurance to Israel, 1991," *The Search for Peace in the Arab-Israeli Conflict: A Compendium of Documents and Analysis*, Terje Rod-Larsen, Nur Laiq and Fabrice Aidan (eds.) Oxford University Press. Oxford 2014 p. 438-440. The letter stated, "You expressed a special concern about the Golan Heights. In this context, the United States continues to stand behind the assurance given by President Ford to Prime Minister Rabin on September 1, 1975."

⁴ Nadav Shragai interview with Zvi Hauser in *Israel Hayom*, February 22, 2018: "'Netanyahu requested and received a written clarification from Secretary of State Warren Christopher in 1996, stating that Israel is not subject to Rabin's promise regarding the Golan.' Rabin, as is known, conveyed a message to Syria that he would apply the principle of full withdrawal, that what took place following the peace agreement with Egypt is what would happen following a peace agreement with Syria. 'Netanyahu also requested and received a renewed written commitment to that given in President Ford's letter to Yitzhak Rabin in 1975, according to which the United States 'will give great weight to Israel's position that any peace agreement with Syria must be predicated on Israel remaining on the Golan Heights.'" <http://www.israelhavom.co.il/article/537773> (in Hebrew).

⁵ Meir Amit Intelligence and Terrorism Information Center, "Hezbollah and Iran-handled Shi'ite militias are integrated into the Syrian army in its campaign to take control of south Syria," July 11, 2018 <https://www.terrorism-info.org.il/en/hezbollah-iran-handled-shiite-militias-integrated-syrian-army-campaign-take-control-south-syria/> .

⁶ *Sworn to Destruction: What Iranian Leaders Continue to Say about Israel in the Rouhani Era*, Lt. Col. (ret.) Michael Segall, Daniel Rubenstein, Jerusalem Center for Public Affairs 2014, <http://jcpa.org/article/20-threats-iranian-leaders-made-in-2013/> .

⁷ Giora Eiland, *Awake at Night: An Autobiography*, Yediot Aharonot Publishers, Rishon LeZion, 2018 (in Hebrew).

Photo credit, page 1: Holy Land, Holy Cow Photos.

Mr. DESANTIS. Thank you. Well, your written statement will do it. We are over here.

So let me get on to Professor Kontorovich for 5 minutes.

STATEMENT OF EUGENE KONTOROVICH

Mr. KONTOROVICH. Chairman DeSantis, Ranking Member Lynch, honorable members of the committee, I am honored to speak here with you today about the question of American recognition of Israeli sovereignty over the Golan, an issue which I have examined in some detail in my academic work.

Foreign policy tries to be reality-based, and it is tries to be interest-based. For the past 50 years, the clear reality has been Israeli sovereignty over the Golan Heights, and everybody agrees that the Israeli presence there is certainly in U.S. interests and Israeli interests. Nobody is calling for an Israeli withdrawal in the present circumstances—nobody in U.S. policy circles.

So the question is why not recognize and give status, give legal status, to the happy status quo. Why not recognize Israeli sovereignty? It is generally not the U.S. practice to not recognize the claimed sovereign borders of countries with whom it has diplomatic relations.

The principal rationale for not recognizing Israeli sovereignty over the Golan Heights is a legal one. It is the claim that Israel's acquisition of the Golan was illegal, and thus, the U.S. cannot recognize it even if it is, indeed, happy with the status quo as a policy matter. That legal argument is inaccurate as I will now describe.

The centerpiece of the argument is the axiom that territory cannot be acquired by force. And that is a broad stroke description of a legal rule, which is generally accurate but lacks important nuance and detail which applies to the present case.

The basic prohibition on the acquisition of territory by force is a fairly new one. It comes from the U.N. Charter. The U.N. Charter, of course, bans the aggressive use of force as an instrument of state policy. Article 2-4 bans aggression.

As a corollary, it is easy to infer that if you are not allowed to attack your neighbors aggressively, you are not allowed to keep what you seize in a war of aggression. That is because the underlying war is illegal. So if you do something illegal, you cannot keep the poison fruits.

But not all war is illegal. The U.N. Charter also makes clear that just as aggression is fundamentally illegal, self-defense is fundamentally legal and an inherent right of nations. If the underlying war is legal, there is no reason to infer the corollary that territorial change resulting from such war would be illegal. Thus, in a defensive war, acquisition of force may well be legal.

Now, let us examine what the status of this principle was in 1967 because we need not ask what is the status of the legality of defensive conquests today because we need to ask what was the status in 1967 when the relevant events occurred. And it is very easy to find out what the status of this rule was in 1967. You go and see what people were saying about it in 1967 and before 1967.

First of all, it is important to note state practice under the U.N. Charter. After the passage of the U.N. Charter, it was not the case that the countries that joined the charter said defensive conquest

is out the window. Indeed, most countries that were part of the victorious allied cause redrew their borders to the detriment of the defeated Axis powers after the adoption of the U.N. Charter. Countries like Holland, France, Russia, Greece all acquired territory from their defeated neighbors in the 1940s as a result of World War II. They were well aware that this would raise a question of what the legal basis was, and in discussions at the U.N., the answer was quite clear. Those territorial changes are not precluded by the U.N. Charter because the underlying war was legal and defensive on the part of the allies.

This continued into the 1950s. Today the Republic of Korea, South Korea, controls territory north of the 38th parallel. Prior to the Korean War, the territory under South Korean control was entirely south of the 38th parallel, and as a result of its victory in the defense of the Korean War, it took some territory north of the 38th parallel, which the U.S. treats for all purposes a sovereign Korean territory. Certainly we would not wish to suggest the existence of a rule that would require the U.S. to reconsider the sovereign status of territory on the Korean Peninsula currently regarded as belonging to the Republic of North Korea and transfer it somehow to the north.

Similarly, the views of academics, leading jurists and the United Nations experts itself before 1967 clearly reflected the allowance of a conquest in a defensive war. This issue was discussed in some detail by the United Nations International Law Committee, which was created by the United Nations to formulate a more precise legal draft describing what the U.N. Charter requires in some detail. The document they came up with specifically addressed the question of territorial change and made clear that territorial change in war is only illegal when the war is itself—when the conduct of the hostilities is in violation of the U.N. Charter. And of course, the U.N. Charter recognizes the inherent right of self-defense.

Similarly, scholars before 1967 —

Mr. DESANTIS. Can we just wrap it up because I just want to get everyone in. We got members here that want to ask questions.

Mr. KONTOROVICH. Scholars recognized that there was no prohibition against defensive conquest and resolution 242 did not require Israel to withdraw from all territories, again recognizing this principle.

Members of the committee, chairman, honorable ranking member, thank you for your time.

[Prepared statement of Mr. Kontorovich follows:]

International Law and the Recognition of Israeli Sovereignty in the Golan Heights

Prepared written testimony of

Prof. Eugene Kontorovich
Northwestern University School of Law

Hearing before the
U.S. House of Representatives, Committee on Oversight
Subcommittee on National Security

July 17, 2018

Chairman DeSantis, Ranking Member Lynch, and honorable members of the Subcommittee, I am honored to be invited to testify before you today on the potential recognition by the United States of Israeli sovereignty over the Golan Heights. I will focus my testimony on the international legality of Israel's sovereign claims, and possible U.S. recognition, and add a few words about the errors of the foreign policy conventional wisdom in these matters.

I am a professor at Northwestern Pritzker School of Law, but am moving to George Mason University's Antonin Scalia School of Law next month. I also head the international law department at the Kohelet Policy Forum, a Jerusalem think tank. I have researched and written extensively on the legal and diplomatic aspects of the Arab-Israeli conflict, with articles published in major peer reviewed publications. I have testified numerous times before Congress, including this committee, as well as the Israeli Knesset, and the European Parliament.

I. The Legality of defensive conquest.

The widely-repeated view that recognizing Israeli sovereignty over the Golan Heights would be contrary to international law is based on one fundamental assumption: that at least since the adoption of U.N. Charter, international law prohibits *any* acquisition of foreign territory by force. While such a formulation of the rule is largely accurate, it omits crucial exceptions quite relevant to the case of the Golan Heights.

Whatever the current status of an absolute prohibition on territorial change resulting from war, there was certainly no such blanket prohibition in 1967, when the territory came under Israeli control. At the time, international law only prohibited acquisition of force in *illegal or aggressive* wars. This is evident from the source of the prohibition in the UN Charter, post-Charter state

practice, and the understandings of international jurists at the time. There is simply no precedent or authoritative source for forbidding defensive conquest in 1967.

The U.N. Charter prohibits war for most purposes. When the use of force is illegal, it is natural to conclude that any territorial gains from such aggression cannot be recognized as well. Thus the illegality of conquest arises from the presumptive illegality of the use of force. But crucially, the U.N. Charter does not make *all* war illegal. Indeed, it expressly reaffirms the legality of a defensive war. Since defensive war is not illegal, it follows that the defender's territorial gains from such a war would not be illegal.

A. Defensive conquest circa 1967

The fundamental legal question is whether the law as it stood in 1967 clearly barred territorial changes resulting from the legal use of force. To answer that, we must see how the state practice, and leading jurists, answered that question after the adoption of the U.N Charter and before 1967.¹

1. *The International Law Commission and leading scholars*

The legality of defensive conquest was endorsed by the International Law Commission, a body created by the General Assembly, and tasked with providing fuller explanations of the legal significance of the U.N. Charter and related documents. Composed of some of the most distinguished jurists of the time, its work in the immediate post-War period is seen as providing highly authoritative explanations of the UN Charter. In the ILC's drafting of their influential Draft Convention on the Rights and Duties of States (1949) and Draft Code of Offenses Against the Peace and Security of Mankind (1954), the question of the permissible scope of territorial conquest came up repeatedly.

The ILC repeatedly recognized that not all territorial changes in war are illegitimate. Not all annexations were bad, the U.S. delegate argued. All agreed that post-war frontier adjustments were justified to help protect the victim of aggression. There was broad consensus territorial change was only impermissible in a war of "aggression." Thus the final document provided that states have a duty "to refrain from recognizing any territorial acquisition by another State acting in violation" of the U.N. Charter or other international law rules. But Israel's use of force in 1967 was defensive – certainly the U.S. is entitled to view it as such – and thus explicitly lawful under the Charter. Thus there is no obligation to refrain from recognizing it.

Furthermore, the leading international law treatises immediately prior to 1967 reveal a disagreement between leading authorities such as Hersch Lauterpacht and Robert Jennings on whether defensive conquest was proper under the UN Charter. The majority opinion seems to side with the permissive view, but both sides acknowledged that the matter was disputed, and a clear rule had not emerged.

¹ The evidence and analysis presented here draws heavily from my article, *Resolution 242 Revisited: New Evidence on the Required Scope of Israeli Withdrawal*, 16 CHICAGO JOURNAL OF INTERNATIONAL LAW 127 (2015), where a fuller presentation, and citations to the relevant sources, can be found.

2. *State practice, 1945-67*

The views of the U.N.'s International Law Commission and most scholars in finding defensive conquest as lawful under the U.N. Charter should not be surprising given that it simply reflected broad state practice under the Charter. In the years immediately following the adoption of the Charter, many of the victorious Allies took territory of the defeated nations. All these annexations have been recognized, without controversy by the U.S. and international community. To mention only a few of these instances, Holland unilaterally annexed parts of Germany in 1949; Greece and Yugoslavia took parts of Italy; the U.S.S.R and Poland annexed large parts of Germany. The ILC in its deliberations specifically addressed the legal basis for these annexations: because the underlying use of force was lawful (defensive), the acquisition of territory can be permitted.

Nor did this practice stop with the immediate aftermath of WWII in the 1940s. At the close of the Korean War in 1953, the Republic of Korea controlled and claimed sovereignty of portions of territory north of the pre-war boundary at the 38th parallel. Nonetheless, the U.S. and the international community has not seen any obstacle to recognizing Seoul's sovereignty over this territory. Most recently, both Congress² and the Executive³ have recognized Israeli sovereignty over a unified Jerusalem, though parts of the city, like the Golan Heights, only came under Israeli control in 1967. (To be sure, Israel has several other legal grounds for asserting sovereignty over Jerusalem aside from defensive conquest, such as prior title.⁴)

An examination of state practice and international legal opinion shows that international law did not prohibit, and may even have affirmatively sanctioned, defensive conquest as of 1967. The lack of clarity is itself important, because in international law there is a meta-principle dealing with situations where it is not clear whether a rule has emerged. Known as the *Lotus* Principle, the rule is that when it is not clear whether an international law rule has emerged, states remain free to act.⁵ That is, the burden of proof is on those seeking to demonstrate the existence of a rule that would limit sovereign action. That which is not clearly prohibited is permitted.⁶

It is not necessary to consider whether any norm prohibiting defensive conquest emerged subsequently to Israel's actual conquest of these territories. Under the doctrine of intertemporal law, subsequent developments in international law do not change the status of developments that occurred before those changes. That is, international law is non-retroactive, and this is most emphatically true for questions of territorial sovereignty and conquest, where any other principle would lead to chaos in international relations.⁷

Finally, it must be observed that there are other cases where territorial annexation resulting from the use of force has resulted in widely-recognized changes in sovereignty *even absent any*

² See Jerusalem Embassy Act, Pub. L. 104-45 (Nov. 8, 1995).

³ See Eugene Kontorovich, *America Recognizes One Jerusalem*, WALL STREET JOURNAL (May 12, 2018).

⁴ See Avi Bell & Eugene Kontorovich, *Palestine, Uti Possidetis Juris and the Borders of Israel*, 58 ARIZONA LAW REVIEW 633-92 (2016).

⁵ S.S. "Lotus", France v Turkey, Judgment, (1927) PCIJ Series A no 10, ICGJ 248 (PCIJ 1927), 7th September 1927.

⁶ See Daniel Bodansky, *"Non Liquet and the Rule of Law"*, in INTERNATIONAL LAW AT THE CLOSE OF THE 20TH CENTURY: THE NUCLEAR WEAPONS ADVISORY OPINION, 161 (Cambridge University Press, 1999).

⁷ See MALCOLM SHAW, INTERNATIONAL LAW, 8th ED. 377 (Cambridge 2017).

plausible claim of self-defense. Of course, Israel's control of the Golan did not arise in war of conquest or aggression, but one of defense and necessity. The discussion here of offensive conquest is only intended to underscore the point that one cannot take statements about non-recognition requirements as absolutes.

For example, the U.S. and the international community recognizes the Socialist Republic of Vietnam as sovereign over both north and south Vietnam, though of course it conquered much of it in an aggressive war against the Republic of Vietnam. Yet when the U.S. restored diplomatic relations with Hanoi under President Clinton, it fully recognized its sovereignty over the entire South. In another famous example, India invaded and annexed the sovereign Portuguese territory of Goa and other territories in 1961. While the United States strongly condemned this action, and scholars widely regard it is illegal, the international community eventually came to accept Indian sovereignty over the territory.

The Vietnamese and Goan cases do not fit in any neat doctrinal boxes: their conquest was certainly illegal. But international law clearly allows, in practice, for some flexibility or nuance in applying the rule against offensive conquest, though such exceptions must be quite narrow. For example, the main argument in favor of India turned on the illegitimacy of Portuguese rule. That argument would seem to apply *a fortiori* to Syria, a state whose extraordinary actions over the past six years have attached to it a level of international illegitimacy that is hard to match.

B. Policy arguments

Many contemporary scholars argue against defensive conquest on policy grounds. Allowing for so-called "defensive conquest" would encourage countries to undertake aggressive campaigns of conquest under the pretext of self-defense. But self-defense is already clearly authorized by the U.N. Charter, and is frequently invoked as a pretext by aggressors. It is up to members of the international community, including the U.S., to exercise their judgement as to whether the underlying use of force is lawful. If defense cannot in practice be distinguished from aggression, then this is a failing of the entire U.N. Charter. The Charter's entire security system depends on being able to distinguish between aggression and self-defense.⁸

But the policy arguments for allowing for defensive conquest are compelling. Without such a possibility, an attempted aggressor is insured against significant negative consequences. Territorial expansionism becomes a no-lose game, because aggressors will always at least break even. In short, the lack of any self-help sanctions serves as a license and inducement to aggressors, especially in the absence of a unified international security regime of the kind the Charter originally envisaged.

Furthermore, it is hard to believe that a rogue regime that would not respect the basic norm against aggression would be marginally deterred by a corollary prohibiting its acquisition of force through such unlawful action. In practice, what stops aggressors from engaging in conquest (or emplacing puppet regimes) is forcible resistance by the victim, with backing by the

⁸ Thus the U.S. and other countries distinguish between the lawfulness of the circumstances under which the Golan fell under Israeli control, and, for example, the circumstances under which Crimea fell under Russian control. The ability to make that distinction suggests it can be extended to the consequences of the control.

international community. A rule against defensive conquest only works to limit the scope of allowable resistance by the victim state.

Many would say that Israel's ongoing de facto control of the Golan is lawful, but its sovereignty cannot be recognized. Again, this effectively punishes the victim. Even a rule allowing a defender to occupy territory seized in a defensive war indefinitely (until a genuinely peaceable regime emerges on the other side) - but without asserting sovereignty - is costly to the defender. This means the defending state controls the territory for decades, investing in its infrastructure, supporting its population, and so forth, but must be willing to forfeit all this at a moment's notice. One might say a reasonable and equitable rule would place the fault for failing to secure peace on the aggressor state after some period of time -certainly after 50 years - and thus waive any residual claim it has.

II. The disproven foreign policy consensus on Jerusalem and the Golan

Even discussing Israeli sovereignty over the Golan purely from a legal perspective goes sharply against the grain of consensus among Middle East experts. The conventional view is that Israel must at some point return the Golan Heights to the Syrian Arab Republic. Many will likely argue that recognition would harm U.S. relations with the Arab world, or be "destabilizing." Thus in closing, a few observations are in order about the value of the accepted wisdom in these matters.

It is useful to recall the debate over moving the U.S. Embassy to Jerusalem, about which I had the honor to testify before this committee less than a year ago.⁹ The conventional foreign policy wisdom at the time was that such an action would lead to an eruption of violence in Jerusalem, and threaten the security of U.S. missions and citizens around the world. Those predictions proved, thankfully, spectacularly wrong, in a way that should cast serious doubt on the predictive power of Middle East expertise.

The same degree of systematic error can be observed in the foreign policy establishment's recommendations regarding Israel and Syria. Less than a decade ago, the conventional wisdom of the foreign policy establishment was that Israel should return the Golan Heights to Syria in a peace deal.

Not only would an Israeli withdrawal make peace between the two countries, the story went, it would get Damascus to break its alliance with Iran. The views of Amb. Martin Indyk in a 2010 New York Times op-ed were typical:

*Today, nothing could better help Obama to isolate Iran than for Netanyahu to offer to cede the Golan. . . Netanyahu must make a choice: take on the president of the United States, or take on his right wing.*¹⁰

This position was standard. Indeed, never were experts more confident that Assad was a partner for peace than in the years just prior to his campaign of systematic ethnic cleansing and gassing of his own population. In 2009, a blue-ribbon panel that that included Zbigniew Brzezinski,

⁹ *U.S. Policy on Israel Held Hostage by Threats and Outdated Arguments*, testimony before the U.S. House Committee on Oversight, Subcommittee on National Security (Nov. 7, 2017).

¹⁰ Martin S. Indyk, *When Your Best Friend Gets Angry*, NEW YORK TIMES (April 29, 2010).

Chuck Hagel, Lee Hamilton, Brent Scowcroft and others released a report about the “last chance” for peace. Among other things, it recommended that the U.S push for a full Israeli withdrawal from the Golan to “fundamentally transform the regional landscape and ultimately detach Damascus from its uneasy strategic partnership with Iran.”¹¹

In the same vein, Richard Haass, the head of the Council on Foreign Relations, painted this rosy picture:

*Israel's security could be further buttressed by demilitarizing the territory returned to Syria. Technology could provide early-warning systems. Peacekeepers (possibly American) could be stationed there, much as they are in the Sinai to buttress the peace between Israel and Egypt. And the Syrian leadership is sufficiently strong that it could live up to security commitments.*¹²

Today, every aspect of the assumptions behind these suggestions has been entirely discredited. Firstly, Assad is not and never was a peacemaker. The notion that he would abide by a deal with Israel any more than the countless ceasefires, chemical weapons agreements and treaties, and basic international commitments that he has flouted in the past seven years strains credulity.

Second, his alliance with Iran is not a bad relationship he stumbled into, but rather his greatest strategic asset. Iran has ensured the survival of his regime and family when most others countries would turn away in disgust: that is not an alliance he would give up for the Golan.

As for peacekeepers in a possible peace deal, the U.N. peacekeepers already stationed in the Golan fled their positions at the outbreak of the civil war. The demilitarized zone between Israel and Syria – the fruit of earlier diplomatic accords - has been remilitarized by both Assad and rebel groups. Nor have U.S. allies in Syria, such as the Kurds, been able to rely much on direct U.S. backing when the going gets tough. Thus the peace deal widely favored just a few years ago by leading policy experts would have expanded Assad’s power and threatened Israel – for naught.

The profound and demonstrable error of the foreign policy consensus in these matters – from Jerusalem to the Golan – is something that must be taken into account going forward. It suggests that in charting future policy, the U.S. should not be guided by the same hollow certitudes. In the wake of these serious misjudgments by leading Middle East professionals, it would behoove the U.S. to look in totally different directions for solutions. Just as many said “now is not the right time” to move the embassy, a similar refrain will be heard about the Golan. But now – in the wake of falsely positive predictions about the nature of the Assad regime and falsely negative ones about the consequences of moving the embassy to Israel – it is the right time to seek entirely new paradigms in these matters. Recognizing Israeli sovereignty over the Golan is a start.

Thank you for giving me the opportunity to address these issues, and I welcome your questions.

¹¹ U.S./Middle East Peace Project, *A Last Chance for A Two-State Israel-Palestine Agreement*.

¹² Richard H. Haas, *Obama Needs to Talk to Damascus Now*, NEWSWEEK, (Feb. 27,2009).

Mr. DESANTIS. Thank you.
Ambassador, you are up.

STATEMENT OF AMBASSADOR DANIEL KURTZER

Ambassador KURTZER. Chairman DeSantis, Ranking Member Lynch, members of the subcommittee, thank you for the opportunity to join you today.

Drawing on 3 decades of experience in the United States Foreign Service, including 4 years serving in Israel during the 1980s in the Reagan administration and then 4 more years as President George W. Bush's Ambassador to Israel, my analysis and recommendation on this issue is rooted in two questions. First, is there a compelling American interest that would be advanced by recognizing Israeli sovereignty over the Golan Heights? Second, would recognition of Israeli sovereignty materially enhance Israeli security?

Let me start with the bottom line. The answer to both questions I believe is no. I believe that our national security interests counsel in favor of maintaining our existing policy with respect to Israel, Syria, and the Golan Heights. That policy includes strong and determined support for Israel's serious and legitimate security concerns, support for Israel's humanitarian assistance to victims of the conflict in Syria, and maintenance of the status quo with respect to the status of the Golan Heights themselves.

The threats to Israel from Syria are real. Since the start of the civil war in 2011, the Syrian regime and its allies, Iran, Iranian proxies, and Hezbollah have threatened Israel's security from across the Separation of Forces line that was agreed between Israel and Syria in 1974.

In the face of these threats, Israel's policy has been retrained and nuanced. Israel has made clear that it has no interest to interfere in Syria's internal struggles. Israel has made equally clear that it would act as necessary to safeguard its security in response to threats emanating from Syrian territory. Both elements of this Israeli policy were reiterated last week by Prime Minister Netanyahu before and during his visit to Moscow.

The United States has wisely supported Israel's actions to defend itself, including the interdiction of Iranian arms shipments to Hezbollah via Syria, attacks targeting Iranian arms depots and installations, and disruption of efforts by Iran and its proxies to establish a permanent military presence in Syria. None of these essential actions by Israel would be enhanced by U.S. recognition of Israeli sovereignty over the Golan Heights.

Israel's current policy and actions, in fact, have garnered wide understanding and support. Changing the subject now to Golan's legal status would change the discourse in the region, including among Arab states that are drawing closer to Israel in the face of common threats to their own security. Indeed, a change in U.S. policy would put the focus on this issue instead of where it belongs, on the murderous actions of the Syrian regime and the support provided to Syria by Iran and Russia.

As we all know, the issue of Golan's sovereignty is nowhere near the top of the Middle East's overburdened agenda. What sense, therefore, does it make to focus on this issue now?

It is also important to recall that Prime Ministers Rabin, Peres, Netanyahu, Barak, and Olmert have all conducted open or secret peace talks with Syria in the past that included the status of Golan as one of the central agenda items. Notwithstanding Israel's 1981 legislation that extended Israeli law, jurisdiction, and administration to the Golan Heights, Prime Minister Rabin's policy articulated in 1993 has de facto been adopted by all of these prime ministers since then; that is, Israeli willingness to meet Syria's requirements on territory if Syria were ready to meet Israel's requirements on security, water, and the nature of peace. To be sure, I do not advocate the resumption of peace talks now and surely do not advocate any change in the status quo on Golan. But it also makes no sense to introduce the sovereignty issue now in the midst of the volatile situation in Syria.

Since 1967, the United States has considered Golan to be occupied territory covered by the provisions of the United Nations Security Council resolution 242. And the United States has also been sensitive to Israel's legitimate security needs as reflected in the 1975 letter sent by President Gerald Ford to Prime Minister Rabin and reiterated later by subsequent administrations.

Finally, the United States has a fundamental longstanding interest in supporting the territorial integrity of states, even those we do not like. Syria has a very long way to go before it can reconstruct its politics, society, and economy and take its place among the civilized nations of the world. But the Syrian case does not offer a justification for changing American policy on this crucial principle.

I will close by emphasizing again that the United States must continue to support Israel's security actions designed to protect its citizens from attacks emanating from Syria, and the United States must work with Israel and others to ensure that Iran, Iranian proxies, and Hezbollah do not establish military bases in Syria from which to threaten Israel. These are the challenges for the United States policy and for Israel on which we should be working together and with others.

Thank you.

[Prepared statement of Ambassador Kurtzer follows:]

Written statement of
Ambassador (Ret.) Daniel C. Kurtzer
Before the
Congress of the United States
House of Representatives
Committee on Oversight and Government Reform
Subcommittee on National Security

“A New Horizon in U.S.-Israel Relations: From an American Embassy in Jerusalem to
Potential Recognition of Israeli Sovereignty over the Golan Heights”

July 17, 2018

Mr. Chairman, Mr. Ranking Member, Distinguished Members of the Subcommittee,

Thank you for the opportunity to provide testimony and respond to questions regarding the issue of whether the United States should recognize Israeli sovereignty over the Golan Heights. Drawing on my three decades of experience in the United States Foreign Service, almost entirely focused on the Middle East, and including more than four years as President George W. Bush’s Ambassador to Israel, my analysis and recommendation on this issue is rooted in two questions: First, is there a compelling American interest that is advanced by recognizing Israeli sovereignty over the Golan Heights? Second, would recognition of Israeli sovereignty materially enhance Israeli security?

Let me start with the bottom line: I do not believe that there is an American interest at this time; and I do not believe this would enhance Israeli security. Rather, I believe that our national security interests counsel in favor of maintaining our existing policy with respect to Israel, Syria, and the Golan Heights. That policy includes strong and determined support for Israel’s serious and legitimate security concerns; support for Israel’s humanitarian assistance to victims of the conflict in Syria; and maintenance of the status quo with respect to the Golan Heights themselves.

First, as to Israel’s serious and legitimate security concerns—

We cannot forget that Syria used its commanding position on the Heights before 1967 to shell Israel and to try to disrupt Israel’s efforts to build a national water carrier. Syrian aggression played a major role in the run-up to the 1967 war. Israel has also faced a significant security threat from Syria since the start of the civil war in 2011, where groups aligned with the Syrian regime – especially Iranian forces, Iranian proxies

and Hezbollah – have threatened Israel’s security from across the 1974 agreed Separation of Forces line that was agreed between Israel and Syria.

In the face of these threats, Israel’s policy has been clear, restrained, and nuanced. Israel made clear from the outset that it had no intention to interfere in Syria’s internal struggles, but it made equally clear that it would act as necessary to safeguard its security in response to threats emanating from Syrian territory. Prime Minister Benjamin Netanyahu stated this clearly last week during his visit to Russia: “We haven’t had a problem with the Assad regime for 40 years, not a single bullet was fired on the Golan Heights,” Netanyahu said. He continued, “I have set a clear policy that we do not intervene and we have not intervened. This has not changed.”

The Prime Minister also reiterated Israel’s determination to act to protect Israel against threats to its security emanating from Syria. Attacks against Israel have been constant, including artillery and rocket fire, as well as Iran’s ongoing effort to resupply Hezbollah and to establish bases in areas from which it or its proxies could operate against Israel. Israel has acted to counter these threats by intercepting Iranian arms shipments to Hezbollah via Syria, attacking Iranian arms depots and military installations, and disrupting the efforts by Iran and its proxies to establish a permanent military presence in Syria. The United States has wisely supported Israel’s right to defend its security and its people.

The United States should continue to support these Israeli security actions. Prime Minister Netanyahu reportedly told the Israeli Cabinet before departing for Moscow last week that he would “reiterate the two basic principles of Israel’s policy: First, we will not tolerate the establishment of a military presence by Iran and its proxies anywhere in Syria – not close to the border and not far away from it. Second, we will demand that Syria, and the Syrian military, strictly uphold the 1974 Separation of Forces Agreement.”

The United States should support this policy and exert efforts diplomatically to constrain and ultimately remove Iranian forces, Iranian proxies, and Hezbollah from Syria. The United States should also continue to provide Israel with the necessary means to ensure its security vis-à-vis the Syrian internal chaos.

In this respect, it is important to emphasize the bipartisan nature of American support for Israel and for Israeli actions taken to ensure its security. Every administration – Republican and Democrat – can proudly share in the longstanding policy of support for the security, well-being and health of the State of Israel.

Second, as to Israel's humanitarian assistance to victims of the conflict in Syria –

This salient factor does not get sufficient attention. Notwithstanding the threats its faces from malign elements in Syria, Israel has become a destination for wounded Syrian civilians and a source of humanitarian aid to Syrian communities across the line. The Syrian regime under Bashar Assad has conducted a brutal, horrific seven-year war against its own people that has left more than half a million dead and millions homeless, either displaced within Syria or as refugees. Israel is one of the few countries to extend meaningful humanitarian assistance to the Syrian people. The United States should support – and indeed applaud – Israel's continuing humanitarian activities, providing aid to the suffering victims of a violent conflict.

Third, and without diminishing the force of either of the two preceding points: Is there a compelling United States national interest today in recognizing Israeli sovereignty over the Golan Heights? Here, I submit that there is not. The question of Israeli sovereignty over the Golan is not pressing, nor anywhere near the top of the Middle East's over-burdened agenda.

I speak to this issue based on extensive relevant experience in enhancing U.S.-Israeli relations and strengthening Israeli security capabilities. Throughout my diplomatic career, I was proud to play an instrumental role in deepening and strengthening our bilateral relations. This included helping to develop the architecture of strategic relations in the 1980's – including beginning bilateral for a related to political-military relations, economic ties, regional political threats, and security assistance. Subsequently as a member of Secretary of State George P. Shultz's policy planning staff, we worked closely with Israel on peace process issues. During the George H.W. Bush administration, I served as a deputy assistant secretary for Near Eastern affairs, a period marked by significant expansion of Israel's diplomatic ties. As the Principal Deputy Assistant Secretary for Intelligence and Research, I supported efforts to enhance intelligence sharing and cooperation. And as the U.S. Ambassador to Israel, I worked closely with the government of Prime Minister Ariel Sharon to strengthen further our security and political cooperation and to cement the ties between our two peoples.

It was also my privilege to serve on the "peace team" of Secretary of State James A. Baker III and Secretary of State Warren Christopher. I traveled with Secretary Baker on his numerous trips to the region that culminated in the convening of the Madrid Peace Conference in October 1991. Both Syria and Israel participated in that conference, and they launched bilateral peace negotiations shortly thereafter. During the years that

followed, Syria and Israel engaged in often-intense talks to resolve the core issues that divided them: security, territory, normal relations, and the like.

My responsibilities on the peace team included serving as the United States liaison to the Israel-Syria track. Both Secretary Baker and Secretary Christopher asked me to monitor these talks closely and report on their progress. I met frequently with Israeli Ambassador and chief negotiator Itamar Rabinovich and with the chief Syrian negotiator, Ambassador Muwafiq 'Allaf and/or the Syrian Ambassador to the United States, Walid Mualam, to discuss the progress and obstacles in the talks and to report to the Secretary and the rest of the peace team.

Although these talks ultimately failed to achieve the desired outcome of a comprehensive peace treaty, the two sides narrowed some differences, including related to the Golan Heights. The most significant diplomatic opening occurred in August 1993 when Israeli Prime Minister Yitzhak Rabin presented Secretary Christopher with what became known as "the deposit" – a hypothetical formula indicating Israel's readiness to meet Syria's requirements regarding territory if Syria were ready to meet Israel's requirements on security and the nature of peace. Prime Minister Rabin subsequently elaborated this "deposit" to indicate that Israel understood Syria's territorial requirement to be the return of Israel to the June 4, 1967 lines.

Notably, Prime Minister Rabin's statement of Israel's policy came more than a decade after the Israeli Knesset passed legislation that extended Israeli "law, jurisdiction and administration" to the Golan Heights. President Reagan's administration strongly objected to that legislation, but even that law passed by the Knesset, which stopped short of annexation, effectively left the door open to an ultimate deal with Syria that was generally understood would necessarily involve the Golan Heights.

After the assassination of Prime Minister Rabin, four of his five successors – Prime Ministers Shimon Peres, Benjamin Netanyahu, Ehud Barak, and Ehud Olmert – followed largely the same approach. Each conducted open or secret talks with Syria that were based essentially on the same "deposit" first articulated by Prime Minister Rabin. Prime Minister Ariel Sharon, with whom I developed a particularly close relationship while serving as Ambassador to Israel, had no interest in trying to talk peace with the Syrians, but he also did not take any actions to expressly withdraw from the policy positions put forth by his predecessors Prime Ministers Rabin, Peres, Netanyahu, and Barak.

Throughout this period, therefore, it was understood and accepted by the Government of Israel itself that the Golan Heights was territory whose future status was subject to the conclusion of Israeli-Syrian negotiations. As far as United States policy, every administration since 1967 has similarly considered the Golan Heights to be occupied territory, covered under the provisions of United Nations Security Council Resolution 242. At the same time, the United States has been sensitive to Israel's legitimate security needs with respect to the Golan Heights. In 1975, President Gerald Ford stated in a letter to Prime Minister Rabin: "The U.S. will support the position that an overall settlement with Syria in the framework of a peace agreement must assure Israel's security from attack from the Golan Heights. The U.S. further supports the position that a just and lasting peace, which remains our objective, must be acceptable to both sides. The U.S. has not developed a final position on the borders. Should it do so it will give great weight to Israel's position that any peace agreement with Syria must be predicated on Israel remaining on the Golan Heights."

Thus, the questions that animate today's hearing: Is there a compelling national interest of the United States, today, to change that policy through the unilateral recognition of Israeli sovereignty over territory occupied since 1967? And would such recognition enhance Israeli security? I believe the answer to both questions is 'no.'

First, Israel's policy vis-à-vis Syria today has the tremendous advantage of being on the high ground – diplomatically and morally. A decision now by the United States to raise the issue of Israeli sovereignty would have the effect of putting Israel squarely into the center of Syrian internal politics, something Israel has assiduously avoided since 2011. It would put the focus on Israeli and American policy, instead of where it belongs – on the murderous actions of the Syrian regime and the support provided to Syria by Iran and Russia.

Some may claim that recognition of Israeli sovereignty would enhance the effort to contain Iran. I do not see the connection. Israel already occupies the Golan Heights and from that platform has taken, as I have noted above, the actions it has deemed necessary in its security interest to contain Iran's activities in Syria and in Lebanon. Recognition of Israeli sovereignty over the Golan Heights would have zero effects on Israel's ability to maneuver in that respect.

Nor do I see any basis to conclude that recognition of Israeli sovereignty in the Golan Heights would bolster Israel's security in any other way. To the contrary, it might force some in the Arab world – who are not presently questioning or opposing Israel's security actions there – to oppose this move publicly. This could potentially damage the positive, burgeoning relations between Israel and some Arab neighbors.

Equally importantly, the United States has a fundamental, longstanding interest in supporting the territorial integrity of states, even those we do not like. Syria has a long way to go before it can reconstruct its politics, society, and economy and take its place among the civilized nations of the world. But the Syrian case does not offer a justification for changing American policy on this crucial principle. If the United States were to recognize Israeli sovereignty over the Golan Heights, on what principled basis would we oppose annexation of territory by other countries, whether by aggressive action as in the case of Russia's annexation of Crimea, or even as a result of an essentially defensive war, as in the case of Israel in 1967?

I want to emphasize again that I support Israel's security actions designed to protect its citizens from attacks emanating from Syria. I do not support any effort now to press for the resumption of peace talks between Israel and Syria. The Syrian crisis is far from over, and the security impact of Syrian actions against its own people will be felt regionally for many years to come. The Syrian regime has invited help from Iran and Russia, both of which have participated actively in the killing and brutality inflicted on the Syrian people. Syria has also invited help from Hezbollah, a Lebanese terrorist organization responsible for launching attacks against Israel and causing significant casualties and property damage. Today, Israel needs security from Syria and its erstwhile allies, not a peace process with Syria. Should a moment arrive in the future when, under a different Syrian regime the possibility of peace emerges, Israel will be in a position to take its decision regarding the ultimate status of the Golan Heights.

Nor is there reason to divert attention to a current non-issue – the legal status of the Golan Heights – where Israeli security needs and actions there are presently a matter of widespread consensus. Instead, we should work with Israel and like-minded allies on a strategy to help secure Israel and advance American and Israeli national security interests in that troubled region.

Mr. DESANTIS. Thank you.
Mort Klein, you are up for 5 minutes.

STATEMENT OF MORTON KLEIN

Mr. KLEIN. Yes. Chairman DeSantis, Ranking Member Lynch, members of the committee, thank you for holding this hearing.

First, I simply wanted to say that Rabin also promoted the Oslo Agreements, which turned out to be a disaster. Sharon promoted the Gaza withdrawal, which turned out to be a disaster. And now these and other top experts understand that giving away any part of Syria will not work, that the Arabs are not in any way interested in peace. The polls show overwhelmingly 5 to 1 the Israelis oppose giving up the Golan.

I am going to emphasize three quick areas: security, historic and legal.

Israeli control over the western two-thirds of the Golan is a key bulwark against radical regimes and affiliates that threaten the security and stability of the U.S., Israel, the entire Middle East and beyond.

The Golan Heights consists of a strategically located high ground, provides Israel with an irreplaceable ability to monitor and take countermeasures against growing threats at or near the Syrian-Israel border. These growing threats include the extremely dangerous hegemonic expansion of the Iranian, Syrian, even Russian and North Korean axis, and the presence in Syria close to the Israeli border of terrorist groups like the Iran Revolutionary Guard's the Qods Forces, Hezbollah, Palestinian Islamic Jihad, Syrian forces, and radical Sunni Islamist groups as well.

The Iranian regime is attempting to build an 800-mile land bridge to the Mediterranean, running through Iraq and Syria. Among other things, this would enable Iran to obtain naval ports far from Iran's mainland that enhance Iran's ability to deliver advanced weaponry and support to Hezbollah and Iran's other proxies that wreak terror throughout the world. This major strategic threat makes it more important than ever to shore up Israel's position in the Golan.

Several times during the recent past, Israel has intercepted drones launched and controlled from Syria with the assistance of Iranian Qods Forces. In February, surface-to-air missiles in Syria shot down an Israeli F-16 fighter jet. Such alarming recent incidents confirm the presence of the Iranian front in Syria and vividly demonstrate the necessity for assuring Israeli sovereignty over the Golan.

America's moderate Sunni Arab allies would very likely be pleased by the U.S. recognition of the Israeli sovereignty in the Golan in that this would help stem Iranian aggression and the very same terrorist actors confronting our moderate Arab allies. Indeed, this very past May, after the Iranian Qods Force launched 20 rockets from Syria into Israel and the Israeli Air Force responded by striking dozens of military targets in Syria that belonged to Iran's Qods Force, the Arab Islamic country of Bahrain issued a public statement supporting Israel's right to defend herself by destroying the sources of danger, and Bahrain criticized Iran for using its missiles to destabilize the region.

The necessity for recognizing Israel's retention of the Golan was dramatically demonstrated during the 1973 Yom Kippur War. Israel's presence on the Golan provided Israel with the strategic depth that enabled forces to assemble and push back Syria's initially effective surprise invasion. Without the Golan, Syrian forces could have overrun Israel in a nightmare scenario. And today, with even more sophisticated weaponry that are held by these groups, it is even more important that Israel can never give away the Golan.

Because Israel is our front line in the war to defeat radical Islamist terror, it is surely in America's self-interest to ensure that Israel maintains and enhances her ability to defend herself and defeat these anti-American, anti-West terrorists.

In sum, bolstering Israel's sovereignty of the Golan by conferring formal U.S. recognition serves U.S. national security interests. Therefore, it is eminently sensible to agree to Prime Minister Netanyahu's and Vice President Pence's urging U.S. recognition of Israeli sovereignty over the Golan.

It also would send a message to Syria and the Palestinian Authority and the Arab world the jig is up. If you do not change your behavior, if you do not stop terrorism, if you refuse to negotiate, you will be held accountable, and you will lose all support for your demands.

There are, moreover, no possible security arrangements that can substitute the topographical advantages, early warning stations, locations, and strategic depth provided by Israel's retention of the Golan. Israel will lose four of its five early warning stations if it gives up the Golan.

Moreover, it is the right thing to do. Israel has the strongest ancient and modern historical claims evidenced by numerous archaeological finds including dozens of ancient Jewish synagogues in the Golan, villages and towns in the Golan Heights. They found Israeli Jewish coins in the Golan. And in fact, even for those who believe in the Bible, it was promised to Abraham in the Bible. The Golan Heights was promised in Deuteronomy 4:43.

Israel also has a legal right to the Golan, stemming from the Golan's inclusion in the 1922 League of Nations Mandate, agreed to by the U.S. in an internationally binding treaty. This mandate required Britain to hold the area in trust for the reestablishment of the Jewish homeland, but Britain unlawfully traded the Golan to the French for rights to the Iraqi oil fields.

I have here a picture. It is very important—of the 1920 Balfour Declaration that includes the Golan to be part of Israel. Even after they gave up 80 percent of Palestine, Golan Heights in the 1922 decision was still part of Israel.

U.S. recognition of Israel's sovereignty over the Golan would implement a U.S. treaty obligation that has been U.S. law for 93 years, and it would help rectify Britain's 95-year wrong.

During the 21 years when Syria controlled the Golan, there was no peace. Israel protects the lives and religious rights and sites of all in the Golan. Moreover, its field hospitals, humanitarian assistance to Syrian victims shows how important it is. Plus, it would be a humanitarian nightmare to move 30,000 Jews and 20,000 Druze out of the Golan.

[Prepared statement of Mr. Klein follows:]



**Written Testimony of
Zionist Organization of America (ZOA) National President Morton A. Klein¹**

**Hearing on: A NEW HORIZON IN U.S.-ISRAEL RELATIONS: FROM AN
AMERICAN EMBASSY IN JERUSALEM TO POTENTIAL RECOGNITION OF
ISRAELI SOVEREIGNTY OVER THE GOLAN HEIGHTS**

**Before the
House of Representatives Committee on Oversight and Government Reform
Subcommittee on National Security
Tuesday July 17, 2018, 10:00 a.m.
Rayburn House Office Building, Room 2154
Chairman Ron DeSantis (R-FL)
Ranking Member Stephen Lynch (D-MA)**

Introduction & Summary

Chairman DeSantis, Vice Chairman Russell, Ranking Member Lynch, and Members of the Committee: Thank you for holding this hearing to discuss the potential for American recognition of Israeli sovereignty over the Golan Heights, in furtherance of U.S. national security interests.

Israeli sovereignty over the western two-thirds of the Golan Heights is a key bulwark against radical regimes and affiliates that threaten the security and stability of the United States, Israel, the entire Middle East region, and beyond.

The Golan Heights consists of strategically-located high ground, that provides Israel with an irreplaceable ability to monitor and take counter-measures against growing threats at and near the Syrian-Israel border. These growing threats include the extremely dangerous hegemonic expansion of the Iranian-Syrian-North Korean axis; and the presence in Syria, close to the Israeli border, of Iranian Revolutionary Guard and Quds forces; thousands of Iranian-armed Hezbollah fighters; Palestinian Islamic Jihad (another Iranian proxy); Syrian forces; and radical Sunni Islamist groups including the al Nusra Levantine Conquest Front (an incarnation of al Qaeda) and ISIS.

The Iranian regime is attempting to build an 800-mile land bridge to the Mediterranean, running through Iraq and Syria. Among other things, this would enable Iran to obtain naval ports, far from Iran's mainland, that enhance Iran's ability to deliver advanced weaponry and

¹ ZOA Director of Special Projects Elizabeth Berney, Esq. assisted with this written testimony.

support to Hezbollah and Iran's other proxies that wreak terror throughout the world. This major strategic threat makes it more important than ever to shore up Israel's position in the Golan.

Several times during the recent past (including just last week), Israel intercepted drones launched and controlled from Syria, with the assistance of Iranian Quds forces. In response, Israel's air force destroyed Iranian/Quds Forces and Syrian aerial and launch facilities in Syria. In February, surface-to-air missiles in Syria shot down an Israeli F-16 fighter jet. Such alarming recent incidents confirm the presence of the Iranian front in Syria, and vividly demonstrate the necessity for assuring Israeli sovereignty over the Golan.

During a major campaign speech in March 2016, then candidate-Trump recognized the dangers of the Iranian front in Syria, along with multiple other Iranian malign activities, stating:

I speak to you today as a lifelong supporter and true friend of Israel. . . . **Iran is a problem in Iraq, a problem in Syria**, a problem in Lebanon, a problem in Yemen and will be a very, very major problem for Saudi Arabia. Literally every day, **Iran provides more and better weapons to support their puppet states**. Hezbollah, Lebanon . . . has received sophisticated anti-ship weapons, anti-aircraft weapons and GPS systems and rockets like very few people anywhere in the world and certainly very few countries have. **Now they're in Syria trying to establish another front against Israel from the Syrian side of the Golan Heights**. In Gaza, Iran is supporting Hamas and Islamic jihad. And in the West Bank, they're openly offering Palestinians \$7,000 per terror attack and \$30,000 for every Palestinian terrorist's home that's been destroyed. A deplorable, deplorable situation.²

America's moderate Sunni Arab allies could very well be quietly pleased by U.S. recognition of Israeli sovereignty in the Golan, in that this would help to stem Iranian aggression and the very same malign actors confronting our Arab allies. Indeed, this past May, after the Iranian Quds Force launched 20 rockets from Syria into the Israeli Golan Heights, and the Israeli Air Force responded by striking dozens of military targets in Syria that belonged to Iran's Quds Force, Bahrain issued a statement supporting Israel's right to defense herself by destroying sources of danger, and criticizing Iran for using its missiles to destabilize the region.³

The necessity for recognizing Israel's retention of the Golan was also dramatically demonstrated during the 1973 Yom Kippur War. Israel's presence on the Golan provided Israel with the strategic depth (of 8 to 16 miles) that enabled Israeli forces to assemble and push back Syria's initially effective surprise invasion. Without the Golan, Syrian forces could have overrun and annihilated Israel.

Today, Israel faces danger on five major fronts: (i) Syria; (ii) Lebanon, where Hezbollah has over 100,000 advanced rockets pointed at Israel; (iii) Gaza, where Iranian proxies Hamas and Palestinian Islamic Jihad incessantly attack Israel with thousands of rockets (including 200

² "Donald Trump's Speech to AIPAC" transcript, Time Mag., Mar. 21, 2016, at <http://time.com/4267058/donald-trump-aipac-speech-transcript/>

³ See, e.g., @khalidalkhalifa – May 10, 2018 tweet, at <https://twitter.com/hassanabdalnabi/status/994542859457122304>

projectiles this past Friday and Saturday⁴), terror tunnels and arson kites, and attempt to invade Israel to murder Jews; (iv) Palestinian-Arab terrorism, including knifing, shooting and car ramming attacks, emanating largely from Arab villages in the Palestinian Authority; and (v) the Egyptian Sinai border, where ISIS affiliate Ansar Bait al-Maqdis and other terrorist groups attempt to infiltrate and attack Israelis.⁵ Strengthening Israel's ability to retain the Golan is essential for withstanding such multi-pronged dangers.

Because Israel is our front line in the war to defeat radical Islamist terror, it is surely in America's self-interest to ensure that Israel maintains and enhances her ability to defend herself.

In sum, bolstering Israel's sovereignty over the Golan by conferring formal U.S. recognition clearly serves U.S. national security interests. It would accordingly be eminently sensible to agree to Israeli Prime Minister Benjamin Netanyahu's request to President Trump and Vice President Pence for U.S. recognition of Israel's sovereignty over the Golan.⁶

There are moreover no possible security arrangements that can substitute for the topographical advantages, early warning locations and strategic depth provided by Israel's retention of the Golan.

Israeli President Reuven summed it up, saying:

“The nations of the world must formally recognize that the Golan is an integral part of the state of Israel, and is essential to our existence as a people. The Golan Heights are strategic to the State of Israel's ability to exist as a people able to safeguard its borders.”⁷

In other words, Israel cannot cede the Golan.

Conferring U.S. recognition is moreover “the right thing to do.” Israel has the strongest ancient and modern historical claim, evidenced by numerous archeological finds, including dozens of ancient Jewish synagogues, villages and towns in the Golan Heights.

Israel also has the legal right to the Golan – stemming from the Golan's inclusion in the 1922 League of Nations Mandate, agreed to by the U.S. in an internationally binding treaty. The Mandate required Britain to hold the area in trust for the reestablishment of the Jewish homeland. However, Britain unlawfully traded the Golan to the French for rights to Iraqi oil

⁴ “Three Wounded As 200 Projectiles Fired At Israel From Gaza Strip,” by Anna Ahronheim, *Jerusalem Post*, July 14, 2018, at https://www.jpost.com/Israel-News/IDF-strikes-terror-tunnels-as-31-Hamas-rockets-fired-to-southern-Israel-562479?utm_source=newsletter&utm_campaign=15-7-2018&utm_content=idf-strikes-terror-tunnels-as-31-hamas-rockets-fired-to-southern-israel-562479

⁵ *The 5 Major Threats Facing Israel*,” IDF News, Apr. 6, 2015 <https://www.idf.il/en/minisites/terror-and-threats/the-5-major-threats-facing-israel/>

⁶ “*Netanyahu To Trump: Recognize Golan Heights As Part Of Israel*,” by Tovah Lazaroff, *Jerusalem Post*, Feb. 16, 2017, at <https://www.jpost.com/Israel-News/Netanyahu-to-Trump-Recognize-Golan-Heights-as-part-of-Israel-481676>

⁷ “*Ex-Ministers Call on US to Recognize Israel's Hold on Golan Heights*,” by i24 News, July 1, 2018, at <https://www.i24news.tv/en/news/israel/diplomacy-defense/178463-180701-ex-ministers-call-on-us-to-recognize-golan-as-israel-s>

fields. UN Resolution 242, following Israel regaining the Golan in a defensive war in 1967, did *not* require Israel to return to the pre-1967 lines. Moreover, UN Resolution 242 first and foremost entitles Israel to secure and recognized borders.

Further, there was no peace during the 21 years when Syria fully controlled the Golan (1946-1967). Syria neglected the Golan's civilian development. Instead, Syria used the Golan Heights to continually harass and shoot at Israeli farmers and other Israeli civilians in the Hula Valley (Galilee) below; attempted to divert vital Israeli water sources; and used the Golan as a staging ground to wage out-and-out war against Israel in 1948-1949, 1967 and 1973.

By contrast to Syria's neglect and abuses, during the 51 years that the Golan has been under the State of Israel's governance, Israel has developed the area into an oasis of agriculture, wineries, tourism, archeological restoration and preservation, and religious co-existence.

Israel protects the lives, and religious rights and sites of all faiths in the Israeli Golan. Moreover, Israel's field hospital in the Golan Heights provides vital humanitarian assistance to Syrian victims of Syria's civil war.

By contrast, Bashar al-Assad Syrian regime, and other groups that would move in to the Golan in Israel's absence, have a record of brutalizing and murdering civilians, creating massive refugee crises, and destroying the world's religious and archeological heritage.

As former IDF Chief of Staff and former Israeli Defense Minister Moshe Ya'alon, and Israel's Yesh Atid party Chair and former Israeli Finance Minister Yair Lapid wrote last week, while calling on the U.S. to recognize Israeli sovereignty over the Golan:

“We live in a world full of complex diplomatic dilemmas, but for once here is a simple one: **Would you take an area that is flourishing in a western democratic state, where fifty thousand people of different religions and ethnicities live in harmony, and hand it over to a violent dictatorship ruled by the worst mass murderer of our time so that he can destroy the area and murder most of the residents?**

If your answer is “no” then you support recognizing Israeli sovereignty over the Golan Heights.”⁸

Further, after waiting half a century for Syria to make peace, it makes no sense to withhold recognition of Israeli sovereignty for additional decades or even centuries, in deference to the pipe dream of an imaginary, suicidal, future Israeli-Syrian “peace deal.” Syria rejected Ehud Barak's over-generous, foolhardy offer to cede the Golan in return for peace. Syria has not even engaged in negotiations for the past eight years.

⁸ “*Will the West cede the Golan Heights to a Psychopath?: We call on the US to lead an international process to recognize Israeli sovereignty over the territory,*” by Moshe Yaalon and Yair Lapid, *Times of Israel*, July 1, 2018, at <https://www.timesofisrael.com/will-the-west-cede-the-golan-heights-to-a-psychoopath/>

Syria has moreover fallen into such disarray that there is no reasonable actor in Syria capable of making or enforcing an agreement.

Further, in recent years, Syria and other groups operating in Syria have repeatedly breached the 1974 Separation of Forces Agreement between Israel and Syria. In addition to the drone and rocket incursions into Israel, United Nations observers in the disengagement zone between Israel and Syria (members of UNDOF, the UN Disengagement Observer Force) have been attacked and kidnapped. Thus, even if a peace deal could be negotiated, it is virtually a certainty that it would not be kept.

Indeed, the “land for peace” mantra has repeatedly been shown to be an abysmal failure, including on the Golan. The same areas of the eastern Golan that Israel withdrew from, under the 1974 Israel-Syria Separation of Forces Agreement, are now staging ground for attacks on Israel.

In sum, maintaining and recognizing Israeli sovereignty over the Golan is the truest route to peace and a more stable world and Middle East.

A. The Golan Heights’ Jewish History

In Biblical times, the Golan Heights was referred to as “Bashan”; the word “Golan” was derived from the biblical city Golan, in Bashan. The area was assigned to the Hebrew tribe of Manasseh.⁹ In Deuteronomy 4:43, Moses designated “Golan in the Bashan of the Menassites” as a sanctuary city.¹⁰

Jews lived in villages in the Golan, and built and worshiped in dozens of synagogues throughout the Golan, through many centuries. There was a substantial Jewish presence in the Golan during the First Temple period (953-586 BCE), and again commencing upon the Jewish return from Babylonian exile later in the same century (the 6th century BCE), continuing through the Second Temple period, and for approximately another 600 years after the destruction of the Second Temple, until the Arab conquest in the seventh century CE, and even beyond that into the eighth century BC, until an earthquake in 749 CE destroyed several Jewish cities in the Golan.¹¹

In the mid-2nd century BCE, Judah Maccabee and his brothers came to the aid of the local Jewish communities in the Golan when the latter came under attack.¹²

After the traumatic Bar Kochba Revolt (132-135 CE) in Judea, many Jews moved north from Judea and settled in the Golan, and lived there in peace and quiet until the 7th to 8th century CE.

⁹ See “*Golan Heights: History & Overview*,” Jewish Virtual Library, at <https://www.jewishvirtuallibrary.org/history-and-overview-of-the-golan-heights>; Deuteronomy 4:43; Joshua 21:27; Joshua 13:29-31.

¹⁰ Deuteronomy 4:43, at https://www.chabad.org/library/bible_cdo/aid/9968/jewish/Chapter-4.htm

¹¹ *Id.*

¹² *Id.*

One of the most famous Jewish cities in the Golan was Gamla, founded in the first century BCE. Gamla is often referred to as the “Masada of the North,” and was the site of battles in 66-67 CE, reported by Josephus Flavius. The Jews initially repelled the Roman soldiers, but the Romans returned and slaughtered thousands of Jews. Thousands of other Jews jumped to their deaths so as not to be enslaved or murdered by the Romans. Gamla’s ancient synagogue, mikvah (ritual bath), homes, fortifications, Hebrew coins and other artifacts were uncovered in archeological excavations since the 1970s. Today Gamla is an Israeli national park and tourist site.¹³

Emphasizing the Jewish people’s lengthy historic connection to the Golan, in April 2016, Israeli Prime Minister Netanyahu convened a cabinet meeting in the Israeli town of Ma’aleh Gamla, next to the Gamla archaeological site. PM Netanyahu vowed that the Golan will remain part of Israel forever, and that the border will not change. The prime minister added:

“[A]fter 50 years it is time that the international community realized that the Golan will remain under Israeli sovereignty. The Golan was an integral part of the Land of Israel in ancient times. That is documented by dozens of ancient synagogues around us. And the Golan is an integral part of the State of Israel in the present time.”¹⁴

Another important Jewish historical site, located in the central Golan, is the ancient Jewish village of Katzrin. Katzrin’s synagogue and homes were excavated and restored by Israel in the decades following the Six Day War. The Katzrin synagogue was built in the 4th to 5th century CE, oriented towards Jerusalem, in accordance with Jewish law. In the 6th century CE, the synagogue was rebuilt and paved with colored mosaics. The synagogue was still in use after the Muslim conquest in the 7th century CE, until most of the city was destroyed in an earthquake in 749 CE.¹⁵

The village and large synagogue of Umm El-Kanatir,¹⁶ built in the 5th to 6th century CE, and painstakingly restored by Israel, is still another important and fascinating Jewish historical site in the Golan Heights. The synagogue had columns with a figure of a menorah and shofar; a bimah (alter) in front of the ark approached by a short flight of stairs, and an upper level. As was the case in Katzrin, Jewish life continued in Umm El-Kanatir until the earthquake in 749 CE destroyed much of the area.

The Golan was part of the Ottoman empire from 1517-1917. In the 1880s, while the Golan was still under Ottoman rule, Jews and Jewish charitable societies returned and purchased and

¹³ See “Archeology in Israel: Gamla,” Jewish Virtual Library, at <https://www.jewishvirtuallibrary.org/gamla>

¹⁴ “Why Israel Should Keep the Golan Heights,” by Steve Postal, *American Thinker*, Apr. 27, 2016, at https://www.americanthinker.com/articles/2016/04/why_israel_should_keep_the_golan_heights_.html; and “Netanyahu Vows Golan Heights Will Remain Part of Israel Forever,” by Raphael Ahren, *Times of Israel*, Apr. 17, 2016, at <http://www.timesofisrael.com/netanyahu-vows-golan-heights-will-remain-part-of-israel-forever/>

¹⁵ “Katzrin-A Village in the Golan,” Israel Ministry of Foreign Affairs, Nov. 20, 2000, at <http://www.israel.org/MFA/IsraelExperience/History/Pages/Katzrin%20-%20A%20Village%20in%20the%20Golan.aspx>

¹⁶ “The Synagogue Of Umm El-Kanatir: One of the most fascinating synagogues on the Golan Heights is being carefully reconstructed,” by Stephen Gabriel Rosenberg, *Jerusalem Post*, Feb. 19, 2009, at <https://www.jpost.com/Magazine/Features/The-synagogue-of-Umm-el-Kanatir>

farmed extensive lands in the Golan. In 1891, philanthropist Baron Rothschild purchased around 18,000 acres in the Golan for Jewish farming and development.

As discussed below, the Golan was part of the area that the League of Nations mandate designated as a "sacred trust" for reconstituting the Jewish homeland, which the U.S. agreed to in a binding treaty obligation.

Some of the Golan's lengthy Jewish history was succinctly described in *Israel National News* as follows:

"The Bashan region, now known as the Golan Heights, is a part of the biblical territory promised to the Patriarch Abraham and the people of Israel for an everlasting covenant — the Covenant of the Parts — recounted in Genesis 15. The city of Bashan was a refuge city (Deut, 4:43).

During the biblical period of the Jewish Kings, a battle high on the Golan took place between King Ahab and the army of Aram. A Jewish victory occurred at the present site of Kibbutz Afik, which lies a few miles east of Lake Kinneret, the Sea of Galilee.

After the end of the Babylonian Exile, and during the Second Temple Period, Jews returned to their homes on the Golan. Subsequently the returnees were attacked by [the Seleucids] and Judah Maccabee brought his forces up to the Heights to defend them.

At the conclusion of the Hasmonean Period, King Alexander Yannai finally reconquered the Golan and Jews returned yet again. They rebuilt communities in central Golan, including the major cities of Banias and Susita, which formed part of the defense of the Golan.

Their residents fought heroically against the Roman legions during the Great Revolt of 135 AD, known also as the Second Uprising. It was led by the charismatic Shimon Bar Kokhba, known as the "Son of a Star" and a Jewish folk hero as great as King Arthur. Some 10,000 residents of Gamla alone perished fighting against Rome.

Second century Jewish coins were found on the Golan after its liberation during the last days of the June, 1967 Six Day War. These ancient coins were inscribed with the words, "For the Redemption of Holy Jerusalem."

In the succeeding period of the Talmudic Period, Jewish communities flourished and expanded. **Archaeologists have found the remains of 34 synagogues on the Golan.** Jewish life on the Golan largely ended after the defeat of the Byzantine army by Arabs from Arabia carrying the new banner of Islam and the region descended into a long period of neglect.

But Jewish life returned yet again in the latter years of the 19th century when members of the Bnei Yehuda society from Safed purchased land on the Golan. In 1891, Baron Rothschild purchased around 18,000 acres in what is present day Ramat Magshimim.

The Jewish pioneers of the First Aliyah (immigration) began to farm land they had

purchased in the Horan region until the Turkish Ottoman occupiers evicted them in 1898. Their land was then seized, and **in 1923 the entire Golan was given away by Britain to the French Mandate over Syria and Lebanon.**

Zionist leaders had earlier demanded the Golan be included within the new Jewish National Home because of its immense historical roots in biblical and post-biblical Jewish history. But Jewish liberation of the ancestral land was not possible until Israel was forced to fight for its very survival during the Six Day War.¹⁷

In addition to the Golan's multiple important Jewish sites, the Golan also contains other archeological sites greatly cherished by the free world, which Israel has painstakingly excavated and safeguarded, including Hippos/Sussita, the ruins of the Byzantine Christian monastery at Kursi, Nimrod Fortress, and the mysterious, 5,000-year-old Stonehenge-like monument Gilgal Refaim (wheel of giants).¹⁸ As a commentator wrote, regarding the Golan Heights' Jewish, Christian and other archeological sites:

"If these sites were no longer protected by Israel, they could find themselves in the hands of a jihadist group like the Islamic State, which destroyed world-renowned archeological sites like the Temple of Ba'al, Jonah's Tomb, and the ancient ruins of Nimrud and Nineveh."¹⁹

B. Israel's Legal Right to the Golan Heights:

The Golan Heights was part of the 1922 League of Nations Mandate for Palestine,²⁰ which required Britain to hold and develop the area as a sacred trust "*to secure the establishment of the Jewish national home,*"²¹ and to "*facilitate Jewish immigration . . . [and] close settlement*

¹⁷ "The Golan Heights: History and Biblical Significance," by Victor Sharpe, *Israel Nat'l News*, Oct. 13, 2012, at <http://www.israelnationalnews.com/Articles/Article.aspx/12300>

¹⁸ "Mysterious 'Wheel of Giants' IS as old as Stonehenge: Experts confirm Golan Heights circle is 5,000 years old and may have been used for gruesome 'sky burials,'" *Daily Mail*, Nov. 11, 2015, at <http://www.dailymail.co.uk/sciencetech/article-3313626/Prehistoric-Stonehenge-monument-Golan-Heights-fuels-mystery.html>

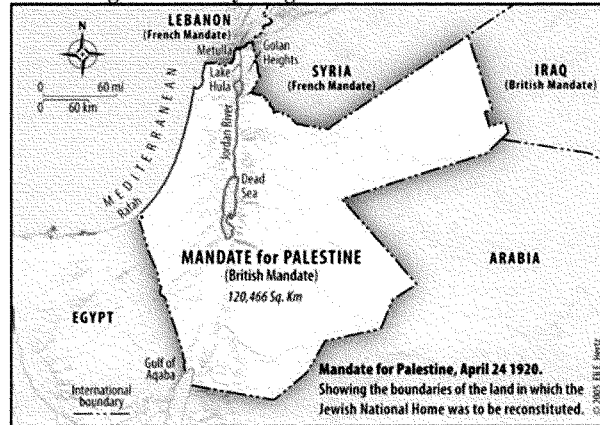
¹⁹ "Why Israel Should Keep the Golan Heights," by Steve Postal, *American Thinker*, Apr. 27, 2016, at https://www.americanthinker.com/articles/2016/04/why_israel_should_keep_the_golan_heights.html (citing "Here Are the Ancient Sites ISIS Has Damaged and Destroyed: Shocking destruction in the Syrian city of Palmyra is part of the militant group's ongoing campaign against archaeology," by Andrew Curry, *National Geographic*, Sept. 1, 2015, at <https://news.nationalgeographic.com/2015/09/150901-isis-destruction-looting-ancient-sites-iraq-syria-archaeology/>)

²⁰ The Mandate for Palestine, July 24, 1922, at <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/the%20mandate%20for%20palestine.aspx> Until the late 1960s, it was universally understood that the word "Palestinian" referred to Jews, and that "Palestine" was the Jewish homeland. The Israeli Jewish newspaper was called the "Palestine Post." The Israeli Jewish orchestra was called the "Palestine Orchestra." The American movement to reestablish the Jewish State was called the "American League for a Free Palestine." The Israeli Jewish hero of Exodus stated: "I am a native-born Palestinian."

²¹ Mandate, *Id.*, Article 2

of Jews on the land.”²² Maps of the Mandate for Palestine²³ show that the Golan was included in the area assigned to Britain’s care, designated for the Jewish homeland – both before and after Britain carved off the eastern 78% of the original Palestine mandatory area and gave it to the Hashemites to form Transjordan (later Jordan). The maps also show that the French Mandate for Syria did not include the Golan Heights:

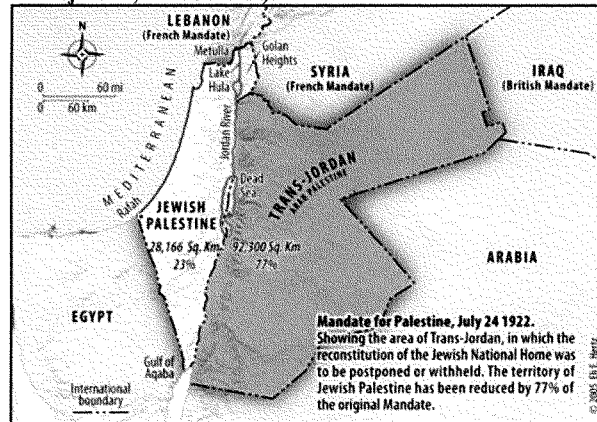
1920 - Original territory assigned to the Jewish National Home:



²² Mandate, *Id.*, Article 6.

²³ Maps reprinted from “*Mandate for Palestine’: The Legal Aspects of Jewish Rights,*” by Eli E. Hertz, *Myths & Facts*, at http://www.mythsandfacts.org/conflict/mandate_for_palestine/mandate_for_palestine.htm

1922 - Final territory assigned to the Jewish National Home (after Britain carved off the eastern portion of the Palestine Mandate, and gave it to the Hashemites to form Transjordan, later Jordan):



The 1924 Anglo-American Convention (Treaty) between the United States and Britain confirmed and reiterated the League of Nations Mandate to Britain to hold the area in trust for reestablishing the Jewish homeland and Jewish settlement.²⁴ The Anglo-American Convention was ratified by the U.S. President and Senate in 1925, thus making it a binding U.S. treaty obligation, and the Supreme law of the land in the United States.²⁵

However, without authorization, Britain gave the Golan away to France, primarily in return for France providing Britain with Iraqi oil field concessions. The "Franco-British Agreement on Northern Border" (dated March 7, 1923) illegally removed the Golan from the British Mandate area designated for the reestablishment of the Jewish State, and placed it within the French Mandate for Syria.²⁶

Extensive Jewish landholdings and farms in the Golan were lost to Syria in the process of Britain giving away to France the Jewish people's birthright to the Golan.

Dr. Kenneth Levin summed up what occurred as follows:

²⁴ "Introduction to the 1924 Anglo American Convention on the Mandate for Palestine," with copy of the Anglo-American Convention, Israel Legal Foundation, at <http://www.israellegalfoundation.com/anglo-american.html>

²⁵ U.S. Constitution, Article VI.

²⁶ "Franco-British Agreement on Northern Border," a/k/a "Newcombe-Paulet Agreement," a/k/a "Agreement Between His Majesty's Government and the French Government respecting the Boundary Line Between Syria and Palestine from the Mediterranean to El Hamme," March 7, 1923, English and French, with maps, British treaty archive, at <http://treaties.fco.gov.uk/docs/pdf/1923/TS0013.pdf> El Hamme, or Al Hamma, is apparently now the site of Israel's Hamat Gader park in the Golan. See <http://www.jewishvirtuallibrary.org/hamat-gader-hot-springs>

“In 1923, Britain also detached the Golan Heights from the Mandate and ceded it to the French Mandate in Syria in exchange primarily for French concessions regarding Iraq. Extensive Jewish landholdings on the Golan, much of them purchased by the Rothschilds to establish Jewish agricultural communities, were subsequently nationalized by Syria after the country won its independence from France in 1946.”²⁷

U.S. recognition of Israel’s sovereignty over the Golan would thus implement a treaty obligation that has been the law of the land in the United States for 93 years, and help rectify Britain’s 95-year-old wrong.

Moreover, as I testified before this Committee last November with respect to the U.S. embassy relocation to Jerusalem,²⁸ UN Security Council Resolution 242, adopted after the 1967 Six Day War, in fact, first and foremost, called for Israel to have “*recognized and secure*” borders.²⁹ The recognized and secure borders that Israel is entitled to must necessarily include the Golan Heights, which is so vital to Israel’s ability to defend herself.

Further, UN Security Council Resolution 242 specifically did **not** call for Israel to surrender “all” lands captured in 1967.³⁰ The British Ambassador who drafted the approved resolution, Lord Caradon, explained that “*It would have been wrong to demand that Israel return to its positions of June 4, 1967, because those positions were undesirable and artificial.*” Similarly, U.S. Ambassador Arthur Goldberg explained that UNSC Resolution 242 deliberately did not require Israel to withdraw from “all” territories Israel captured in 1967.

And then-U.S. President Lyndon Johnson stated shortly after UNSC Resolution 242’s adoption:

*“We are not the ones to say where other nations should draw lines between them that will assure each the greatest security. It is clear, however, that a return to the situation of June 4, 1967, will not bring peace.”*³¹

Israel has arguably also more than complied with any “return” obligations in UNSC Resolution 242 by returning to Egypt the Sinai – the largest area captured by Israel in 1967 – pursuant to the Israel-Egypt Peace Treaty. In addition, pursuant to the Israel-Syria Separation of Forces Agreement of May 31, 1974, Israel ceded to Syria significant areas that Israel had

²⁷ “*The Oslo Syndrome: Delusions of a People Under Siege*,” by Dr. Kenneth Levin, Smith & Kraus, Inc., 2005 ed., Ch. 5, page 97. See also “*The Golan Heights: History and Biblical Significance*,” by Victor Sharpe, *Israel Nat’l News*, Oct. 13, 2012, at <http://www.israelnationalnews.com/Articles/Article.aspx/12300>

²⁸ Written Testimony of Zionist Organization of America Pres. Morton A. Klein, Hearing on Moving the American Embassy in Israel to Jerusalem, Before the H. Rep. Comm. on Oversight and Government Reform, Subcommittee on National Security, Nov. 8, 2017, at https://oversight.house.gov/wp-content/uploads/2017/11/Klein_Testimony_11082017.pdf

²⁹ UN Security Council Resolution 242, Nov. 22, 1967, at <http://mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/UN%20Security%20Council%20Resolution%20242.aspx>

³⁰ UN Security Council Resolution 242, Nov. 22, 1967, *supra*.

³¹ “*Lyndon Johnson Administration: Speech on ‘A Just and Dignified Peace’*,” Sept. 10, 1968, Jewish Virtual Library, at <http://www.jewishvirtuallibrary.org/president-johnson-speech-on-ldquo-a-just-and-dignified-peace-rdquo-september-1968>

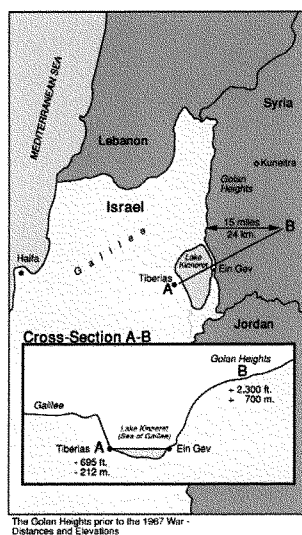
captured in 1967, as well as all the additional areas Israel captured while defending herself in the 1973 Yom Kippur war.³²

In sum, Israel has the strongest legal and historical right to the Israeli Golan Heights.

C. Syrian Warfare From the Golan Against the Jewish State, 1948-1973:

In the 1948-1949 war against Israel, six Arab nations attacked the newly reestablished Jewish State. Syria conquered the strip of land at the edge of the Golan abutting the Galilee/Lake Kinneret – an area that was not included within Syria, even in the 1923 lines agreed to by France and Britain, which had already cut the Golan Heights off from the area that Britain was obligated to hold in trust for the Jewish State.

From 1948-1967, the topography of the Golan Heights enabled Syria to incessantly shell Israeli towns and farms below, and enabled Fatah fedayeen attacks from the Golan. The below map³³ shows the topography that enabled these incessant attacks on northern Israel.



³² Israel-Syria Separation of Forces Agreement-1974, May 31, 1974, at <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/israel-syria%20separation%20of%20forces%20agreement%20-%201974.aspx>; and “*The Arab-Israel Conflict - Disengagement-of-Forces Agreement between Syria and Israel - Successful Conclusion of Dr. Kissinger's Middle East Peace Mission*,” Keesing's Record of World Events, Vol. 20, June 1974, p. 26565, at <http://web.stanford.edu/group/tomzgroup/pmwiki/uploads/3380-1974-06-KS-a-IEM.pdf>

³³ “*The Golan Heights Prior to the 1967 War*,” Jewish Virtual Library (from Israeli Ministry of Foreign Affairs), at <https://www.jewishvirtuallibrary.org/map-of-the-golan-heights-prior-to-the-1967-war>

In 1964, Syria also attempted to divert the streams from the Golan that fed into the Galilee/Lake Kinneret – Israel’s major water supply.

Israel’s miraculous victory in 1967 ended the incessant attacks on northern Israel from the Golan. Israel’s presence on the Golan Heights also enabled Israel to drive back Syria’s initially successful onslaught during the 1973 Yom Kippur War. After the Yom Kippur War, Israel and Syria agreed to the Israel-Syria Separation of Forces agreement.

“The general effect of the [Israel-Syria Separation of Forces] agreement was that Israel would withdraw from all the areas taken in the October 1973 war, as well as from some areas occupied in the 1967 war, including the . . . town of Quneitra (Kuneitra), the chief centre of the Golan region.”³⁴

Understandably, Israel’s Likud party strongly criticized the agreement as a sell-out of Israel’s security, and as giving Syria “a prize for her aggression in October.” Fortunately, Israel retained the Golan to the eastern ridge.

D. In Light of Syria’s Continuous Rejection of Peace, There Is No Reason To Wait Longer to Recognize Israel’s Sovereignty Over the Golan:

Israel and America have already waited and attempted, for over half a century, for Syria to make peace, to no avail. It makes no sense to withhold recognition of Israeli sovereignty over the Golan for still more years, in deference to the pipe dream of a future Israeli-Syrian “peace deal” – which has no prospect of being achieved or abided by. Syria has continued to reject peace with Israel, ever since Israel’s reestablishment seventy years ago – even after waging full-scale war on the Jewish State three times and losing. For instance:

- Despite the fact that the Israeli-Syria Separation of Forces Agreement returned to Syria all the lands that Syria lost in its aggressive 1973 Yom Kippur War plus some of the lands Syria lost in the 1967 Six Day War, and accordingly should have constituted a final peace agreement, the 1974 Israeli-Syria Separation of Forces Agreement states “*This agreement is not a peace agreement.*”³⁵
- In 1981, the day before the Knesset passed the Golan Heights annexation law, the Syrian regime announced it would prefer to fight Israel for 100 years, rather than live at peace with it.³⁶ Jerusalem Post senior editor Caroline Glick explained that the Assad regime made

³⁴ “*The Arab-Israel Conflict - Disengagement-of-Forces Agreement between Syria and Israel - Successful Conclusion of Dr. Kissinger’s Middle East Peace Mission,*” Keesing’s Record of World Events, Vol. 20, June 1974, p. 26565, at <http://web.stanford.edu/group/tomzgroup/pmwiki/uploads/3380-1974-06-KS-a-IEM.pdf>

³⁵ Israel-Syria Separation of Forces Agreement-1974, May 31, 1974, para. 8, at <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/israel-syria%20separation%20of%20forces%20agreement%20-%201974.aspx>

³⁶ “*A Trumpian Israeli Initiative,*” by Caroline Glick, 12/16/2016, at <http://carolineglick.com/a-trumpian-israeli-initiative/>

hundreds of similar statements since 1967, “reinforcing, yet again, the basic truth that Israel would be responsible for the Golan Heights for a long, long time.”

- Syria has not even engaged in negotiations for the past eight years. Meanwhile, the prospects for peace have deteriorated to the non-existent level, given the presence of Iran and the swarm of terrorist groups in Syria. And the situation continues to worsen.
- Syria repeatedly rejected past peace overtures from several previous Israeli governments. Syria even rejected an extraordinarily generous, extremely foolhardy, suicidal-to-Israel offer from then-Israeli Prime Minister Ehud Barak in 1999-2000 – an offer that was antithetical to the views of Israel’s security professionals, as well as 90% of Israelis, who recalled Syria’s attacks from the Golan Heights, and thus sensibly opposed ceding the Golan to Syria. Dr. Kenneth Levin’s book provides a fascinating account of what occurred – which is worthwhile reprinting here:

“With regard to Syria, [Prime Minister Ehud] **Barak** essentially followed the path of his three predecessors, soon making clear that he **was prepared to return the entire Golan to Syrian sovereignty in exchange for “peace.”** He apparently did so, again like his predecessors, with full expectation that Assad would ultimately accept Israel’s offer. Once more the Israeli leadership refused to recognize that Arab adversaries might weigh the prospect of peace differently from how Israel would want them to weigh it.

(To questions about how Israel would defend itself against a subsequent surprise Syrian assault if Syria did accept return of the Golan in exchange for a peace agreement, Barak either focused on peace also benefitting Syria, precluding such a threat – a claim in line with Peace Movement rhetoric – or spoke of Israel offsetting the loss of territory through early warning technology. The latter argument represented a grossly unrealistic expectation **according to most strategic and intelligence experts**. In their view, **no technology could compensate for the strategic losses entailed in ceding the Golan, and Israel would inexorably be left dangerously vulnerable.**)

In December 1999, Barak began American-mediated negotiations with Syrian foreign minister Farouk al-Shara in Washington. The talks ended without a breakthrough, but over the following weeks Israel continued to pursue a Syrian agreement. The major territorial point of contention, according to news leaks, was whether Israel, in descending from the entire Golan, would withdraw only to the international border [the lines established by the 1923 agreement between France and Britain], or, as Syria demanded, also leave those areas along the Sea of Galilee that Syria had seized [when Syria attacked Israel in 1948-1949] prior to the 1967 war, that Israel had retaken [in 1967].

Even many supporters of Oslo and of return of the Golan to Syria balked at Assad’s demand for more. They did so in part for pragmatic reasons, in particular because the additional territory potentially to be ceded, by extending Syrian control to the shores of the Sea of Galilee, would present critical difficulties such as compromising this key

source of Israel's water supply. But there were also issues of principle. **The Arabs were demanding the return of all territory taken by force of arms and yet they were in this instance insisting that Syria be given territory it had taken by force of arms prior to the 1967 war. Nevertheless Barak, with the support of most of his government, indicated a readiness for additional concessions.**

Still the Syrians would not budge, even refusing to resume direct negotiations. In February 2000, President Clinton met with Syrian President Assad in Geneva to test Assad's intention and effect what he anticipated would be a major breakthrough. In that event, Assad indicated that he was unprepared for a full peace with Israel, no matter how forthcoming Barak was on ceding territory. Only in the wake of this denouement in Geneva did Barak and the Clinton Administration begin to awaken to the fact that Assad did not regard peace with Israel as worth the domestic risks it would entail, however much land on and beyond the Golan peace would bring him.

Barak's courting of Assad over the preceding months, like the steps towards Syria taken by his recent predecessors, had involved the sacrifice of both principle and pragmatism to deluded policy. . . .

During these same months, **Syria's state-controlled media** ran several stories with anti-Semitic themes. One such, in late November, **regurgitated the blood libel**, the claim that Jews use the blood of gentiles for their religious rituals, which was also the theme of a popular book by Syria's defense minister Mustafa Tlas (*The Matzah of Zion*, 1984). An editorial in later January in Syria's leading newspaper, *Tishreen*, a mouthpiece for the Assad regime, focused on denial of the Holocaust while insisting that Israeli policies are worse than those of the Nazis.

. . . . Yet Barak remained silent on the Syrian libels. His most notable comments regarding the Syrian government during this period was his characterization of Assad as "a courageous leader." (Nov. 9, 1999).

As one Israeli columnist . . . observed: "Barak is afraid of reminding the Israeli public about the nature of the regime to which he proposes yielding the strategic Golan Heights in exchange for a peace likely to be as trustworthy as *Tishreen's* sense of history.

The writer goes on to suggest that to be silent with regard to Syrian anti-Semitism for the sake of a deal to surrender the Golan just makes Israel's Syrian gambit all the more untethered from rational policy."³⁷

In sum, it makes no sense to wait longer to recognize Israeli sovereignty.

E. Syria and Armed Groups, Including Those Backed By Iran, Have Unlawfully Breached the Disengagement Zone and Moved Closer to the Israeli Border, Requiring Israeli Presence In and Monitoring From the Golan Heights:

³⁷ "The Oslo Syndrome: Delusions of a People Under Siege," by Dr. Kenneth Levin, Smith & Kraus, Inc., 2005 ed., Ch. 16, pp. 415-417.

Syrian forces and various armed terrorist groups, including groups supported by Iran, have moved closer to Israel's border, and into the Disengagement Zone between Israel and Syria, thereby violating the 1974 Separation of Forces Agreement. A particularly flagrant violation by Syria occurred just a few weeks ago: Syria moved into an abandoned UNDOF post in the disengagement zone. UN observers are not even safe in Syrian and disengagement zone areas. These developments endanger the longstanding Israeli-Syrian ceasefire, and jeopardize the stability of the entire region.

This situation also underscores the need to support Israel's continuing retention of the ability, afforded by the Golan Heights, to engage in sophisticated monitoring and counter the severe dangers at the Syrian-Israeli border.

(1) June 24, 2018 Report that Syrian Forces Illegally Took Over UNDOF Post in Disengagement Zone, Near Israel: A few hours after a Syrian drone launch towards Israel (see Part F below), the IDF reported that Syria has taken over an abandoned United Nations Disengagement Observers' Forces post near the Israeli border. The IDF noted that the Syrian takeover of the post constitutes a "*serious and flagrant violation of the separation-of-forces agreement*" entered into by Israel and Syria in 1974.³⁸

(2) UNDOF's Own Reports Express Grave Concerns About Violations: The most recent UNDOF report to the UN Security Council (for the Feb. 23 to May 23, 2018 quarter)³⁹ describes various armed groups' unlawful activity in the disengagement zone between Israel and Syria, as follows:

"The Syrian armed Forces and non-State armed opposition groups engaged in exchanges of heavy weapons fire in the areas of separation and limitation on the Bravo side. Various armed groups, **including the listed terrorist groups Jabhat Fath al-Sham (formerly the Nusra Front) and the Khalid Ibn al-Walid Army, which pledged allegiance to Islamic State of Iraq and the Levant (ISIL), continued to exchange fire in the UNDOF area of operations.**

As underscored again by the Security Council in its resolution 2394 (2017), **there should be no military activity of any kind in the area of separation.**"⁴⁰

The UNDOF report also expressed "grave concern" that the fighting on the Syrian side of the disengagement zone, between Syrian forces and armed groups, and among armed groups including listed terrorist groups, "**jeopardize[s] the long-term ceasefire between Israel and**

³⁸ "Syrian Military Takes Over Abandoned UN Post Near Israeli Border," *Algemeiner/JNS*, June 25, 2018, at <https://www.algemeiner.com/2018/06/25/syrian-military-takes-over-abandoned-un-post-near-israeli-border/>

³⁹ "June 2018 Report of the Secretary-General on the United Nations Disengagement Observer Force for the period from 23 February to 23 May 2018," at https://www.securitycouncilreport.org/at/cf/%7b65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7d/s_2018_550.pdf

⁴⁰ *Id.*, para. 2.

the Syrian Arab Republic,” endangers UNDOF operations and personnel, and is **impacting “the stability of the wider region.”**⁴¹

UNDOF also renewed its “*call on the Government of the Syrian Arab Republic to fulfil its primary responsibility for the safety and security of United Nations personnel on the Bravo side,*”⁴² and demanded removal of “all military equipment and armed personnel from the area of separation.”⁴³ The UNDOF report further noted that these situations “**require continued vigilance and risk mitigation measures.**”⁴⁴

In addition, another UN Security Council report, a running “Chronology of Events” on the Golan Heights (Israel/Syria)⁴⁵ describes kidnappings and other assaults on UNDOF personnel in or near the disengagement zone, by armed terrorist groups, which required UNDOF personnel to move to the Israeli side of UNDOF’s area of operations. For instance, the September 2014 chronology entry reported:

“[O]n 27 August, . . . armed opposition forces overran government forces at the Quneitra crossing on the Syrian side of the armistice line. The next day, **Al-Nusra Front detained 45 Fijian peacekeepers and besieged 72 Filipino peacekeepers.** In response to the incidents, Council members released three press statements . . . The Filipino peacekeepers quickly escaped, while the Fijian peacekeepers were held for two weeks only to be released on 11 September. On 17 September, Council members were briefed . . . on the relocation of UNDOF personnel and equipment to the Alpha (Israeli) side of the mission’s area of operations. On 19 September, the Council adopted a presidential statement requesting the Secretary-General to update the Council within 30 days on the steps necessary to maintain UNDOF’s ability to carry out its mandate while adjusting the mission’s posture to minimise risk to personnel.”⁴⁶

The August 2014 UN chronology entry condemned “*continuing attacks on UNDOF positions, the detention of 44 Fijian peacekeepers by armed opposition groups and 40 Filipino peacekeepers surrounded by armed opposition groups.*”⁴⁷

The March 2013 UN chronology entry reported “the detention of 21 UNDOF peacekeepers by armed Syrian opposition fighters,” and the UNDOF peacekeepers’ eventual release into Jordan.⁴⁸

F. Recent Iranian-Syrian-Hezbollah Launches of Rockets and UAVs Into Israel From Syria, Require Enhanced Israeli Monitoring and Countermeasures From the Golan Heights:

⁴¹ *Id.*, para. 37.

⁴² *Id.*, para. 41.

⁴³ *Id.*, para. 38.

⁴⁴ *Id.*, para. 41.

⁴⁵ “*Security Council Report, Chronology of Events: Golan Heights (Israel/Syria)*” revised on 13 July 2018, at <https://www.securitycouncilreport.org/chronology/golan-heights-israelsyria.php?page=3>

⁴⁶ *Id.*

⁴⁷ *Id.*

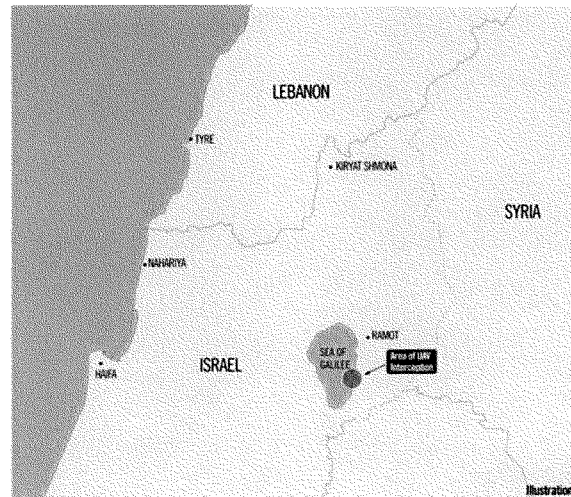
⁴⁸ *Id.*

Drone and rocket launches by Iranian Quds Forces, Iranian proxy Hezbollah, and Syria, from Syrian territory into Israel – just last week and in recent years – also demonstrate the acute need for sophisticated Israeli monitoring and counter-measures along the Syrian-Israeli frontier, made possible by Israel’s retention of the Golan. These incidents also underscore the need to support Israel’s sovereignty over the Golan Heights.

Here is an partial list of alarming recent launches from Syria into Israel:

July 11, 2018 - Syrian UAV Flies 6 miles into Israel: Last week, a Syrian unmanned aerial vehicle (UAV) was launched from Syria, and crossed six miles (10 kilometers) into northern Israel before the Israel Defense Forces intercepted the UAV with a Patriot missile, above the Sea of Galilee. The Israeli police had to order boats and swimmers to shore from this popular summer recreation area. Debris from the UAV landed in the lake following the intercept.⁴⁹

The IDF provided the following illustration⁵⁰ showing where the Syrian UAV was intercepted above Israel:



June 24, 2018 - Syria launched drone towards Israel: On June 24, 2018, Syria launched a drone towards the Israeli portion of the Golan Heights. The IDF fired a Patriot missile at the drone, which then turned back from the Israeli border.⁵¹

⁴⁹ “Patriot Missile Launched Against Syrian Drone: The unarmed reconnaissance drone flew 10 km inside Israel before being intercepted,” by Anna Ahronheim, July 11, 2018

<https://www.jpost.com/Israel-News/Politics-And-Diplomacy/IDF-Spokesperson-Patriot-missile-launched-against-Syrian-drone-562226>

⁵⁰ “Syrian UAV Intercepted in Northern Israel,” IDF Defense & Security News, July 11, 2018, at <https://www.idf.il/en/minisites/defense-and-security/syrian-uav-intercepted-in-northern-israel/>

May 9, 2018 - Iranian Quds Force launched 20 rockets into Israeli Golan: On Wednesday May 9, 2018, the Iranian Quds Force launched 20 rockets from Syria into the Israeli Golan Heights. The Israeli Air Force responded by striking military targets in Syria that belonged to Iran's Quds force. The IDF reported:

“Iran is actively conducting its military activities beyond its borders, which not only is a threat to Israel, but to the Middle East as a whole. On Wednesday, May 9, 2018, the Quds force, a special force wing of the Iranian Revolutionary Guard, stationed in Syria, shot 20 rockets towards IDF posts in the Golan Heights. The IDF intercepted four of the rockets, preventing casualties and damage. This is the first time that Iranian forces have directly fired at Israeli troops. In response, IDF fighter jets struck dozens of military targets in Syria that belonged to Iran's Quds force. The IDF's wide-scale attack included Iranian intelligence sites, the Quds force logistics headquarters, an Iranian military compound in Syria, observation and military posts, et cetera. In spite of a warning from Israel, Syrian aerial defense forces fired towards the IAF aircraft as they conducted the strikes. In response, the IAF targeted several aerial interception systems (SA5, SA2, SA22, SA17) which belong to the Syrian Armed Forces. All of the IDF's fighter jets returned to their bases safely.

This is the second time this year that Iran has used its military facilities in Syria to attack Israel. In February 2018, the Quds force launched a UAV from Syria, which violated Israeli airspace and threatened Israeli security.

Iran's aggression is further proof of the Iranian regime's intentions and the threat it poses to Israel and regional stability. **Iran continues to use Syria as its personal military outpost from which it can attack the State of Israel and its civilians, while the Syrian regime allows it to happen.**⁵²

The May 9, 2018 Iranian attack on Israel, and Israeli counterattack against Iranian targets in Syria, prompted the U.S., Germany and even Bahrain to issue statements affirming Israel's right to defend herself from Iranian aggression.⁵³ Bahrain's Foreign Minister Khalid bin Ahmed Al Khalifa tweeted that so long as Iran uses its forces and missiles to try and destabilize the region, **“it is the right of any country in the region, including Israel, to defend itself by destroying sources of danger.”**⁵⁴

⁵¹ “Israel Fires Missile at Syrian Drone Approaching Border,” JNS/Israel Hayom, June 24, 2018, at <https://www.jns.org/israel-fires-missile-at-syrian-drone-approaching-%E2%80%8Eborder-%E2%80%8E/>

⁵² “IDF Strikes Iranian Targets in Syria,” IDF Defense & Security News, May 10, 2018, at <https://www.idf.il/en/minisites/terror-and-threats/idf-strikes-iranian-targets-in-syria/>

⁵³ See, e.g., “Iranian Strike On IDF ‘Bolsters Decision’ To Exit Nuclear Deal, U.S. Says,” by Michael Wilner, Daniel J. Roth, *Jerusalem Post*, May 10, 2018, at <https://www.jpost.com/American-Politics/Iran-strike-on-Israel-bolsters-decision-to-exit-nuclear-deal-US-says-556019>

⁵⁴ See @khalidalkhalifa – May 10, 2018 tweet, at <https://twitter.com/hassanabdalnabi/status/994542859457122304>; and “Bahrain: Israel Has ‘Right’ to Respond to Iran,” YNet News (with AP & Reuters), May 10, 2018, at <https://www.ynetnews.com/articles/0.7340.L-5256666.00.html>; and “ZOA Praises Arab/Muslim Bahrain for Supporting Israel’s Right to Defend Itself,” May 17, 2018, at

The Bahraini Foreign Minister's statement also signals that America's moderate Sunni Arab allies may very well quietly welcome U.S. recognition that enhances Israel's ability to counter Iran's malign, aggressive activities.

February 10, 2018 - Iran Quds Force launched UAV into Israeli airspace from Syria:

On Saturday, February 10, 2018, at 4:25 a.m., Iran launched a UAV from Syria, which violated Israeli sovereign airspace. The Israeli Air Force (IAF) dispatched an Apache attack helicopter to intercept the UAV, and destroyed it.⁵⁵

In addition, Israeli Air Force (IAF) aircraft targeted the control vehicle from which the UAV was operated, at a Syrian airbase. During this attack, Syria launched multiple surface-to-air missiles at the IAF aircraft, and hit an IAF F-16I fighter jet. The two Israeli pilots were forced to eject and parachuted to safety in Israeli territory (although both suffered injuries). Israel also carried out a successful attack on Syrian aerial defenses system in Syria, including "Iranian targets that were part of Iran's military establishment in Syria."⁵⁶

The head of Israel's Northern Command stated: "What we've known for a long time is now clear to everyone: Iran wants to establish a front in Syria that is aimed at harming Israel."⁵⁷

November 11, 2017 – Syria UAV crossed Syrian border into Demilitarized Zone on

Israel's Border: On Saturday November 11, 2017, a Syrian UAV crossed the Syrian border, and was intercepted by an Israeli Patriot missile in the disengagement (demilitarized) zone, on the Israeli border.⁵⁸

September 19, 2017 – Hezbollah launched Iranian-built drone from Syria: On

September 19, 2017, the Hezbollah terrorist organization launched an Iranian-built drone from Syria, in an attempt to cross into Israeli airspace. The Israeli Air Force shot down the drone with a Patriot missile after the drone crossed over the Syrian border into the disengagement zone between Syria and Israel.⁵⁹

April 27, 2017 – Syrian UAV penetrated Israeli airspace: On April 24, 2017, a Syrian drone entered Israeli airspace, and was downed by an Israeli missile.⁶⁰

<https://zoa.org/2018/05/10378041-zoa-praises-arab-muslim-bahrain-for-supporting-israels-right-to-defend-itself/>

⁵⁵ "Air Force Strikes Iranian Targets in Syria," IDF Defense & Security News, Feb. 11, 2018, at <https://www.idf.il/en/minisites/israeli-air-force/air-force-strikes-iranian-targets-in-syria/>

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ "Patriot Missile Intercepts Drone On Israel's Border With Syria," by Anna Ahronheim, *Jerusalem Post*, Nov. 11, 2017, at <https://www.jpost.com/Arab-Israeli-Conflict/Patriot-missile-intercepts-drone-on-israels-border-with-syria-513968>

⁵⁹ "IDF Patriot Intercepts Apparent Hezbollah Drone From Syria," by Judah Ari Gross, *Times of Israel*, Sept. 19, 2017, at <https://www.timesofisrael.com/idfs-patriot-intercepts-apparent-hezbollah-drone-from-syria/>

⁶⁰ "Israeli Missile Downs Syrian Drone Over Golan Heights," by Judah Ari Gross, *Times of Israel*, April 27, 2017, at <https://www.timesofisrael.com/patriot-missile-intercepts-drone-over-golan-heights/>

August 2015 – Iranian proxy, Palestinian Islamic Jihad fired rockets from Syria into northern Israeli village: In August 2015, another Iran proxy terrorist group, Palestinian Islamic Jihad, fired rockets from Syria into an Israeli village in the upper Galilee region. Israel responded by firing missiles at a building in Syria's portion of the Golan Heights.⁶¹

September 23, 2014 – Syrian fighter jet penetrated Israeli airspace: On September 23, 2014, a Syrian Air Force Sukhoi Su-24 penetrated into Israeli airspace over the Golan. Israel's air command promptly shot down the Syrian fighter jet, using a Patriot missile.⁶² The Syrian pilots safely ejected from the plane into Syria. The Sukhoi Su-24 is a Russian-designed supersonic attack aircraft, also used by Syria in its civil war.⁶³

August 31, 2014 – Syrian UAV penetrated Israeli airspace: On August 31, 2014, a Syrian drone crossed the border into the Israeli Golan near Quneitra, and was destroyed by an Israeli Patriot surface-to-air missile.⁶⁴

G. Israel's Golan Heights is the Site of Extraordinary Israeli Humanitarian Medical Assistance to Syrian Civil War Victims

For close to five years now, the IDF has been helping injured Syrians who come to Israel's northern border. Two years ago, Israel launched "Operation Good Neighbor," which provides Syrians in need with medical, infrastructural, and civilian aid, at Israel's "Mazor Ladach" (translation: "Bandaging Those in Need") field hospital, located in the southern Golan Heights. The field hospital has treated hundreds of injured Syrians. In addition to providing medical care, Israel provides its Syrian visitors to Mazor Ladach with aid kits to take home that include food, basic hygiene products, and medicine. Visitors also receive hot meals and playroom time for their children during their stay at Mazor Ladach.⁶⁵

Israel's humanitarian care for injured Syrians starkly contrasts with Syria's chemical warfare and other brutal treatment of its own citizens.

Thus, maintaining the Golan as a center for humane relief is, in itself, reason enough to recognize Israeli sovereignty.

H. It Is Impossible to Defend Israel Without the Golan Heights:

⁶¹ "Israel Fires Missiles Into Syria After Rocket Attack," BBC News, Aug. 20, 2015, at <https://www.bbc.com/news/world-middle-east-34009296>

⁶² "IDF Shoots Down Syrian Fighter Plane Over Golan," by Spencer Ho and Ilan Ben Zion, *Times of Israel*, Sept. 23, 2014, at <https://www.timesofisrael.com/idf-shoots-down-syrian-fighter-plane-over-golan/>

⁶³ Sukhoi Su-24, Wikipedia, https://en.wikipedia.org/wiki/Sukhoi_Su-24

⁶⁴ "Israel's Military Says Patriot Missile Shot Down Drone From Syria," by Batsheva Sobelman, *Los Angeles Times*, Aug. 31, 2014, at <http://www.latimes.com/world/middleeast/la-fg-israelis-down-drone-20140831-story.html>

⁶⁵ "A Look Inside the 'Mazor Ladach' Field Hospital in the Golan Heights," Nov. 20, 2017, at <https://www.idf.il/en/minisites/operation-good-neighbor/a-look-inside-the-mazor-ladach-field-hospital-in-the-golan-heights/>

The simple truth is that if it gives up the Golan Heights, Israel cannot remain secure, and the entire region will be destabilized.

Without the Golan Heights' strategically-located high ground, Israeli communities in all the plains and valleys below would suffer incessant rocket attacks, even worse than the horrors these communities were subjected to in 1949-1967, given the far more sophisticated and deadly weaponry that Syria, Iran and terrorist groups operating in Syria have at their disposal today. Israel would lose irreplaceable abilities to monitor and take counter-measures against growing threats at and near the Syrian-Israel border, from Iran, Syrian forces, the Iranian Revolutionary Guard and Quds forces; thousands of Iranian-armed Hezbollah fighters; Palestinian Islamic Jihad; and radical Sunni Islamist groups including al Nusra and ISIS.

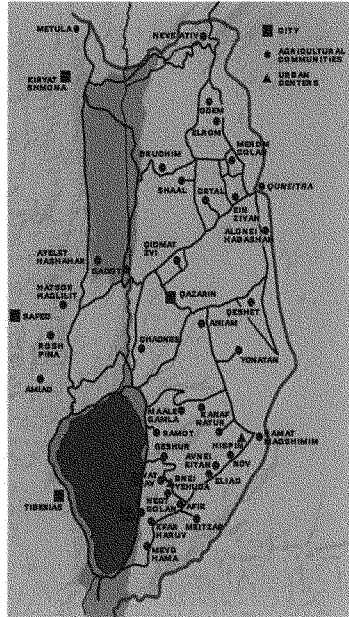
Israel cannot expect to replicate her miraculous, hard-won victory in the 1967 Six Day War, from pre-1967 lines today. That victory was in large part made possible by Syria's far less sophisticated weaponry and undeveloped infrastructure at that time; and Israel's unique heroic spy Eli Cohen's ability to infiltrate the highest echelons of Syria's ruling regime, recall and report to Israel the location of every weapon pointed at Israel, and persuade the Syrians to mark its fortifications with shade trees that also gave away Syria's positions, before the Syrians captured and executed him.⁶⁶ Today, the Golan Heights' early warning systems are Israel's equivalent of an Eli Cohen. Israel moreover did not have Iranian, Hezbollah, al Nusra, Palestinian Islamic Jihad and ISIS on its Syrian border in 1967.

Nor can Israel expect to replicate her success at driving back Syria's initially successful surprise attack in the 1973 Yom Kippur War, if Israel gives up the Golan high ground and depth that made Israel's eventual victory in 1973 possible.

Without the Golan, Israel would also lose the 20,000 Druze citizens living in the Golan. Druze soldiers who fight in the IDF and are familiar with its capabilities, would now live under Syrian rule and switch their loyalties to Syria.

Israel would also have a humanitarian crisis to deal with, resulting from the displacement of Israel's substantial Jewish communities in the Golan. Golan Heights communities are shown on the below map. (Source: Jewish Virtual Library).

⁶⁶ "Eli Cohen (1924 -1965)," Jewish Virtual Library, at <https://www.jewishvirtuallibrary.org/eli-cohen>



Israelis are overwhelmingly opposed to ceding the Golan – even for a purported peace agreement with Syria.

It is rationally unthinkable that Israel would return to a situation that robs her of the high ground that gives her the ability to defend herself.

In 2009, the former chair of Israel’s National Security Council (2004-2006) and head of the IDF’s Operations Branch and Planning Directorate, Major-General (res.) Giora Eiland, wrote a brilliant 30-page report entitled “*Defensible Borders on the Golan Heights*,”⁶⁷ which thoroughly demonstrated that Israel cannot remain secure if Israel gives up the Golan Heights. General Eiland’s report also demonstrated that there are no possible security arrangements that can compensate for Israel’s loss of the Golan Heights.

General Eiland’s analysis is even more cogent today, given today’s additional multiple threats from Iran and an array of terrorist groups on the Syrian border. 2009 was prior to Iran’s and various terror groups’ entrenchment in Syria, launches of anti-Israel operations from Syria, and encroachments into the Disengagement Zone. Incidentally, General Eiland’s report was

⁶⁷ “*Defensible Borders on the Golan Heights*,” by Maj.-Gen. Giora Eiland, JCPA, 2009, at <http://www.jcpa.org/text/DefensibleBorders-GolanHeights.pdf>. At the IDF’s Operations Branch and its Planning Directorate, General Eiland was responsible for designing and implementing the IDF’s operational and strategic policies. Also see “*Expert’s Report: Israel Cannot Leave Golan*,” by Hillel Fendel, *Israel Nat’l News*, Apr. 10, 2009 (article on General Eiland’s report) at <http://www.israelnationalnews.com/News/News.aspx/130830>.

published by the Jerusalem Center for Public Affairs (JCPA), the prestigious research organization headed by my co-panelist today, Ambassador Dore Gold.

Below is a very brief summary of some of the key factors described by General Eiland, as to why Israel's retention of the Golan is essential:

(1) **Strategic Depth:** Although the 8- to 16-mile depth of the Israeli Golan Heights is still relatively narrow, this strip of land provides Israel with the strategic depth essential for Israel's quantitatively inferior standing army to forestall an initial Syrian attack and mobilize Israeli reserves to drive back a Syrian incursion. If Syria is able to start an attack from the pre-1967 lines, Syria can overrun Israel's heartland.

In the Yom Kippur War (1973), the Golan's strategic depth saved Israel from annihilation. Syria initially conquered Mt. Hermon and breached other parts of Israel's Golan defense line. Israel counterattacked and re-conquered the area initially captured by Syria and additional Syrian territory (the Syrian Enclave). In the 1974 Armistice Agreement, Israel returned the Syrian enclave under U.S. pressure, but resisted then U.S. Secretary of State Kissinger's pressure to withdraw from the critical eastern ridge line in the Golan.

(2) **Early Warning Stations:** Under "peace" proposals, Israel would lose 4 of Israel's 5 strategically placed early warning stations in the Golan (2 large stations on Mt. Hermon and 3 along the length of the Golan Heights). The one remaining restricted station on Mt. Hermon would be insufficient to monitor all Syrian troop movements and threats [much less the threats from other sworn enemies operating in Syria].

(3) **Elevated Vantage Point:** The current armistice lines provide topographical advantages that are critical and optimal for Israeli defense. They provide Israel with fire and observation control many miles into Syria and protect the bulk of Israeli territory from Syrian surveillance and ground fire. For example, Mt. Avital, under IDF control, is 1,204 meters above sea level, while the opposite area in Syria is 700-800 meters above sea level. There is a steep 500 meter (1,700 feet) drop from the Golan to the Jordan River Valley and Sea of Galilee below, which would make northern Israel difficult to protect if Syria controls the Golan.

(4) **Dangerous Weaponry Developments:** In 2009, Syria had already amassed: (1) ground infantry weaponry, including anti-aircraft and anti-tank weaponry with advantages which outpaced tank capabilities; (2) chemical weapons which can be launched via missile or other means; and (3) huge quantities of surface-to-surface missiles capable of reaching any target in Israel, with superior concealment capabilities. In the event of a Syrian attack, Israel must achieve rapid victory, including destroying substantial parts of Syria's forces and achieving a ground threat to Damascus, to stop Syria's use of missile and/or chemical weapons on Israel. [These dangerous weaponry developments are even further advanced today.]

(5) **Syrian Compliance With Demilitarization of the Golan Cannot Be Guaranteed Or Verified:** Syrian missiles can be concealed throughout the Golan.

(6) **Proposals Intended to Compensate Israel for Loss of the Golan are Unworkable and Based on Faulty Assumptions:** The purported "solutions" proposed during the 1999-2000 negotiations to compensate Israel for loss of the Golan were, according to General

Eiland “*implausible at the time, but changing circumstances, both strategic and operative, have rendered Israel’s forfeiture of the Golan today an even more reckless act.*” Israel cannot defend itself from a Syrian attack by beginning from the Hula Valley, below the Golan, but rather at the line where it is presently stationed – in the Golan Heights. The 1999 proposal for Israeli withdrawal was supposed to “*creat[e] a situation that would guarantee that in case of war, IDF forces could return to the place where they are currently stationed.*” Under this proposal, “*as soon as the IDF would comprehend that Syria intended to go to war, or the moment that the movement of Syrian forces westward was identified, IDF forces could move rapidly eastward onto the demilitarized Golan Heights.*” This proposal absurdly assumed that IDF forces (which would be stationed in the Hula Valley, south of the Sea of Galilee), would reach Israel’s present optimal defensive line before the Syrians arrived.

General Eiland explained that the 1999 “security” proposal was based on the following five false assumptions, which were of even more flawed in 2009 due to Syrian weapons developments as of 2009. [These assumptions are even more flawed today.] Briefly, these false assumptions, and the reasons why they were flawed, and why the entire security proposal could not replace Israel’s retention of the Golan Heights, were:

- (1) “When war erupts, both sides will be located where they are obligated to be.” This is impossible to verify. Syrian “policemen” and “civilians” can be expected to operate thousands of highly effective anti-tank and anti-aircraft missiles and small rockets that will be stored in Golan cities, impeding Israeli forces.
- (2) “The warning will be timely.” In fact, without the Golan, Israel will have inadequate early warning capability.
- (3) “Israel will correctly interpret Syrian violations.” In fact, violations can be masked. For example, Syria could send troops ready to invade Israel, under the guise of quelling civilian riots. Israel moreover can make, and has previously made extremely costly mistakes regarding enemies’ intentions. For instance, prior to the Yom Kippur War, Israeli intelligence thought that the growing Egyptian military concentration in the Suez Canal was only a military exercise.
- (4) “Israel will react quickly to violations by declaring war and entering Syrian territory.” In fact, Israel has often been hesitant to act, as evidenced by its years’ long delays in reacting to rocket attacks from Gaza.
- (5) “The IDF will be able to outrace the Syrian force.” In fact, the Golan will likely be filled with new Syrian cities around the principal transportation arteries, and other anti-tank obstacles, impeding Israel from reaching its current lines quickly.

In addition, the peace discussions made no attempt to reduce the major Syrian threats posed by Syria’s ground-to-ground missiles and large quantities of chemical weapons.

(7) **Assad’s Regime Is Unstable:** General Eiland correctly noted that the Assad regime is unstable – a factor which has since been borne out by Syria’s civil war. General Eiland noted that Bashar Assad’s Alawite regime represents only 14% of the Syrian population. The 80% Sunni majority views the Alawite rule as illegitimate, repressive and anti-Islamic. A Sunni revolt could result in a regime that does not honor obligations to Israel. A Syrian-Israeli

peace treaty could even make a revolt more likely, because Assad justified emergency security laws as necessary due to the Israeli enemy. Without these emergency measures, revolution may be more feasible.

(8) An Israeli-Syrian Peace Agreement will NOT Have Wider Advantages:

General Eiland also debunked the idea that an Israeli-Syrian peace agreement would have any wider advantages. He noted:

1. Even if an Israeli-Syrian peace agreement drives a wedge between Syria and Iran (which is unlikely), this will not lessen the threat to Israel of an Iranian nuclear attack. Iran does not need Syria to carry out its threats. Moreover, Iran favors an Israeli-Syrian agreement, because such an agreement removes territory from Israeli control, and weakens Israel's defensive capabilities.
2. The Syrian-Hizbullah relationship will remain close even if a Syrian-Israeli agreement is reached. Syria will reinforce Hizbullah in order to safeguard Syria's interests in Lebanon. [In addition, more recently, Syria relied on Hezbollah fighters to assist Syria in its civil war against ISIS and other Sunni groups.]
3. The flow of weapons from Iran through Syria will continue over the porous hundreds of kilometers long Syrian-Lebanon border. Iran also has other routes for supplying Hizbullah. [In fact, Israel's retention of the Golan enables Israel to stem the flow of Iranian weapons to Hezbollah.]
4. A peace agreement with Syria will not assist Israel in achieving peace with the Palestinian-Arabs. It will be more difficult for Israel to manage agreements on both fronts. Palestinians are likely to start a third intifada.
5. A Syrian-Israeli agreement will not improve Israel's relations with the rest of the Arab world. Israel's peace agreements with Egypt and Jordan did not enhance Israel's standing among other Arab nations. Moreover, the Arab world is divided between the pro-Iran axis (Syria, Qatar, Hizbullah, Hamas) and anti-Iran axis (Egypt, Saudi Arabia, Jordan). The anti-Iran axis would rather isolate Syria and not give Syria the increased international standing which a peace agreement would bring it.
6. A Syrian-Israeli peace agreement will not enhance international support for Israel. The world has negligible interest in the Syria issue.

(9) The Only Plausible Defense: General Eiland concluded: "The present border line is the only one affording plausible defense for the State of Israel." He also advised that "it is preferable to continue managing the conflict rather than trying to solve it at an exorbitant price and risk. Should it ever be possible to reach another solution, then this can be re-examined."

I. The Golan's Additional Strategic Significance:

Iranian Land Bridge, etc. Ambitions: The vantage point of the Golan Heights has still additional strategic significance. Israel's surveillance and military capabilities can help

thwart Iran's ability to establish a dangerous land bridge to the Mediterranean; deployments of weapons of mass destruction; and advancements by the Iranian-Syrian-North Korean axis.

Potential War with Hezbollah: Hezbollah currently has 100,000 to 150,000 rockets pointing at Israel from Lebanon, and has thousands of rockets and fighters in Syria. If Israel relinquishes the Golan, there is great risk that Israel will need to fight Hezbollah in both Lebanon and in the Golan Heights. By contrast, Israel's retention of its portion of the Golan Heights would provide Israel with strategic advantages in any future war with Hezbollah.⁶⁸

Food and Water: In addition, Golan streams that run into the Sea of Galilee are the source of a significant percentage of Israel's fresh water.⁶⁹ In 1964, the Syrians attempted to impair Israeli access to fresh water through a damming project, which the IDF ultimately stopped. The 1999-2000 Syrian-Israeli peace talks collapsed when Syria insisted that it should receive a small parcel of land near the Sea of Galilee that was critical for Israel's water supply. About 40% of Israeli beef, 30% of Israeli fruit and 38% of Israeli wine exports come from the Golan.

CONCLUSION

Enshrining Israel's right to the Golan Heights, by conferring U.S. recognition, would strengthen the security and stability of Israel, our Middle East allies, the entire region, the U.S. and the free world.

⁶⁸ See, e.g., "Why Israel Should Keep the Golan Heights," by Steve Postal, *American Thinker*, Apr. 27, 2016, at

https://www.americanthinker.com/articles/2016/04/why_israel_should_keep_the_golan_heights.html

⁶⁹ See, e.g., Map showing streams from the Golan flowing into the Sea of Galilee, a major Israeli water basin, at "Golan Heights," Israel Ministry of Foreign Affairs, at <http://www.mfa.gov.il/mfa/aboutisrael/maps/pages/golan%20heights.aspx>

Mr. DESANTIS. Mort, you are out of time. I want to get to questions. I know we are going to have a lot for all you guys. So let me now recognize myself for 5 minutes.

Dr. Doran, you do think that U.S. recognition of the Golan would further U.S. national security interests. Correct?

Mr. DORAN. Yes, absolutely.

Mr. DESANTIS. Why?

Mr. DORAN. Because it promotes stability in the region, and it is a buffer against all of the malignant forces, whether it is Iranian or Sunni jihadi forces or simply the forces of the Assad regime that seek to overturn the American order in the region and to upset our allies, including Jordan.

Mr. DESANTIS. And if the administration were to do that, it would certainly be a way to push back against terrorism, Iran, Assad, and Russia. Correct?

Mr. DORAN. Absolutely. It would send a message to all of our allies that we are serious about defending the order that is under threat. And we would be doing a favor to—our allies may feel compelled to protest. I disagree with Ambassador Kurtzer. I do not think we will change the agenda. The major agenda item in the region is the growth of the Iranian-Russian alliance and its effort to overturn the existing order. I think we will have a day of protest about the Golan, and then it will be forgotten.

Mr. DESANTIS. Ambassador Gold, would this be in Israel's national security interest to have U.S. recognition of the Golan?

Ambassador GOLD. I believe U.S. recognition of Israel's sovereignty on the Golan would unquestionably be in Israel's security interest. Look, everyone talks about Israeli forces staying on the Golan Heights. That is in the famous Ford letter from 1975, repeated again by James Baker's letter before Madrid, repeated again by Warren Christopher's letter to Israel. So that concept is a bipartisan concept.

Now, let us use our minds for a minute. How do you keep Israeli forces on the Golan Heights if people think it is Syrian sovereign territory? I do not think a seminar at Harvard Law School could figure this one out.

Mr. DESANTIS. That actually may be the last place you would want to figure it out.

[Laughter.]

Mr. DESANTIS. That is neither here nor there. I speak from experience.

Ambassador GOLD. What I am saying is the best way to assure—

Mr. LYNCH. As a Harvard guy, I want to object to that.

Ambassador GOLD. The best way to assure that is to do the logical thing and assure Israeli sovereignty, and that will protect the Israeli military presence that almost everybody agrees must be continued, particularly when you are at the end of a war in Syria where a number of countries are now going to come and say, okay, how do we create a new order in Syria? We get rid of the Israelis in the Golan. Prevent it. Establish Israeli sovereignty.

Mr. DESANTIS. Professor, if people disagree with your analysis, is that not basically saying that you can commit acts of aggression and not really pay a price for it?

Mr. KONTOROVICH. Quite the opposite.

Mr. DESANTIS. Well, no. The people who disagree with you are saying that countries can commit acts of aggression and not end up paying a price for it. Right?

Mr. KONTOROVICH. That is exactly right. The notion of the defensive conquest would be prohibited, for example, that Israel's control of the Golan is only temporary is, in effect, an insurance policy for aggressors because they know if they attack a neighboring country, maybe they will succeed and at least they will break even. Even if a country is properly occupying territory of an aggressor, they have to give it back at some point. And what that does is it incentivizes not just aggression but also a failure to make peace because a regime like Damascus will know that they will not lose territory by attacking, and even 50 years of failure to make peace, they could still get the territory back.

Mr. DESANTIS. Mr. Klein, you were here when we did our embassy investigation at a hearing last year, and a lot of people were saying, oh, you know, it is just not the right time. You cannot do it. But that was a very successful decision and successful move. I think most of us look at that now.

Do we not have a lot of momentum right now to continue leading, have the U.S. administration lead on some of these issues and make a lot of progress? So to me, now is the perfect time to do this.

Mr. KLEIN. Yes. Also, it was predicted that the Palestinian Authority would have a range terrorist attacks which never developed. I think because America is showing their strength, now you see in Iran demonstrations condemning Palestine. There is no such country, but the Palestinian Authority. So this is really a time to continue and send a message that the jig is up. You will not permit to be supporting your demands that are not only erroneous but not support your demands when you continue to promote terrorism, you continue to refuse to negotiate with Israel. And I think this will be yet a further step in that realm where the Arab will get a very powerful message supported by the moderate Arab countries, I believe Saudi Arabia, Bahrain, and UAE.

Mr. DESANTIS. Thank you. My time has expired.

I now recognize the ranking member, Mr. Lynch, for 5 minutes.

Mr. LYNCH. Thank you very much, Mr. Chairman.

Thank you all again.

Ambassador Kurtzer, let me rephrase or let me repeat Professor Kontorovich's question. No one is calling for Israeli withdrawal from the Golan. Why not support the happy status quo?

Ambassador KURTZER. Congressman, that is exactly right, and that has exactly been American policy since 1967. In 1975, when President Ford did send a letter to Prime Minister Rabin, which was reiterated later on, it recognized Israel's very significant security interests. And what that letter said was that at the time when Israel and Syria would try to reach an agreement on the status of the Golan Heights, the United States would give great weight to Israel's position of remaining. It did not declare support for sovereignty because that would be denying the two parties the ability to make their own sovereign choices. So we had a smart policy in 1975, and that policy has continued until today.

The key issue—and I go to the chairman's first question to Dr. Doran—is how does this serve American national interests. And the answer is it does not because it would, in fact, change the discourse from focusing on Israeli security to focusing on this question when it needs not to happen now.

Mr. LYNCH. Right.

I had an opportunity several times to visit the Golan, going back to my days in the State Senate in Massachusetts. I do recall having dinner with a family in Tiberius, and the Golan is looming over that entire city or town. So there is a palpable need for security in that area.

And the letters from Gerald Ford and I think it was Warren Christopher and others have repeated this narrative that the Golan is necessary—Israeli forces in the Golan are necessary to Israel's security because of the actions that have taken place there. And it is real. It is necessary. It is important.

My worry is that instead of the happy status quo where the Golan and areas there that are vulnerable and protected, we change the narrative away from one of Israeli defense to one where we are overreaching—the United States. And in the circumstances that we have right now—I mean, the reports this morning. We have got, they are saying, hundreds of thousands of people fleeing the conflict between the rebels and the forces of Bashar al Assad and Iranian militia and Russian air cover—are fleeing into the area next to the Golan.

Do we want to change that narrative? Do we want to change the one of supporting Israel's right to defend itself to one where the talk is Israel's annexing the Golan in violation of the previous agreement that has been in place since 1974 at least, if not, 1967? Do we want to change that narrative?

Ambassador KURTZER. Congressman Lynch, I think you are exactly right. The issue now is one of garnering support internationally through our diplomacy through our work in various fora, support for Israel's security requirements. And that is becoming more successful as many in the Arab world see a common threat emanating from Iran. You would not find Arab support for the recognition of Israeli sovereignty in Golan. And if the subcommittee wants to test that proposition, invite the Ambassador of Bahrain, the Ambassador of Saudi Arabia and Egypt —

Mr. LYNCH. Jordan

Ambassador KURTZER.—to a hearing and ask them to declare publicly that they think it would be a good idea. If they say it is, then I would be happy to tell the subcommittee that I am wrong. I do not think they are going to make that statement publicly.

Mr. LYNCH. The other aspect of—and I have great respect for the professor. This idea that military conquest transfers the rights to ownership. That means that whoever wins the last war has the right, the legitimate right, for that territory. Especially in the Middle East, that is a dangerous, dangerous proposition, and it is one that I do not think following that policy leads to a safe and secure and a peaceful Middle East or a safe and secure Israel either.

My time has expired, Mr. Chairman. I yield back.

Mr. DESANTIS. Do you want to respond?

Ambassador KURTZER. Just one comment.

Mr. DESANTIS. Let us give the professor just a quick—be short, and then I am going to recognize Mr. Hice.

Mr. KONTOROVICH. Mr. Lynch, a quick clarification of the position being outlined here. It is not that territory can be taken in any war or even in most wars. It is that when a country that is itself attacked in the exercise of its self-defense changes the frontiers. Now, we recognize that self-defense is legal. So we need to make that judgment. We believe we can make that judgment, that we can tell Crimea apart from the Golan. And if we cannot tell aggression from defense, if it all looks the same, then the entire basis of the U.N. Charter security system is undermined.

Mr. LYNCH. Right, and I totally respect that. But even in today's testimony, we have gone back to the Bible. So every nation in the Middle East at some point can claim that they were the victim of aggression. Do you see where that leads, especially in this area? We go back to the Books of Deuteronomy, you know, the right of possession of the Golan, as presented to Abraham. It is never-ending if you apply that rule in this region because of the history. That is all.

And I totally respect your scholarship and your willingness to come here and help us with our work. Thank you.

Mr. DESANTIS. The gentleman yields back.

The chair notes the presence of the gentleman from Wisconsin, Mr. Grothman, a member of the full committee. We thank you for your interest in this topic. And without objection, we welcome him to participate fully in today's hearing. Seeing no objection, it is so ordered.

And the chair also notes the presence of Congressman Perry of Pennsylvania. We appreciate your interest in this topic and welcome your participation. I ask unanimous consent that Congressman Perry be permitted to fully participate in today's hearing. Without objection, it is so ordered.

The same with Mr. Lamborn. I would like the same unanimous consent. Without objection, it is so ordered.

And the chair will now recognize Mr. Hice for 5 minutes.

Mr. HICE. Thank you, Mr. Chairman.

Ambassador Gold, how important was President Trump's decision to move the embassy in Israel to Jerusalem?

Ambassador GOLD. While that is not the subject today formally, it was extremely important and extremely appreciated by the vast majority of the people of Israel.

Mr. HICE. And we were told that it would create all sorts of havoc in the region, and it did not do so. It seems to me that the same basic principles apply here as we are discussing Golan. So I think the point of that move being very positive in every way without creating the fear and the turmoil that was expected by some is a valid point for what we are doing now.

Now we have Assad's regime. A campaign in southern Syria obviously threatening Israel's sovereignty. What are the implications of that?

Ambassador GOLD. Well, again, the current campaign, which Assad's people say is to recover Syrian territory from ISIS, is really part of a much wider effort of the Iranian axis, which they call themselves the Axis of Resistance, to establish this land bridge

across the Middle East which will enshrine Iranian hegemony in the region. That should be our point of departure.

You know, if some Arab states are not willing to come to this committee and extol the idea of Israeli sovereignty over the Golan Heights, it is because our diplomatic work—and I was involved in Golan negotiations for the state of Israel. I was involved in contacts with the Arab states. You can reach agreements quietly but not publicly on a lot of sensitive issues. I do not believe that suddenly Bahrain or Saudi Arabia or Kuwait or the UAE would downgrade their relations with the United States because the United States recognized the Golan Heights as Israeli sovereign territory. To the contrary, you would be serving the interests of the anti-Iranian group among the Middle Eastern states.

Mr. LYNCH. Exactly. And that is why we have a role of leadership in this whole question.

So how would the question of Golan sovereignty factor into what currently Syria is doing?

Ambassador GOLD. Well, there would no longer be a question mark about the Golan Heights, that if the Syrians could launch a surprise attack and seize some territory, they could move a diplomatic process that allows them to take Golan territory at the end of the day. That would be defeated. It would be clear that the United States is on the side of Israel staying on the Golan Heights permanently. And I think it would deter aggression rather than stimulate it.

Mr. HICE. I agree with you.

Dr. Doran, let me go to you now with a similar but expanded question. What impact would U.S. recognition of Israeli sovereignty over the Golan Heights have pertaining specifically to Russia and Iran?

Mr. DORAN. It would send a message to all parties, including the Russians and the Iranians, about what the United States expects the new Syria to look like. The Russians and the Iranians are working hard to create a Syria that is going to be a Russian and Iranian base of operations in the whole region. And this is one way that we can very powerfully say to them and to the Syrians that we do not accept that and that we have a different vision of the new Syria. And it would also condition our talks with the Syrian people and the Syrian governments in the future.

It was noted that the previous Israeli prime ministers sat down with the Syrian representatives and entertained the possibility of returning to the 4 June 1967 line. Those talks were not simply bilateral Israeli-Syrian talks. Those were talks by the Syrians with the Israelis very much with the intention of influencing Washington. And so Washington would be sending a message to the Syrians that if you want—to the future Syrian governments, if you want good relations with the United States, and you want to sit down comfortably with the American-led order, it means accepting the Golan as part of Israel. And we would strengthen the Israeli governments, we would strengthen the backbone of Israeli governments, and we would take off of the agenda the possibility of rolling back Israel.

Mr. HICE. Thank you very much.

I yield back, Mr. Chairman.

Mr. DESANTIS. The gentleman yields back.

The chair now recognizes the gentleman from Wisconsin for 5 minutes.

Mr. GROTHMAN. A few questions.

Just doing a little bit of a check here, it looks like the Golan Heights would be the equivalent of 24 square miles. I mean 24 miles by 24 miles. I should say about 500 square miles.

How many people live in that area right now? Does anyone know?

Mr. KLEIN. About 50,000.

Mr. GROTHMAN. 50,000 people?

And who lives there, if you had to describe them ethnically?

Mr. KLEIN. It is 30,000 Jews and 20,000 Druze.

Mr. GROTHMAN. No traditional Arabs or —

Mr. KLEIN. Virtually none.

Mr. GROTHMAN. Could you describe the economy of the Golan Heights?

Mr. KONTOROVICH. It is overwhelmingly based on tourism. There is also agriculture, and now there are some clean energy industries being explored.

Mr. GROTHMAN. Could you describe the economy today compared to the economy 50 years ago?

Mr. KONTOROVICH. The economy is vastly more developed. It is accessible to tourists. All of the infrastructure in the area has been done by Israel since 1967.

Mr. GROTHMAN. Could you compare the economy of the Israeli occupied Golan Heights to the Golan Heights immediately adjacent to it —

Mr. KONTOROVICH. The Syrian Golan Heights is now principally a battleground between different rebel groups and themselves and between rebel groups and Assad. It is a desolate wasteland.

Mr. GROTHMAN. I would say could you describe the quality of agriculture on the area controlled by Israel compared to the area controlled by Syria?

Mr. KONTOROVICH. The Israeli side produces internationally recognized, very fine wines. It is also the major source of Israeli beefstock.

Mr. GROTHMAN. Does it look a lot greener on the Israeli side?

Mr. KONTOROVICH. It is a lot greener and it is quite beautiful.

Mr. GROTHMAN. Why is that?

Mr. KONTOROVICH. Because of the quality of the agriculture, the quality of the irrigation, and the lack of a prolonged ethnic cleansing process.

Mr. GROTHMAN. The people who previously were—obviously, Syria is a problem. They are made up of a lot of ethnic groups that do not get along. The people who have left the Golan—how would you describe their ethnicity?

Mr. KONTOROVICH. The Druze on the Golan?

Mr. GROTHMAN. The ones who left.

Mr. KONTOROVICH. So very few Druze left during the war. The 1968 war ended too fast for anyone to run away.

Mr. GROTHMAN. Did any people leave the Golan —

Mr. KONTOROVICH. No. It was not a source of refugees.

Mr. GROTHMAN. Okay. So the same people are living there now who basically lived there 50 years ago.

Mr. KONTOROVICH. That is exactly right.

Mr. GROTHMAN. Is there anything that could be done kind of short of full recognition that would be a step in that direction?

Mr. KONTOROVICH. Several steps could be taken. Encouraging congressional delegations to visit is a simple step. Putting in the foreign aid budget for Israel an explicit permission for Israel to use money appropriated to it for defense and other purposes in the Golan Heights. Encouraging the creation of joint defense and research projects in the Golan Heights. And modifying the U.S.-Israel joint science research agreements to explicitly allow the use of funds for research on agriculture and clean energy in the Golan Heights.

Mr. GROTHMAN. It seems to me a lot of anti-Israeli feeling in this country is focused on this boycott-divest sanctions effort. How does this effort use the Golan Heights?

Mr. KONTOROVICH. The Golan Heights is completely subject to efforts of economic warfare against Israel. While the BDS movement claims that their goal is Palestinian self-determination, the boycott aspect is applied 100 percent to the Golan where there is no question of Palestinian self-determination. Crucially United Nations resolutions that seek to promote economic strangleholds on Israeli territories apply to the Golan. EU labeling policies apply to the Golan. And there is no distinction made even though there is no claim of self-determination or a right to statehood in this area.

Mr. GROTHMAN. Anybody else could jump in too. Anybody trying to leave—you said we have 30,000 Israeli Jews in there and 20,000 Druze. Is that right? Is anybody trying to leave? Is anybody unhappy that Israel is running it right now?

Mr. DORAN. No, they are not unhappy. You only need to look at what is going on in Syria and see that they do not want to trade their status in Israel for Syrian citizenship.

Mr. GROTHMAN. Or Jordan or Lebanon?

Mr. DORAN. Or Jordan or Lebanon. But they have kept their Syrian citizenship if they want to. Younger people are accepting Israeli citizenship, which is on offer.

But those who have not accepted Israeli citizenship are not doing it because they necessarily prefer Syrian citizenship. They have done it because there is a question mark over the status of the Golan and it might go back to Assad. And if they choose Israeli citizenship over Syrian citizenship and it goes back to Assad, then they and their families fear retribution.

Mr. GROTHMAN. I guess I have used my 5 minutes. Thank you very much.

Mr. DESANTIS. The gentleman's time has expired.

The chair now recognizes the gentleman from Colorado for 5 minutes.

Mr. LAMBORN. Thank you, Mr. Chairman. Thank you for having this hearing. It is an issue that I have been very interested in for a long time. So this is a very timely and important issue. In fact, in the last Congress, I introduced House resolution 768 expressing the sense of the House that it is in the U.S. national security interest for Israel to maintain control of the Golan Heights.

So this has been great testimony that you have all provided. I appreciate that. But I do want to focus in more than we have so far on Iran and Iran's designs. We have talked a little bit about the land bridge, and that has been helpful.

Has the status quo changed? Ambassador Kurtzer, you mentioned the status quo. For 50-some years, Israel has been maintaining a status quo, you say, and a happy status quo. I have heard that phrase. But have things not changed, Ambassador Gold or Dr. Doran, with Iran's involvement in the Syrian civil war, Iran's stated intentions to find ways to annihilate Israel? Not that that language has changed, but their ability to do so or harm Israel at least has changed due to their proximity now to the Golan Heights and their involvement in Golan Heights, their involvement in Lebanon.

So for the two of you, could you comment on whether the status quo has changed to the point where the U.S. policy should change?

Ambassador GOLD. Well, one issue which I did raise is Iranian planning. The fact of the matter is that the Iranians are planning on building a very large army. Now, these Shiite militias are trained and equipped by Iran and deployed in Syria. The goal, according to General Soleimani himself, is to get to 150,000 men.

Now, remember, Israel does not keep the whole Israeli army on the Golan Heights. It has a small blocking force. The number of soldiers it puts there is classified. But after 48 hours, we get to full mobilization. Then we can withstand an attack.

Now, if there is a massive Iranian force in the next 5 to 6 years that develops in Syria that plans to attack Israel, Israel's dependence on the Golan Heights and the initial terrain conditions that the Golan presents to Israel will become more vital.

One of the witnesses who was supposed to appear here was General Giora Eiland, and he was the mastermind and the architect

Mr. LAMBORN. If you could summarize because I am running out of time.

Ambassador GOLD. Okay. Well, I am just saying there is no alternative to Israeli military presence on the Golan Heights enshrined, protected diplomatically by Israeli sovereignty.

Mr. LAMBORN. And by U.S. recognition of that sovereignty?

Ambassador GOLD. And U.S. recognition of that sovereignty. That would be the strongest defense of Israel in the international community.

Mr. LAMBORN. And, Dr. Doran, if you could answer that but throw in the following thought. Have relations between Israel and the neighboring friendly Arab states given Iran's threats that have united this sort of ad hoc coalition—has that changed the status quo as well?

Mr. DORAN. It has totally changed the status quo.

There, I think, three major factors at work here that make the map of the Middle East today totally different than when U.N. resolution 242 was issued. One is the rise of the Iranians. The second is the question mark about American power. The United States has downgraded the Middle East somewhat in its foreign policy, and everyone in the region wonders who much has it been downgraded. And the third thing is the near disintegration of Syria.

So I leave it to Professor Kontorovich to say whether this is a valid legal principle, but I think it should be a principle of our policy that the entity that was in Syria when U.N. resolution 242 was issued is no longer there. When we are negotiating with the Assad regime now, behind it is Iran. Behind it is Russia. This is not an entity like Egypt that can make a guarantee about the borders of Syria that we can rely on in any serious respect. So if we are holding this in escrow for this entity to take over, the entity is not there anymore. I do not know if that is a legal principle, but it should be a policy principle.

Mr. LAMBORN. Thank you, Mr. Chairman.

Mr. DESANTIS. The gentleman yields back.

The chair now recognizes the gentleman from Vermont for 5 minutes.

Mr. WELCH. Thank you.

I want to give Ambassador Kurtzer a chance to respond to some of the points that were made. In listening to your testimony, as I understood it, Israel does have a secure position on the Golan now. There is no suggestion that that be taken away, and that there would be, as you saw it, a number of collateral consequences to an annexation. I am sorry that I missed some of the questioning as I was at another hearing, but I would welcome your response to some of the points that were made.

Ambassador KURTZER. Thank you, Congressman.

The reality right now is that no one—no one—is seriously questioning Israel's control of this territory. We have not questioned that control since 1967. And there is a distinction then between the issue of sovereignty and the issue of control. The United States I think in a bipartisan and very serious way has supported Israel's right to defend itself. We need to continue to do that. I think some of the things mentioned by Professor Kontorovich in terms of ways of enhancing our relationship with Israel should definitely be considered by the Congress. But that is a far cry from changing the subject to a question of sovereignty.

Today Israel is on the high ground, both literally, physically but also diplomatically and morally and, as a result of that, it has gained a tremendous amount of support internationally, including in the region, for what it is doing to counteract malign Iranian influence.

Why change the subject now to this question, a legal question, which is not on anybody's agenda? And it does not enhance American foreign policy to be changing the agenda at this point.

Mr. WELCH. Now, you mentioned that Israel has significant improvement in relations with a number of the Arab states. And could you elaborate on your view as to how this would complicate that progress?

Ambassador KURTZER. Look, right now, most of the improved relations between Israel and the states with which it does not have a peace treaty are conducted behind the curtain. There is intelligence cooperation, strategic cooperation, a great deal of political dialogue. Most of these countries would be unwilling to come out from behind that curtain in support of a claim of sovereignty. They have their own domestic audiences, the so-called Arab Street.

I do not suggest that a recognition of sovereignty would bring people into the street. There is not going to be major demonstrations or violence, but it would force Arab states to take positions against Israel at a time when they are working with Israel on Israel's important security interests, as well as their own security interests.

Mr. WELCH. One final question. I have always appreciated what I thought was the United States' role of trying to be a peacemaker and the honest broker. And there are some people who see some of the decisions like the unilateral move of the capital to Jerusalem, supported by many people here, but not by everyone, as compromising the capacity of the U.S. to play that role. Do you see any issue related to the U.S. pushing sovereignty complicating its role ultimately to be a collaborative player in a peace process in the region?

Ambassador KURTZER. I think there is no question, Congressman. Look, we have seen, with respect to the move of the embassy to Jerusalem, how it has complicated the American role in the peace process that the President has said he wants to resolve. The Palestinians are not talking to us. It is true they did not burn down an embassy. They did not riot. But they have taken themselves out of the game, and they have said that the United States is not an honest broker.

By the U.S. recognizing Israeli sovereignty over the Golan Heights at a moment when it is not part of the discourse, it is not part of the diplomacy, would force Arab states also to distance themselves from U.S. leadership, which is critical at this very difficult period in the region.

Mr. WELCH. Thank you.

I yield back.

Mr. DESANTIS. The gentleman yields back.

I want to thank our witnesses again for appearing before us today.

The hearing record will remain open for 2 weeks for any member to submit a written opening statement or questions for the record.

And if there is no further business, without objection, the subcommittee stands adjourned.

[Whereupon, at 11:26 a.m., the subcommittee was adjourned.]

