

**Testimony Before the House Committee on Oversight and Government Reform
Subcommittee on National Security**

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

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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.