

Written statement of
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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”

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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 it 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.