

Appendix 1

Shab'a Farms

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Shab'a Farms, the hilly ridge that forms the western extension of Mount Hermon next to Israel's primary water source, appeared on the agenda after the IDF withdrawal from Lebanon in May 2000, and it reemerged prominently during and after the Second Lebanon War. The Lebanese government has repeatedly demanded possession of Shab'a Farms, known in Israel as Mount Dov. Security Council resolution 1701 explicitly includes it as an issue to be discussed in the context of relations between Lebanon and Israel and instructs the UN secretary-general to submit to the Security Council recommendations for resolving the dispute. In addition, President Bashar Asad pointed out in a television interview on September 26, 2006 that before all else Israel must withdraw from Shab'a Farms; and in the Lebanese press there are public announcements from the Lebanese government calling for former residents of the farms to come forward and present their ownership papers.

The aim of this essay is to outline the Shab'a Farms dispute: what it actually is about, how Israel arrived at it, and how it evolved – and continued to evolve – into an issue. This will generate a factual basis for public debate over Israel's policy on the matter.

1967-1999

Just before the end of hostilities in the Six Day War the senior military echelon gathered at the headquarters of Division 36, which was responsible for the Golan Heights. Ezer Weizmann, then head of Operations in the IDF, turned to Defense Minister Moshe Dayan and said: "Don't you think

the air force deserves a reward?” “Certainly,” answered Dayan, “ask for anything.” At the time the IDF forces had advanced as far as the Druze village of Majdal Shams, in the foothills of Mt. Hermon. Weizmann pointed at Mt. Hermon and said: “I want us to have a position up there, the point from where you can see Damascus.”

Where was that point? Everyone looked at the divisional intelligence officer, Danny Agmon, one of the founding fathers of IDF combat intelligence. Agmon sat down, calculated, measured the maps, and went up to the spot in a helicopter. Golani soldiers followed, and on the next day UN personnel and a surveyor went to the spot to take measurements and mark the place on their maps as an IDF location. But then a problem arose: the line had to continue to the Lebanese border. In accordance with the “accepted” sign for an international border on the 1:100000 scale map of the intelligence officer, a number of soldiers were stationed on the prominent hilltops along the border. The UN personnel and surveyor came and noted the line of the IDF forces on their maps as following the line of the international border between Syria and Lebanon.

The IDF later abandoned the area of the Syrian-Lebanese border. In the early 1970s, however, Palestinian terrorists infiltrated the area, subsequently nicknamed “Fatahland.” The IDF took possession of it, paved a road, and established a chain of positions there. The hill, called Jabal Rus, became known as Mt. Dov, named after Capt. Dov Rodberg who was killed there in August 1970 in a battle with terrorists. This is also the time when the farmers who lived there abandoned their homes, and ever since the farms have been unoccupied. After the Yom Kippur War and the signing of the disengagement treaty between Israel and the Syrians, the UN force (UNDOP) was established. The operational regional map naturally included Mt. Dov, based on the marking of the international border that a UN surveyor and Danny Agmon delineated in 1967.

2000-2006

When in light of the failed meeting between Presidents Clinton and Asad on March 26, 2000 Prime Minister Barak made the decision to withdraw from Lebanon without an agreement with Syria, he determined that the withdrawal would take place as part of Security Council resolution 425,

adopted following Operation Litani in 1978. According to this resolution, Israel was to withdraw to the international Israel-Lebanon border. UN envoy Terje Larsen was sent to Israel and Lebanon, together with a team of UN surveyors, in part to clarify the line to which IDF had to withdraw in order to comply with resolution 425. The main problem was the border with Lebanon, drawn in 1923 – where exactly did it run? On the eastern border, from the Hatzbani River and eastwards, meaning the Lebanese-Syrian border, there were no special problems, except for two important IDF positions inside Lebanese territory.

And then a major surprise occurred. Larsen and his team met Lebanese President Emile Lahoud on May 4. The president, who was close to the Syrians, told Larsen that the border with Israel did not interest him just then. The eastern border was far more important to him. He claimed that this area, which was called Shab'a Farms, was Lebanese and not Syrian, and Israel had to withdraw from it in accordance with resolution 425. Lahoud noted that at this location there were at least fourteen farms, the largest of them being Mizrat Shab'a (after which the region of the farms is named, not to be confused with the Lebanese village of Shab'a), with others including Fashkol, Ramatha, Zabdin, and Aiazal.

The Lebanese media, including Hizbollah's media and the speaker of the Lebanese parliament, Nabih Berri, immediately made this public. Larsen returned to Israel where a Lebanese map was shown to him with the accepted Lebanese-Syrian border, with Shab'a Farms clearly marked in Syrian territory. The Lebanese claimed that the map was not up-to-date and in any case was inaccurate, and insisted that the area of Shab'a Farms (without precisely denoting its boundaries) is located in Lebanon. From that moment and until the publication of a report by the UN secretary-general to the Security Council on May 23, a struggle ensued over the position of the Syrian-Lebanese border and to whom Shab'a Farms belong: Syria or Lebanon. The UN asked Israel and Lebanon to provide evidence to support their claims, and launched an investigation of its own.

Two fundamental historic facts lay at the basis of the struggle: one, there was no formal agreement between Syria and Lebanon over a formal international border, and second, there was no agreed marking of the border. The actual border between Lebanon and Syria was set in 1920 by the French when the state of Lebanon was established.

The Lebanese had four arguments:

- Syrian property notes testify that the farms belong to the Lebanese.
- Various documents show that religious leaders from Lebanon provided the inhabitants of the farms with religious services.
- Partial minutes of a Lebanese-Syrian borders committee meeting from 1964 allegedly indicated that the Syrian side agreed that the farms belong to Lebanon, and the route of the border should be reset.
- One Lebanese map from 1966 shows the farms as being on Lebanese soil.

Israel clearly saw this as a Hizbollah pretext to fabricate an issue that would validate acts of violence after the IDF withdrawal, claiming that this is occupied Lebanese territory. The arguments Israel submitted to the UN to show that the area is Syrian and not Lebanese included:

- Dismissal of the Lebanese claim of a purchase certificate as being entirely irrelevant to the question of sovereignty.
- Showing proof that the so-called 1964 minutes, presented by the Lebanese, were in fact forged.
- Showing dozens of Lebanese maps printed after 1964, including from the Lebanese Ministry of Defense, that clearly indicate that the farms are located on Syrian soil.
- Syrian maps representing the same information.
- French maps were brought in, along with testimony of French officials who described where the border between Syria and the new state of Lebanon ran.
- A Syrian census from 1960 showed that the inhabitants of the farms were incorporated into a population census (this ranged from several dozen to several hundred at each farm).
- A Lebanese banknote with a value of 1000 Lebanese lira, which was issued in 1988 and which bears a map of Lebanon. The route of the Syrian-Lebanese border, marked out on the map, indicates that area of Shab'a Farms is, in fact, Syrian land.
- Maps belonging to UNDOP and UNIFIL, including their activity areas, are divided by the "accepted" line of the Syrian-Lebanese border.
- The UN announcement from 1978 (after Operation Litani) stated that Israel had completed its withdrawal from all Lebanese territory (without referring to IDF positions on Mt. Dov as belonging to Lebanon).

Lebanon did not claim then that Shab'a Farms belonged to Lebanon, and did not demand that Israel withdraw from the area as part of its withdrawal from all Lebanese territory.

The UN accepted Israel's position and announced this to the Lebanese government several days after submission of the UN secretary-general's report to the Security Council on May 23, 2000. The UN's main reason for rejecting the Lebanese demand was connected to the UNDOF and UNIFIL maps. The UNDOF map appeared in the protocol of the disengagement agreement between Israel and Syria in May 1974, which Syria signed, thereby confirming that the area of Shab'a Farms is located in Syria, as part of the occupied Golan Heights; Lebanon never complained that UNIFIL's operational area does not include Shab'a Farms.

The Lebanese did not give up. They repeated their claim that the area is Lebanese and therefore the UN position is unacceptable. The Syrians supported the Lebanese and, in a telephone call to the UN secretary-general, Syrian foreign minister Farouq al-Shara said that Shab'a Farms were, in fact, Lebanese. Thus the Syrians claimed then, and still do today, that the farms belong to the Lebanese. In terms of ownership the farms in fact belong to Lebanese. However, the Syrians have also made sure not to state that the farms are in sovereign Lebanese territory and not in Syrian sovereign territory.

On May 20, 2000, for the first time since 1983, Hizbollah fired a number of shells on the IDF Gladiola outpost on Mt. Dov. That day Nasrallah announced that this is occupied Lebanese territory, thereby establishing the legitimacy for future violence against Mt. Dov positions.

At the same time, the UN secretary-general updated Prime Minister Barak with regard to the pressure being exerted on him on the matter, including the words of the Syrian foreign minister. Barak decided to test the Syrians and call their bluff. He suggested to the UN secretary-general to ask President Hafez Asad to send an official letter to the UN secretary-general stating that Shab'a Farms are not part of Syria and the Golan Heights, but part of sovereign Lebanon. Syria was to sign an official border agreement with Lebanon, mark the border (according to which the farms would be in Lebanese territory) and initiate the accepted international processes pertaining to defining an international border (parliamentary approval, sending maps to the UN, and so on.).

Barak was certain that Asad would not sign because if he did, Asad would officially signify that he was ceding part of the Golan Heights that had been occupied since June 4, 1967. In so doing he would create a precedent that would damage the fundamental Syrian position. Barak's assumption was correct. An international application was made to Asad regarding the border in the area of Shab'a Farms but he did not respond to it and indeed did not send the letter Barak had suggested.

The Israeli position was officially embraced in the UN secretary-general's report to the Security Council submitted on May 23, 2000. At the same time, the report emphasized that it was not ruling out the possibility that Lebanon and Syria would sign a binding international border agreement in the future (in which sovereignty of the farms would be decided). Since then, Mt. Dov has become the main – and almost only – area on which Hizbollah occasionally fires. The Lebanese government, for its part, has continued to make its claim to Shab'a Farms in the international community.

After resolution 1559 in September 2004 was passed and the Syrians withdrew from Lebanon the following year, UN Middle East envoy Terje Larsen raised the idea that Israel would vacate the area of Shab'a Farms and transfer it to the Lebanese government (or, initially, to the UN). There were two components to this rationale. First, this would obviate Hizbollah's grounds for firing on Israel and bring complete quiet to the northern border. Second, this would bolster the reformist forces in Lebanon (for example, Prime Minister Siniora) against Hizbollah and add weight to the demand that Hizbollah disarm in accordance with resolution 1559. Larsen found a degree of responsiveness in Israel to the idea, particularly in the National Security Council. On the other hand, the official Israeli position rejected the idea outright, arguing first and foremost that since this is not Lebanese territory, it is a clear Hizbollah excuse for continuing to fire on Israel. If Hizbollah did not have the pretext of Shab'a Farms it would find another, for example, the demand to return seven Shiite villages to Lebanon that, it claims, have been in Israeli territory since 1948. Transfer of the farms would strengthen Hizbollah, not Siniora. In addition, Mt. Dov is of supreme strategic importance as it controls the three water sources of the Jordan River (Dan, Hatzbani, and Banias), and in general, there is no precise and clear geographic delineation of Shab'a Farms. According to

some Lebanese claims the area stretches as far as the settlement of Snir and extends to the Israeli side of Mt. Hermon.

2007

This is the background to the current situation. The Shab'a Farms issue will undoubtedly remain on the political, diplomatic, and even military agenda in the future. There are five main direct players in the issue: the UN, the Lebanese government, Hizbollah, Syria, and Israel.

With regard to the UN: Clause 10 of Security Council resolution 1701 instructs the UN secretary-general to prepare proposals within thirty days concerning the possibility of finding a solution for the issues of the unclear and controversial international borders of Lebanon, including the area of Shab'a Farms. Well after thirty days, no such proposals were submitted. One may assume with a high degree of probability that any proposal submitted in the future by the UN secretary-general will not essentially depart from the position presented by the UN in advance of Israel's withdrawal from Lebanon. In other words, this is an issue that is subject to Syrian-Lebanese consent and will be formally shaped in accordance with setting an international border that is agreeable to both.

Fouad Siniora, the Lebanese prime minister, is the principal interested party in a political-diplomatic settlement of the Shab'a Farms problem. Since his election as prime minister he has asked Syria several times to reach a written agreement with him that recognizes Lebanese sovereignty over the area of the farms, thereby generating a dynamic of international pressure on Israel to withdraw from the area. His obstinacy led to the explicit citing of the farms in clause 10 of Resolution 1701. It is hard to know whether Siniora sincerely believes that the farms are in sovereign Lebanese territory. For him the importance of the issue is not only territorial but fundamental as well, and concerns the internal balance of power in Lebanon and relations with Syria: if he succeeds in restoring the farms to Lebanese sovereignty through diplomatic-political means he will strengthen his position vis-à-vis Hizbollah, open a new and positive chapter in his relations with Syria, and demonstrate a degree of power.

Hizbollah naturally objects to Siniora's concept, arguing that Israel should withdraw from Shab'a Farms before any Syrian-Lebanese agreement.

It has already declared that Israel's presence in the farms, like its flights over Lebanon, are a breach of resolution 1701, and the organization has the right to respond with armed resistance. It would come as no surprise if Hizbollah were to use violence again against Israel's strongholds at Mt. Dov as part of its struggle.

For now, it is hard to find a satisfactory reason that would motivate the Syrians to help Siniora and transfer Shab'a Farms to Lebanon in a formal and binding way. On the contrary, it appears the Syrians have good reasons to obstruct Siniora. Together with Nasrallah, they are now looking to depose Siniora; their sole interest lies in strengthening Nasrallah; they have all the evidence that shows that Shab'a Farms are in sovereign Syrian territory as determined by the French in 1920; there is no precedent for Syria giving up sovereign territory unless faced with a superior force (such as Turkey, on the Alexandretta issue); and, in general, why should Hizbollah be left without a pretext for continuing with its armed struggle?

And what about Israel? Two brief points will suffice here. The first is highly practical. Everyone talks about Shab'a Farms, but what is important is that this is not a defined area enclosed by clear topographical lines. In any case, the Mt. Dov ridge controls all of Israel's water sources. The second point is a fundamental one. If Syria agrees for some reason to mark and sign a border agreement with Lebanon, including the area of the farms, then Israel could consider the possibility of meeting Siniora half way; if not, it should not rush to withdraw from more "Lebanese territory" as one of the results of the Second Lebanon War.