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Recognition by the US Administration of Israel's Sovereignty over the Golan Heights: Political and Security Implications

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President Trump's recognition of Israel's sovereignty over the Golan Heights was well received by most of the Israeli public, but met with disapproval from most of the international community. The American measure clashes with the commonly held position in international law, anchored in the UN Charter, that a country's sovereignty and territorial integrity must be respected, and that wartime acquisition of territory does not confer a right to sovereignty over that territory. Therefore, the international community - as well as countries in the region, including those with relations with Israel - will most likely continue to oppose the American measure. That said, the measure does not preclude a future Israeli government from negotiating with Syria over the Golan Heights, and the measure itself could be amended by a different American administration. It is unlikely that this measure will lead to any escalation with Syria beyond the existing tensions, and it has no particular security ramifications. It complicates the US administration's ability to advance the "deal of the century," and to promote cooperation with countries in the region. The bolstered image of the US administration as unconditionally supportive of Israel and its policies vis-à-vis its Arab neighbors also has implications for the approach in Israel that further territorial annexations are possible.

At his meeting with Prime Minister Benjamin Netanyahu on March 25, 2019, President Donald Trump signed a presidential proclamation recognizing Israel's sovereignty over the Golan Heights. This occurred more than 37 years after the Knesset ratified a bill in December 1981 extending Israeli jurisdiction over the Golan Heights, a measure that notwithstanding the denials by then-Prime Minister Menahem Begin was tantamount to annexation of the Golan Heights to Israel. A few days later, the Security Council passed Resolution 497, stipulating that the annexation had no international significance. In the decades since, no significant actor in the international arena has recognized Israel's sovereignty over the Golan Heights, and the international community has consistently endorsed the opening principle of Security Council Resolution 242 regarding "the inadmissibility of the acquisition of territory by war."

For President Trump and Prime Minister Netanyahu, the move was prompted by domestic political interests, and both needed this measure to please their political bases.

Two weeks before Israelis go to the polls, Netanyahu is intent on preventing voter defections to his main adversary, the Blue and White party, or to his rivals within the rightist camp. For his part, Trump has essentially been engaged in an election campaign since he was first elected, in order to ensure his re-election in 2020. The President's measure also reflects his desire to help Netanyahu in his re-election campaign, but this is not the first instance of a US administration intervening in Israeli elections to help a candidate favored by the president.

President Trump's announcement was well received by most of the Israeli public and political establishment. The purpose of this article is to assess the political and security implications of the measure.

Security Implications

The application of Israeli jurisdiction to the Golan in 1981, when Syria was better positioned militarily against Israel, did not have immediate security ramifications, and presumably Syria will avoid direct military confrontation with Israel now as well. Syria's motivation to attempt to use force against Israel, which already exists given Israel's military activity within Syrian territory in recent years, might increase, and perhaps the American measure will push the regime to lend greater support to efforts by Hezbollah and other Shiite militias to build an infrastructure for attacks on the Golan Heights, to be used if required. Such action, should it happen, would be cautious, and aim to avoid serious escalation with Israel. Iran and its proxies are already engaged in a limited military confrontation with Israel on Syrian soil, and it does not appear that President Trump's measure will have an impact on the balance of its calculations regarding action against Israel. The same applies to the Palestinian arena: it is unlikely that the American move regarding the Golan Heights will affect decision making by organizations involved in terrorism against Israel or individuals who might be considering taking action against Israel.

Political Responses and Ramifications

There has been sweeping international opposition to the American measure. For example, the spokeswoman for the Russian Foreign Ministry declared that any change to the status of the Golan Heights that circumvents the Security Council represents a direct violation of UN resolutions. She further stated that in accordance with Security Council Resolution 497, Russia's position is that the Golan belongs to Syria. Russia even tried to question why the United States, if it does not recognize these resolutions, is not prepared to recognize Russian sovereignty in the Crimean Peninsula.

In a press release of March 27, 2019, the European Union affirmed: "The position of the European Union as regards the status of the Golan Heights has not changed. In line with

the international law and UN Security Council resolutions 242 and 497, the European Union does not recognise Israeli sovereignty over the occupied Golan Heights.” Similarly, France and Germany rejected Trump’s remarks. The French Foreign Ministry asserted that Israeli sovereignty on the territories of the Golan Heights contravenes international law. The spokeswoman for the Berlin government said: "If national borders should be changed it must be done through peaceful means between all those involved."

Middle East countries friendly to Israel, along with hostile states, share this position. Egypt emphasized its consistent stand that in accordance with UN resolutions, chiefly 497, the Syrian Golan is occupied Arab land. According to Cairo, the international community must honor UN resolutions and the UN Charter, which forbid the forcible seizure of land. According to the Jordanian Foreign Minister, "Jordan’s unaltered stance is that the Golan Heights are occupied Syrian territory. Any unilateral decision would not change the fact Golan Heights were an Israel-occupied Syrian territory. Lasting and comprehensive peace requires ending the Israeli occupation of the Syrian territory." The Gulf states, led by Saudi Arabia also voiced opposition, reiterating that the Golan Heights is "occupied territory." The spokesman for Iran's Foreign Ministry denounced Trump's decision, charging that the "Zionist entity" occupies Arab and Muslim land, something that must cease. He insisted that according to UN Security Council resolutions, the Golan is occupied Syrian territory. Finally, Turkey fiercely condemned the move and announced its intention to take the matter up in international forums.

Consequently, the international community and Middle East countries will presumably continue to relate to Trump’s decision as they did to the decision to move the US embassy to Jerusalem. With the exception of a few countries that will want to curry favor with the Trump administration, they will continue with their non-recognition of Israel's sovereignty on the Golan Heights. Whether this resistance will be translated into operative steps is a separate question. It is possible that the Arab world and Turkey will try to pass UN resolutions opposing this measure and reaffirming Resolution 497. Such an attempt would likely be blocked by an American veto at the Security Council; but a resolution in the same vein could be passed in the General Assembly, where it would earn majority support. Beyond that, no significant operative steps are expected in the international arena.

For the Arab world, the American measure will make it even more difficult to promote overt cooperation with Israel, be it among the countries that have peace treaties with Israel or those, like the Gulf states, that have informal ties with it. The assumption that the resistance and hostility toward the Assad regime evinced by many Arab countries will be translated into assent for the American measure does not consider the distinction that

these countries make between Syria's regime and Syria's national sovereignty. When the Arab world was first rocked by shockwaves, theories were floated about the end of the so-called Sykes-Picot borders, with expected changes to Arab state borders; for the time being, this has not materialized. These countries guard their nation-state structure and their borders, even if chaos reigns within. The opposition in principle to changing borders through force has been preserved, as was the case in 1991, when Saddam Hussein's occupation of Kuwait united the Arab world against him, and as happened in 2017, when the drive by the Kurdish autonomous region in Iraq to achieve independent statehood was crushed by the Iraqi government with the backing of the entire Arab world. The Arab world is not prepared to let Israel compromise the sovereignty of an Arab state.

As for political ramifications, Syria is unlikely to mount a response to the American measure by attempting actions against the disengagement agreement between it and Israel, or arresting the process it has already begun to restore the presence and operations of the UN Disengagement Observer Force (UNDOF). Nor does it seem that this American measure would hinder a possible future renewal of Israeli negotiations with Syria on a peace treaty, should there be an Israeli government interested in renewing negotiations (clearly this is not a scenario for the foreseeable future). Given that Syria was willing to enter such negotiations several times after Israeli jurisdiction was extended to the Golan Heights, why would American recognition of Israeli sovereignty over the Golan change that? It could of course be argued that in terms of domestic politics, it would be harder for any Israeli government to make such a decision, as dissenters would contend there is no reason for Israel engage in negotiations that would necessarily entail a discussion of possible territorial concessions on the Golan Heights when the top superpower, Israel's principal ally, supports its sovereignty over that territory. However, a different American administration could amend the United States position in the future in light of international political considerations or a change of circumstances.

President Trump's measure bolsters the current administration's image as standing unconditionally behind Israel and adopting its positions vis-à-vis the Arab countries. It will also intensify existing resistance among United States allies in the region to overall US policy, which will make it difficult for the administration to broaden and deepen coordination with these states not just on matters relating to the Palestinian issue, but also regarding the administration's efforts to enlist the greatest possible number of regional partners for its Iran policy. This image will likely detract from the Trump administration's ability to mediate between Israel and the Palestinians and enlist the Arab states in marketing the "deal of the century." However, the chances of the deal of the century bringing about progress on the Palestinian issue were slim at best even before the measure. In Israel, the American measure may encourage political elements who have considered annexing Palestinian territories to try to implement these ideas after the

election, arguing that the American administration will not stand in the way. If Netanyahu is re-elected, Trump will likely expect similarly supportive steps in the next presidential campaign in the United States, which would further entrench Israel's image as a party that takes sides in an internal political dispute in the United States, and incur difficult ramifications for Israel's relations with the Democratic Party.

In conclusion, the American administration's recognition of Israeli sovereignty on the Golan Heights has political ramifications in the regional and international spheres, and internal ramifications for Israel. It does not pose special security challenges. In practice, it might affect the capability of American officials to function on the Golan Heights as on any sovereign Israeli territory, and affect the view within Israel regarding the ability to continue holding territory occupied in the Six Day War, even without agreement from the Arab side.