המרכז הירושלמי לענייני ציבור ומדינה עמותה רשומה
Jerusalem Center for Public Affairs Registered Amuta

Congress of the United States
House of Representatives
Committee on Oversight and Governance Reform Special Hearing
"Recognizing Israeli Sovereignty on the Golan Heights"
Tuesday, July 17, 2018, 10:00 am
Rayburn Hearing Room 2154, Washington, DC

Ambassador Dore Gold

President, Jerusalem Center for Public Affairs; Former Director-General of Israel's Ministry of Foreign Affairs and Ambassador of Israel to the United Nations

Photo: The Golan Heights plateau, overlooking the Sea of Galilee to its southwest.

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 be 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.

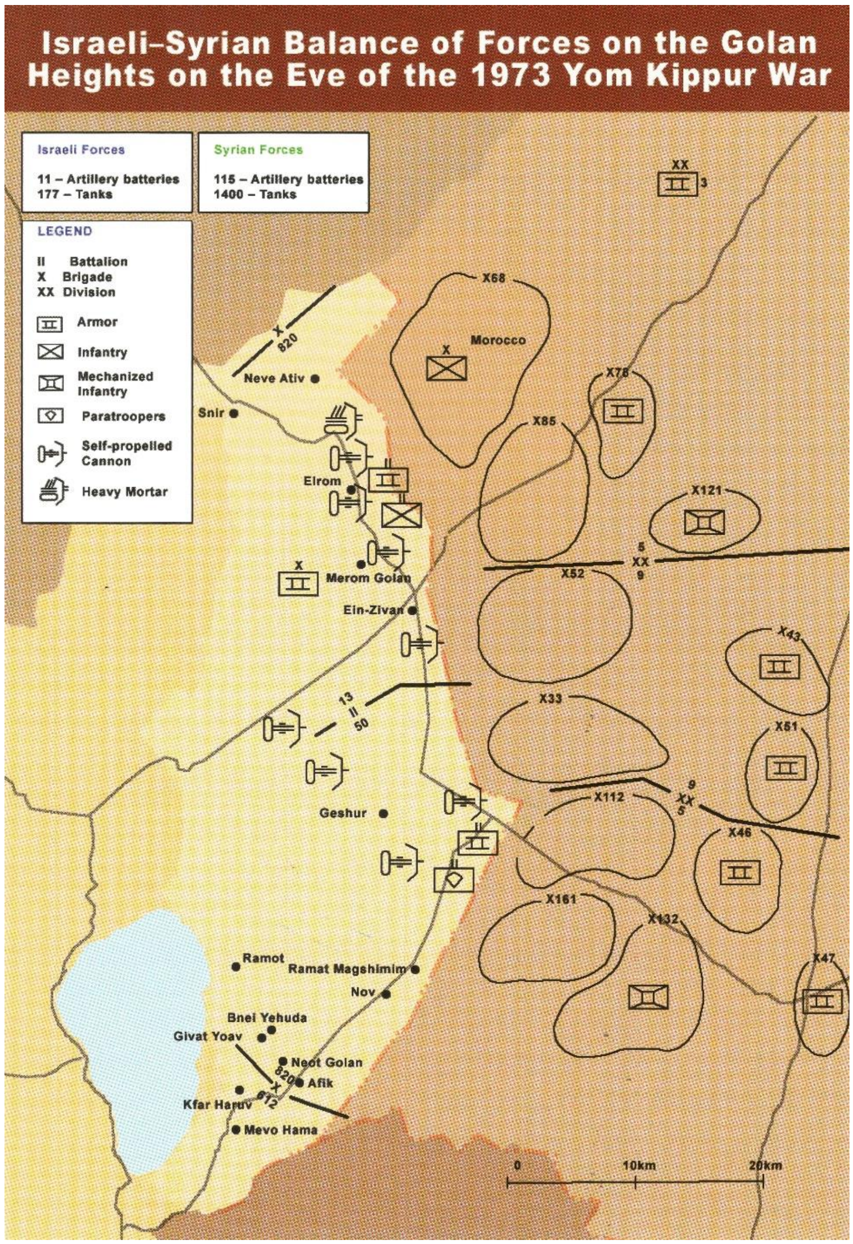
A willingness to negotiate of course did not mean that when the moment of truth arrived, these prime ministers were willing to actually withdraw from Golan territory in full. The Ford Letter had enormous diplomatic significance nonetheless, for it conveyed a consistent American understanding at the highest 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.

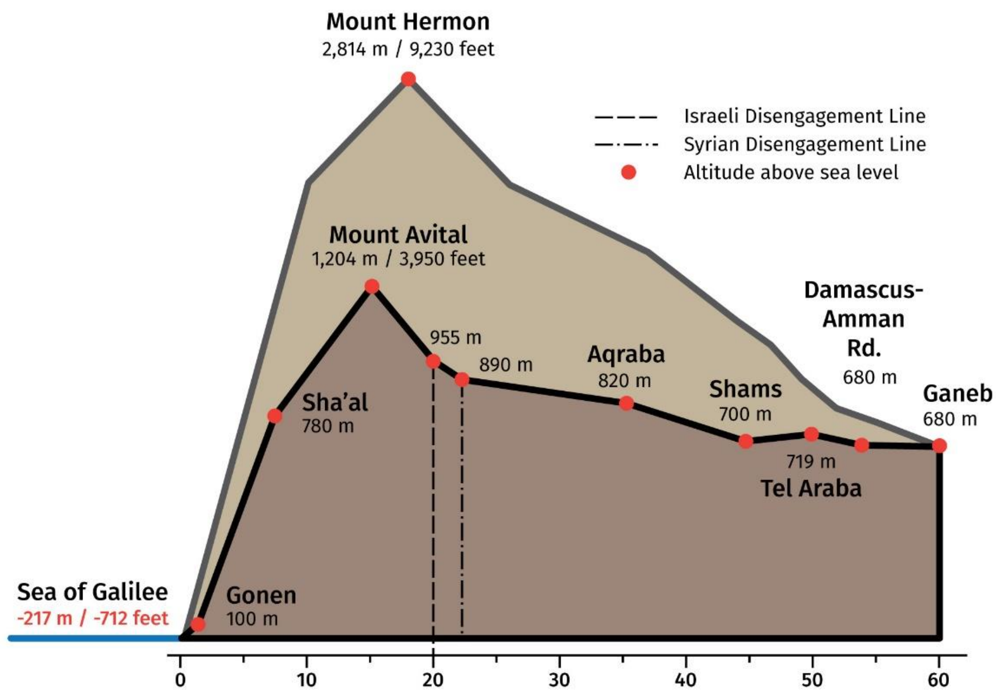
Thus back in 1973, along the Golan Heights, Israel had to withstand a threat of 1,400 Syrian tanks with only 177 Israeli tanks [See Map: the Israeli-Syrian balance of forces on the Golan Heights on the eve of the Yom Kippur War in 1973]. The Golan Heights does not provide strategic depth to offset this 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 Hizbullah, 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 Hizbullah 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. Hizbullah 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.israelhayom.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.

Committee on Oversight and Government Reform
Witness Disclosure Requirement — "Truth in Testimony"

Pursuant to House Rule XI, clause 2(g)(5) and Committee Rule 16(a), non-governmental witnesses are required to provide the Committee with the information requested below in advance of testifying before the Committee. You may attach additional sheets if you need more space.

Name: Amb. Dore Gold

1. Please list any entity you are representing in your testimony before the Committee and briefly describe your relationship with each entity.	
Name of Entity	**Your relationship with the entity**
Jerusalem Center for Public Affairs	President (2000-2017)
Ministry of Foreign Affairs, Israel	Director General (2015-2016); Ambassador of Israel to the United Nations (1999-2000)

2. Please list any federal grants or contracts (including subgrants or subcontracts) you or the entity or entities listed above have received since January 1, 2015, that are related to the subject of the hearing.

Recipient of the grant or contact (you or entity above)	Grant or Contract Name	Agency	Program	Source	Amount
N/A					

3. Please list any payments or contracts (including subcontracts) you or the entity or entities listed above have received since January 1, 2015 from a foreign government, that are related to the subject of the hearing.

Recipient of the grant or contact (you or entity above)	Grant or Contract Name	Agency	Program	Source	Amount
N/A					

I certify that the information above and attached is true and correct to the best of my knowledge.

Signature [signature]

Date: 15 July 2018

Page 1 of 1

Ambassador Dore Gold is President of the Jerusalem Center for Public Affairs. In June 2015, Dore Gold left the Jerusalem Center, which he had led since 2000, to serve as Director General of the Ministry of Foreign Affairs, appointed by Prime Minister Benjamin Netanyahu. During his tenure at the Foreign Ministry, until October 2016, Ambassador Gold advanced policies that strengthened Israel on a global level – from Africa and Asia to the Mideast and the Western world.

Ambassador Gold was the eleventh Permanent Representative of Israel to the United Nations (1997-1999). In January 2014, he was appointed as an external advisor on international issues to Prime Minister Benjamin Netanyahu. During Prime Minister Netanyahu's first term, in his capacity as foreign policy advisor, Amb. Gold served as an envoy to the Palestinian Authority, Egypt, Jordan, and the Gulf States. He also served as an advisor to Prime Minister Ariel Sharon.

Ambassador Gold was a member of the Israeli delegation at the Wye River negotiations between Israel and the PLO. He negotiated the Note for the Record, which supplemented the 1997 Hebron Protocol, and in 1999 concluded the negotiations with the U.S., Lebanon, Syria, and France for the creation of the Monitoring Group for Southern Lebanon. In 1991, he served as an advisor to the Israeli delegation to the Madrid Peace Conference. From 1985 to 1996, he was a senior research associate at the Jaffee Center for Strategic Studies at Tel Aviv University, where he was Director of the U.S. Foreign and Defense Policy Project. Dr. Gold received his B.A. ('75), M.A. ('76), and Ph.D. ('84) from Columbia University, where he specialized in the Middle East and in international law.

Ambassador Gold has written books and articles on the Middle East, including The Rise of Nuclear Iran: How Tehran Defies the West (Regnery, 2009), The Fight for Jerusalem: Radical Islam, the West, and the Future of the Holy City (Regnery, 2007), Tower of Babble: How the United Nations Has Fueled Global Chaos (Crown, 2004), Hatred's Kingdom: How Saudi Arabia Supports the New Global Terrorism (Regnery, 2003), and U.S. Military Strategy in the Middle East (Tel Aviv: Ministry of Defense Publications, 1993). His articles have appeared in Asahi Shinbun, Commentary, Daily Telegraph, Die Zeit, Ha'aretz, Jerusalem Post, Le Monde, The New York Times, Washington Post, and Wall Street Journal.

He lives in Jerusalem with his wife, Ofra, their children and grandchildren.