

## Opinion

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# 1949 line could leave negotiations in knots

by Frederic C. Hof

**C**hibli Mallat has eloquently argued (USJ professor proposes different tack to resolve dispute over Golan pullout, The Daily Star, July 22, by Kim Ghattas) that the Syrian-Israeli boundary issue might be better tackled in the context of the 1949 armistice instead of the June 4, 1967, line. Although there is merit in his argument, a decision by the parties to revert to 1949 might inadvertently widen a gap which is now quite narrow.

Mallat's analysis cites a fundamental truth: the only "boundary" ever agreed to by Israel and Syria (leaving aside the 1967 and 1973 cease-fire lines) was the 1949 Armistice Demarcation Line (ADL). The ADL differed from the 1923 Palestine-Syria boundary in three places, where a total of 66.5 square kilometers on the Palestine side of the 1923 line were demilitarized in exchange for the removal of Syrian forces to Syria proper.

As Mallat correctly indicates, much of the tension and violence dominating Syrian-Israeli relations between 1951 and June 1967 had to do with control over this three-part demilitarized zone.

What was so important about the demilitarized zone? Again, Mallat properly identifies the answer: water. Israel took the position from the beginning that the entire demilitarized zone – which was defined as all land lying between the ADL and the 1923 boundary (where the two lines differed) – was sovereign Israeli territory in which Israel had voluntarily agreed not to station soldiers. For Israel, keeping the water-related privileges secured by Great Britain in 1923 – full legal ownership of Lake Tiberias and the upper course of the

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Jordan River flowing into the lake – were key national-security goals.

Israel tried to extend its effective sovereignty all the way to the 1923 line, a goal frustrated (until June 1967) by Syrian arms. Syria regarded the demilitarized zone as a sort of UN-dominated buffer with sovereignty to be decided in formal peace negotiations.

It is important, however, to note – not just for reasons of historical accuracy, but for current diplomatic purposes as well – that it was not the demilitarized zone which facilitated Syrian access to Lake Tiberias until June 1967. An understanding of this point might clarify why Syria has not, at least until now, accepted Mallat's view that "for Syria, it is clear that the 1949 line would be superior to the 1923 arrangement ... and more advantageous than the June 4, 1967 line."

The facts of the 1949-1967 situation to the east of Lake Tiberias may be summarized as follows:

● On the northeastern shore of the lake, where Syria had access to the water, there was no demilitarized zone. Instead, the ADL followed the 1923 boundary, which was 10 meters in from the water. Inasmuch as the 1949 armistice forbade the passage of soldiers and civilians across the ADL, every time a Syrian soldier or civilian crossed that unmarked 10-meter line to swim, fish, or water livestock, the armistice was violated. Syria occupied this sector militarily until June 1967, effectively erasing the ADL. The UN tried to broker "gentlemen's agreements" sanctioning Syrian

access to the Lake, but was obliged to note for the record that Syrians were regularly violating the armistice by crossing the 10-meter beach.

● From almost midway down the eastern shoreline of the lake the ADL continued to follow the 1923 line inland from the water until it approached the Syrian hamlet of Kafr Hareb, where the ADL departed from the 1923 line by turning back to the west to the southeastern shore of Tiberias, which it followed for several kilometers before turning inland again. This entire sector was designated part of the demilitarized zone, and it included the village of al-Hamma, which Syria administered as if it were part of Syria.

Interestingly, Mallat suggests that because the ADL followed the southeastern shore of Lake Tiberias, international law would support Syrian access to the lake in that sector. Yet even if Syrians had enjoyed access to the shore in this part of the demilitarized zone, to touch the water would have been to violate the armistice by crossing the ADL. In fact, Israel completely controlled the shore-

line in this southeastern sector, with Syrian forces occupying the high ground inland and al-Hamma on the Yarmouk River.

Therefore, for Syria to rely on the 1949 armistice instead of the June 4 formulation could be problematical in that the armistice, which established the ADL as a legal, if not physical barrier, implicitly barred Syria from access to Lake Tiberias; a prohibition explicitly acknowledged by the UN Truce Supervision Organization. The June 4 formulation, on the other hand, is

rooted in UN Security Council Resolution 242, which calls for "withdrawal of Israeli armed forces from territories occupied in the recent conflict" [emphasis added], not from territories occupied between 1949 and June 1967.

Syria, therefore, has effectively accepted the de-facto partition of the 1949 demilitarized zone (largely accomplished in 1951), but also maintains that 242 mandates Israel's full withdrawal from the northeastern shoreline of Tiberias, where no demilitarized zone existed and where Syria was fully in control until the second week of June 1967. The real challenge for negotiators is to find a way to reconcile Syria's need for a line reflecting full Israeli withdrawal from land conquered in June 1967 with Israel's need for water and 360-degree access to the lake.

Inasmuch as the cost of pumping Jordan Valley water up to the Golan Heights is prohibitively expensive, and given that downstream Arab riparians have claims to the same water, a compromise would not appear to require the genius of Talleyrand or even "constructive ambiguity." Neither would it appear to require resorting to the 1949 armistice, notwithstanding Mallat's well-reasoned argument. The requisite compromise is easily within the reach of the parties. They need only grasp it.

*Frederic C. Hof is the author of two recent monographs, both published in Washington by Middle East Insight, Inc.: Line of Battle, Border of Peace? The Line of June 4, 1967; and Beyond the Boundary: Lebanon, Israel and the Challenge of Change. He wrote this commentary for The Daily Star*

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