

The Golan Heights between violence and law: reporting from Syria

By Franklin Lamb

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DAMASCUS: Nationals from nearly one-third of the 192 member states of the United Nations met in Damascus in the second week of October to discuss the liberation of the Golan Heights from Israeli occupation and its return to Syria. Together with Golani victims of Israel's 42 years of occupation, an estimated 5,000 researchers, lawyers, politicians, activists, students and members of the public attended the opening event in Qunaitra. Qunaitra is the Golan capital city lying amidst acres of rubble. In 1974, when it was forced to return the city it had occupied since 1967,

Israel had the city bulldozed, shelled, and booby trapped.

The participants heard scholars and practitioners argue that international law could not be clearer in requiring the full return of the 1,860 square kilometers of Syrian territory, despite Israeli claims over the years of "border irregularities."

As the International Court of Justice declared in the Burkina Faso and Mali cases, the two former French colonies, the frontier existing at the moment of independence, which Syria achieved in April 1946, is frozen like "a snapshot" taken at the exact moment of Independence.

The law on the subject and the demolition of Israel's arguments for retaining the Golan could hardly be clearer. In addition to several UN resolutions condemning Israel's Golan takeover as violations of customary international law, Security Council Resolutions 242 and 338, supported by Article 2 (4) of the UN Charter, outlaw the acquisition of territory by force and require the immediate withdrawal of Israeli armed forces from the Golan Heights. Virtually all legal analysts agree on the imperative of full return.

Some Israelis argue that Syria indiscriminately rained artillery shells on peaceful Jewish settlements on the Galilee, without provocation, and that Israel had the right to invade the Golan in self-defense.

Several Israeli authors have exposed the myth. Following historian Benny Morris on the brutal occupation of the 1949 UN-established Demilitarized Zones, Oxford professor Avi Shlaim writes in his "The Myth of the Golan Heights" that "the Israelis began by staking an illegal claim to the sovereignty over the [demilitarized] zone and then proceeded, as opportunity offered, to encroach on all the specific provisions against introducing armed forces and fortification. They repeatedly obstructed the operations of the UN observers, on one occasion even threatening to kill them ... They expelled, or otherwise forced out, Arab inhabitants and razed their villages to the ground."

In 1976, Moshe Dayan, Israel's then-Defense Minister, explained to an Israeli journalist how it worked: "I know how at least 80 percent of the clashes there [on the Golan front] started. In my opinion, more than 80 percent, but let's talk about 80 percent. It went this way: we would send a tractor to plough someplace where it wasn't possible to do anything, in the demilitarized area and knew in advance that the Syrians would start to shoot.

If they didn't shoot, we would tell the tractor to advance further, until in the end the Syrians would get annoyed and shoot. And then we would use artillery and later the air force also, and that's how it was ..." Dayan later added: "There was really no pressing reason to go to war with Syria ... the kibbutz residents who pressed the government to take the Golan Heights did it less for security than for the farmland." Participants in the large Damascus conclave, huddled in an overflowing room, discussed, analyzed the issue. They argued that the whole international community, except Israel, and the full corpus of international law, supported the immediate and complete return of the Syrian Golan Heights to its 350,000 displaced Golan inhabitants. These refugees make up 90 percent of the Golan's pre-1967 population from the 130 villages and 112 agricultural areas Israel destroyed.

Many advocated a Golan Intifada. The Golani delegates argued that resistance in all its forms may be the most realistic path for the return of the Golan. They point to the success of the Hizbullah-led Lebanese resistance in regaining most of Lebanon's Israeli occupied territory.

One of them, a student in Damascus, told me: "We don't expect help from Hizbullah. They have made clear to us they do not "do branches" in other countries despite requests for help around the region, but we have learned much from their experience and we will apply their logic and tactics." "Syria is rising" another joined in, "we are strong psychologically, militarily and our people are united over the immediate return of our land, whatever it takes."

Those bent on regaining the Golan by force argued that what Hizbullah did in Lebanon, and what Hamas is doing in Gaza, Syrian patriots can do in the Golan.

They believe that they would be joined by thousands of Palestinians and Lebanese in what might lead to an unprecedented violent eruption of the Middle East.

One student volunteer interpreter from Damascus University quoted Lebanon's Senior Shiite cleric Ayatollah Mohammad Hussein Fadlallah, who heads social services agencies here in Syria as he does in Lebanon. Ayatollah Fadlallah frequently argues from the grand Mosque in the Beirut southern suburbs that all Arab Muslim and non-Muslims must join to fight against Israel, "because when the enemy launched a war against Palestine and the Arab world, including the Golan Heights, it became legal, indeed obligatory to declare war to regain stolen land."

There appears to be building pressure on the Assad government to act or allow a popular Golan-directed Intifada, despite analysts here arguing that it is unlikely it would be done soon.

All Syrians interviewed appear to be particularly bitter over the separation of families who live on either side of the valley constituting the demarcation line.

Syrian students who return to their families in the occupied Golan face several hours of questioning and even the presents they bring are confiscated. Others are held in arbitrary detention for many days, facing torture and humiliation.

In the Damascus meeting, Syrians described the human rights situation in the Golan as intolerable. Despite the continued disregard to the Golan residents' freedom, and the prevention of Golani refugees from returning to their homes, some are encouraged by a number of human rights developments in and around the Arab-Israeli conflict, including Bishop Desmond Tutu's fact finding report of September 2008 to the Human Rights Council on the Israeli shelling of Beit Hanoun in the Gaza Strip in 2006, and the growing international reaction to last month's Goldstone Report on Gaza. This is consistent with a string of reports over the years on the various aspects of the occupation of the Golan.

A 1998 Human Rights Watch report of the Golan Heights concluded that "Israel seriously misrepresents the degree of its fulfillment of its treaty obligations" under the International Covenant on Civil and Political Rights it signed in January 1992, and a 2002 UN Special Committee report described the repression of the Syrian inhabitants under Israel occupation as "extensive, affecting, all aspect of life and families, villages and communities," adding that "there are also widespread economic consequences of the occupation."

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