

USJ professor proposes different tack to resolve dispute over Golan pullout

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Special to The Daily Star

While most eyes following the Israeli-Arab conflict are rivetted on Camp David and a last-ditch US effort to broker peace between Israelis and Palestinians, participants in a conference at Universite Saint Joseph on Thursday focused on the border issues which doomed recent peace talks between the Jewish state and Syria.

One of the most interesting ideas put forward at the conference was USJ law professor Chibli Mallat's suggestion that the two sides use the 1949

Armistice Agreement for a basis of discussion, rather than the June 4, 1967 line, favored by the Syrians, and the 1923 border delineated by the colonial powers, which Israel wants to adopt.

The June 4 line, marking the boundary before the outbreak of the 1967 war, brings Syria to the northeastern shore of Lake Tiberias. The Israelis, who want to retain sovereignty over the lake, want to follow the 1923 border, known as the Paulet-Newcombe line, which puts the border "on a line (with) the shore parallel to and ... 10 meters from the edge of Lake Tiberias."

But while both positions have proper backing, Mallat believes that they are difficult to reconcile and bring legal uncertainties.

"The authority of mandatory powers to fix separate sov-

eighty in areas without boundaries and with open access over centuries, is open to questioning, especially since no consultation of the local population or ratification by free legislatures has ever accompanied such grave acts as the delimitation of frontiers," he said of the 1923 line.

The 1949 line is clearly drawn and documented with the United

Nations and therefore leaves no room for contention between the two parties, unlike the 1967 line claimed by Syria, for which no authoritative map is available.

"There are certainly Syrian and Israeli military maps which would provide detailed indications of the positions of the two countries' respective armies just before the 1967 war, and some maps may well be in the possession of the United States ... or the United Nations. (But) none of these detailed maps have so far been publicly produced," he said.

Following the 1949 Armistice Demarcation line, Syria would have access to the southeastern bank of Lake Tiberias, although it would be a smaller access than that it claims on the northeastern bank of the lake according to the June 4, 1967 line.

However, Syria would also extend to 10 meters away from the northeastern bank of the lake, where the Armistice Demarcation Line meets with the 1923 line.

Mallat said that it would also have been better if in the case of Lebanon, the withdrawal line had been based on the 1949 Armistice Demarcation Line instead of the 1923 border.

"Although they are the same in the case of Lebanon, they are not in the case of Syria and it would have been more advantageous for all if the withdrawal had been said to be verified according to the 1949 line, as this would have opened new possibilities for Syria," he said.

Mallat, however, seems to think that the Israelis' first reaction would be to reject the 1949 line, based on the fact that it is initially based on Syrian force exercised against the 1923 border.

But Israel's arguments

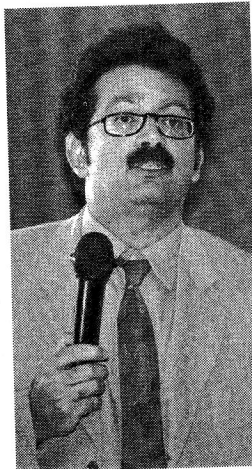
against the line can be easily countered on a legal basis, he argued. He also said that a "compromise away from the strictures of the 1923 line would be easier to justify to the Israeli public, in view of the violence exercised against the demilitarized zones in 1951, when Israel expelled between 2,000 and 3,000 Arab civilians north and south of the lake, as well as human-rights exactions against civilian populations on the Syrian side of the ADL.

"One could hope that the revival of the 1949 line and principles established in the Armistice Agreement - both with regards to the protection of civilians and the rejection of acquisition of territory by war - would render arbitration easier and herald the end of the zero-sum game logic in the Middle East," Mallat said.

"It's a mystery to me why the Syrians insist on the line of 1967 and not that of 1949," the professor added.

Asked whether it might not be easier to start by solving the issue of water between the Syrians and the Israelis as it seemed to be a major sticky point, Mallat said that he believed that once the issue of the territory was solved it would be easier for the Syrians or the Israelis to relinquish some water.

Indeed, in April, Syrian Foreign Minister Farouk al-Sharaa said that if territory was not negotiable, water was.



Mallat: mandatory authority is "open to questioning"

A complete, exact replica of the 1949 map can be found at www.mallat.com