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ISRAELI-SYRIAN HYDROPOLITICS:
THE GOLAN, WATER, AND PROSPECTS FOR PEACE

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INTRODUCTION

The Golan Heights is a hilly area of about 444 square mile overlooking the upper Jordan River Valley (see Fig. 1). It has no clearly defined political boundaries,[1] and has been under the rule and administration of both European powers and the modern states of Israel and Syria in the last century. Despite its small size, the territory is valuable for both its strategic location and its natural resources, in particular its rivers and lakes. The Golan, with its 100,000 Druze Arab and Circassian inhabitants,[2] passed from French-mandated Syria to independent Syria in 1946. After the Arab-Israeli War of 1948–49, Syria militarily fortified the Golan Heights where the territory overlooks northern Israel. During the last two days of the 1967 war Israel conquered most of the Golan Heights from Syria. Syria asked for an armistice, and fighting ceased on June 10, 1967, leaving most of the Golan under Israeli military administration and integrated into the Israeli communications and financial framework.[3] Israel immediately began establishing a presence there through kibbutzim, vineyards, and tourism infrastructure, among other things.[4] In 1981 Israel annexed the area, a move the United Nations (UN) does not recognize, saying that Israeli administration and laws there are "without international legal effect."[5] Today over 30,000 Israelis, Druze and Alawis live in the Golan Heights.[6]

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[1] "Golan Heights," Encyclopædia Britannica 2009 29 May 2009 <http://www.search.eb.com.proxygw.wrlc.org/eb/article-9037209>.

[2] Golan Heights," Microsoft Encarta Online Encyclopedia 2009 29 May 2009 <http://encarta.msn.com/encyclopedia_761555348/golan_heights.html>.

[3] Encyclopædia Britannica 2009.

[4] Israel Ministry of Foreign Affairs, "Golan Heights- Background," 8 Feb. 1994. 29 May 2009 <http://www.mfa.gov.il/mfa/peace%20process/guide%20to%20the%20peace%20process/golan%20heights%20-%20background>; Greg Myre, "Israeli and Syrian Citizens Wrote Plan for Returning Golan Heights," New York Times 17 Jan. 2007.

[5] For more information, see United Nations Security Council Resolution 497, United Nations, 1981.

[6] Encarta Online Encyclopedia 2009.

Fig. 1. The Golan Heights in Perspective. <u>New York Times</u> 21 May 2008.

Israel and Syria have been locked in a state of war for more than six decades. Ownership of the Golan and its waters plays a significant role in the conflict and has been one of the primary issues discussed in all peace negotiations. The history of the land and water dispute date to the mandate era, and the ensuing historical grievances and national narratives continue to present challenges to resolving today's conflict. In the past, water has been enough to spark conflict and war, yet attempts to use water cooperation as a catalyst to bring the parties together for peace, such as the failed Johnston Plan of the early 1950s, have proved to be ineffective. It is only as part of comprehensive peace negotiations that the issue of water can be cooperatively addressed. Israel and Syria each have the ability to solve their water problems independently, so only the incentives associated with permanent peace can bring the two together. The dividends of water-sharing without political peace are not sufficient.

Past diplomatic efforts to reach peace between Israel and Syria have failed. In order to resume the process and make progress on reaching an agreement, four conditions must be present. They are: Israeli and Syrian political will to sign a peace deal; Israeli and Syrian leaders capable of overcoming domestic constraints that may hinder their ability to negotiate; an honest, strong third party broker to mediate (in this case the United States); and a mutually acceptable and constructive structure for negotiating and implementing a peace agreement. Water will play a significant, although not unique, role in negotiations along with the issues of borders, security, normalization, timing and regional alliances.

With the Obama Administration's initial outreach towards Syria, interest in the future of Israeli-Syrian relations is running high. Given existing political conditions in Israel, Syria, the rest of the Middle East and the US, the resumption of peace talks is possible. Their success in producing a signed peace accord, however, hinges on the parties' political commitment and will.

Research Question

        Our primary objective in undertaking this research was to determine the relationship between water, the Golan Heights, and peace negotiations between Israel and Syria. Specifically, we sought to address what role water has played and can play in the conflict between Israel and Syria, as well as what role water and the Golan will play in peace negotiations between the two nations.

        Our initial assumption that water plays a unique and primary role in the conflict between Israel and Syria proved incorrect. We determined that water does play a role, although it is one among many contributing factors to the problem between Israel and Syria and only one of many interconnected aspects of any potential solution.

Methodology

        In setting out to determine what role water plays in the conflict between Israel and Syria, we expected to find that water was an underlying cause of a deeply entrenched conflict. We began by researching the theory necessary to understand hydropolitics and water-sharing disputes. We then examined specific conditions in Israel and Syria using primary and secondary sources. Our research quickly led us to focus on the Golan Heights. For the history of Israeli-Syrian negotiations we relied on the memoirs of US officials involved in these negotiations, in particular Dennis Ross and Martin Indyk. We also visited Israel and Syria to conduct interviews with experts in the field. A fact-gathering trip to Syria granted disappointingly little access to Syrian officials who could offer current perspectives on negotiations with Israel. We were only able to interview a Western development official, the former Deputy Minister of Agriculture, and a water engineer, and we were hindered by political sensitivities that left us unable to speak freely about negotiations with Israel. In contrast, in Israel we were able to successfully arrange interviews with a dozen high-level former politicians and military personnel, former negotiators, civil society actors, water engineers and conservation experts. The Israeli interviewees were candid, and former officials spoke freely about their experiences.

Acknowledgements

BACKGROUND

History

The legacy of European colonialism is still felt in today's conflicts in the Middle East. The border dispute between British-mandated Palestine and French-mandated Syria centered on the same water sources and strategic issues that remain points of contention between present-day Israel and Syria. The 1916 Sykes-Picot agreement drew the Syrian-Palestinian border, allocating the entire Upper Jordan River and its headwaters to French-mandated Syria. After a decade of back and forth between the British and French mandatory powers, and despite some of the wishes of the local Zionist and Arab leadership, the British and French settled on an international border in 1923. The British ceded all of the Golan Heights to France and, in return, the entire Sea of Galilee[7] became part of British-mandated Palestine.

The 1923 international boundary lay ten meters east of the shoreline of the Sea of Galilee and just east of the Jordan River. This meant the Upper Jordan and the Sea of Galilee lay a few meters inside British-mandated Palestine.[8] Although the Sea of Galilee lay within British-mandated Palestine, Syrian fishermen were granted access to the lake by the Good Neighbourly Accord of 1926.[9] The 1923 international boundary held until the UN plan to partition Palestine into one Arab state and one Jewish state in 1947.[10] The plan allocated the entire eastern Galilee region including the Sea of Galilee to the Jewish state. The Arab rejection of the partition plan, the termination of the British Mandate in Palestine, Israel's declaration of independence in May of 1948, and the subsequent Arab declaration of war against Israel culminated in the Arab-Israeli War of 1948. The war concluded in 1949 with an Israeli military success, yet by the war's end Syria had occupied three parcels of land west of the 1923 border, areas that had been allocated to

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[7] We refer to the body of water known to Israelis as Lake Kinneret and to the Syrians as Lake Tiberias as the "Sea of Galilee."

[8] Two or three sources of the Jordan River wound up in Syria and Lebanon respectively. Those two sources were the Banias and Hasbani (J.P. Alester, "Water in the Peace Process: Israel-Syria-Palestinians." Justice 10 (1996): 4-8; Frederic C. Hof, "The Water Dimension of Golan Heights Negotiations," Middle East Policy 5.2. (1997): 129-41.)

[9] Hof, "The Water Dimesion."

[10] Marwa Daoudy, "A Missed Chance for Peace: Israel and Syria's Negotiations over the Golan Heights," Journal of International Affairs 61.2 (2008): 215-34.

the Jewish state by the Partition Plan. The conquered territory was east of the Sea of Galilee, strategically located astride Israel's main water sources and including the southeastern shore of the Sea of Galilee, the upper Jordan just north of the sea, and springs overlooking the only major headwater of the Jordan River in Israeli territory (see Fig. 2).[11]

At the war's end, Israel and Syria signed a UN-brokered armistice agreement to end the hostilities. The 1949 Armistice Line followed the 1923 international boundary. It was not intended to create permanent political borders, which were to be deferred pending formal peace between the two nations. In accordance with the armistice agreement, Syria withdrew to the international border, and the three tracts of Palestinian land conquered by Syria during the war became demilitarized zones.[12] No Syrian troops were allowed west of the boundary, and no Israeli troops were allowed east of it.[13] Israel agreed to the armistice line in order to effect the removal of Syrian troops from territory allocated to the Jewish state but continued to consider the demilitarized zones part of Israel and proceeded to cultivate them.[14] Syrians fired on Israelis cultivating the demilitarized zones[15] claiming that the final disposition of these territories was to be determined by peace settlements, not by creating facts on the ground.[16] Syria never asserted

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[11] Nadav Morag, "Water Geopolitics and State Building: The Case of Israel," Middle Eastern Studies 37.3 (2001): 179-98.

[12] Hof, "The Water Dimension;" Morag.

[13] Hof, "The Water Dimension;" Morag; Alester.

[14] Morag; Dennis Ross, The Missing Peace: The Inside Story of the Fight for Middle East Peace (Farrar, Straus and Giroux, 2005) 146.

[15] In 1951 Syria complained to the United Nations Israel-Syria Mixed Armistice Commission (ISMAC) that Israel's drainage projects in the Huleh marsh area, inside and outside the "disputed and ill-defined demilitarized zone" (Major General Carl van Horn, Soldiering for Peace (New York: David McKay Company, 1966) 86), were giving Israel a military advantage, violating armistice provisions (United Nations Security Council Letter, S/2049, United Nations, 1951). A number of "fierce outbreaks of shooting and shelling" (van Horn 76) between workers and armed Syrians erupted over the period of a few months. When work resumed after a week's suspension, armed Syrians again fired at civilian workers (United Nations Security Council letter, S/2049), at one point killing seven Israeli policemen from an outpost overlooking the road to El Hamma in the DMZ. The following day Israeli planes bombed the village in retaliation. The council's resolution ruled that Israel's retaliatory air attack was not justified and inconsistent with the armistice agreement (UN ISMAC, 62d meeting minutes, DAG 1/22520, United Nations 1951), and endorsed the ruling that the Huleh concession was "in abeyance" and that Israel should cease all reclamation operations pending an agreement. The issue of sovereignty in the zone was never directly addressed (UN ISMAC, 62d meeting minutes.)

[16] Ross 146.

parallel claim to the territory,[17] but did claim riparian rights wherever Syrians had access to water.[18] From 1948 to 1967 when Syria controlled the Golan, Syrian fishermen derived their livelihood from the Sea, making it an important part of the Syrian national narrative.[19] Thus, while the 1923 International Boundary and 1949 Armistice Line provided the entire Sea of Galilee to Israel, skirmishes over water took place between Israel and Syria in the area in the years leading up to 1967.[20]

In peace negotiations three decades later, the discrepancy between the 1923 line and the de facto border representing Israeli and Syrian positions immediately before the outbreak of war in 1967 became a hotly contentious issue. As Dennis Ross explains, "Even though the actual difference between the two lines totaled only about sixty-six square kilometers, there were vital implications for water, both with regard to the Banias springs and shoreline of the Sea of Galilee..." (see Fig. 2).

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[17] Hof, "The Water Dimension."

[18] Alester.

[19] Alester.

[20] Fishermen on the Sea of Galilee found themselves under fire in several 1962 incidents. On March 8 Israel reported that Syrians on patrol boats stationed at El-Kursi had opened heavy fire with machine guns, bazookas, and recoilless guns. Syria, meanwhile, claimed that an armed Israeli lighter had opened fire on their post after coming within forty meters of the shore. UNTSO could not determine which side started the shooting. On March 15 UNTSO observers reported another skirmish when two Israeli patrol craft escorting a fishing boat had approached Syrian positions. While UNTSO was unable to establish which side shot first, they noted that during the fire fight the Syrians "seemed to have been using machine and antitank guns" against the "machine guns and larger caliber 20mm guns of the Israeli boats" (van Horn 80, 275-6; US Department of State, op. cit., 142-151; United Nations Security Council Letter, S/5093, United Nations, 1962; United Nations Security Council Letter, S/5098, United Nations, 1962; United Nations Security Council Letter, S/5102, United Nations, 1962.)

Fig. 2. The Syrian-Israeli Frontier Relevant Lines: 1923, 1949, 1967, Monograph, <u>Middle East Insight</u>, (1999).

Water and War

Water can be a catalyst for war and sparked fighting between Israel and Syria on multiple occasions in the 1950s and 1960s. There is a shortage of this vital resource in the Middle East and a history of armed clashes between states competing for limited water in an arid region. International attempts to bring the parties to agreement have proved ineffective.

In the 1950s, conflicts over the swamps of the Huleh Valley, the northernmost section of the Jordan Rift Valley, and the waters of the Jordan River, both of which were in demilitarized zones, led to UN and US intervention. Israel attempted to drain the Huleh swamps for agricultural use, and Syria responded by diverting the headwaters of the Jordan, restricting the water flowing into Israel. Both parties saw each other's actions as threatening, leading to nearly a dozen armed confrontations. In 1965, armed clashes within the demilitarized zone intensified as

Israeli troops attacked Syrian projects to divert the headwaters of the Jordan River, and Syrians fired on Israeli tractors attempting to plow in the region.[21]

It is debated to what extent these clashes over water contributed to the outbreak of war in 1967. The Syrian narrative holds that Israel conquered the Golan primarily for its water sources.[22] Syrians believe that Israel wanted the Golan for its agricultural potential, and that Israel wanted control over the headwaters of the Jordan River, in part so that it could divert the water towards southern Israel's agricultural needs.[23]

In contrast, analysts also argue that the Israeli decision to take the Golan was a result of Syrian artillery fire on northern Israeli settlements, and the strategic importance of the Golan's water sources was understood only after taking the territory.[24] As Fred Hof, special advisor to Middle East envoy George Mitchell writes, "The diversion crisis had added fuel to the fire, but the threat and fact of Syrian shelling from the high ground, not a desire to annex a water source, was the decisive factor in Israel's decision to seize the Golan Heights."[25] What is clear is that the result of the war was a drastic change in the water situation on both sides of the border. Israel now controls the Golan Heights and its water.

One early international attempt at reconciliation was President Eisenhower's 1953 appointment of special envoy Eric Johnston. Johnston aimed to promote water cooperation and generate a water allocation agreement among the riparians of the Jordan River basin. The goal was to begin negotiating on water issues, which would ideally spill over into other political matters. Although the parties accepted the principle of international water-sharing, no division of the waters was agreed upon and no binding agreement was ever reached.[26] The Johnston Plan

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[21] For more information on the clashes in the decades leading up to the 1967 war, see David Bowen and Laura Drake, "The Syrian-Israeli Border Conflict, 1949-1967," Middle East Policy 4:1 (1992): 17-28.

[22] Murhaf Jouejati, personal interview, Apr. 2009.

[23] Sakr Abu Fakhr, "Voices from the Golan," Journal of Palestine Studies 29:4 (Autumn 2000) 19-22.

[24] Arnon Medzini and Aaron T Wolf, "Towards a Middle East at Peace: Hidden Issues in Arab-Israeli Hydropolitics," International Journal of Water Resources Development 20:2 (Jun. 2004): 193-204; Hof, "The Water Dimension."

[25] Hof, "The Water Dimension."

[26] "ARABS AND ISRAEL FOR RIVER PROJECT; Johnston Tells President They Have Accepted Principle of Sharing Jordan's Water," New York Times 7 Jul. 1954, special: page 1; Kennett Love, "Arab-Israeli Accord Is Reported On Sea of Galilee as a Reservoir," New York Times 17 Feb. 1955, special: page 1.

was ultimately rejected in 1955 because of mutual mistrust, and because the Arab League wanted to discuss matters more important to them, such as borders and refugees, before turning to water.[27] This highlights two themes that persist in Israeli-Syrian relations to this day: mistrust has been the pitfall that has repeatedly derailed negotiations, and the two sides continue to disagree on which issues should be resolved first.

Water and Peace

In light of the current regional drought and global climate change, water may continue to serve as an instigator for conflict in the Middle East. However, we are interested here in whether water can also be a harbinger of peace. The water issue is a significant part of the Israeli-Syrian conflict and will be part of any future solution. The Johnston plan was predicated on the belief that in addition to being a source of contention, water cooperation could serve as a catalyst for political peace. However, the plan's failure demonstrates that agreeing to cooperate on water is not enough to bring two warring countries together. While sharing resources provides an incentive to cooperate, and cooperating on logistical issues can provide a unique opportunity for people-to-people activity and mutual understanding, harmony on the water issue will not be the catalyst for peace, but merely one positive outcome thereof. Instead, a comprehensive peace agreement based on mutual trust and faith in a positive and lasting outcome to negotiations is the only context in which Israel and Syria will delve into the details of water-sharing.

A delicate balance must be struck between broad political agreement and more issue-specific negotiations in order to move forward on both simultaneously. Water will be one major component of a future peace deal. The political will to reach a wider peace settlement must precede issue-specific negotiations such as water-sharing.

Past Attempts at Negotiation

The Madrid peace conference in 1991 was the first time Israeli and Syrian leaders sat down together to discuss a permanent resolution to the conflict between them. Although they did

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[27] Daoudy, "A Missed Chance;" Morag.

not reach an agreement, the two parties, with the help of their American sponsors, agreed upon the broad outlines of what a peace agreement should address.

In the following years, under the framework established in Madrid, the two sides engaged in a number of American-brokered rounds of both formal and informal negotiations. Under Syrian President Hafez al-Assad and Israeli Prime Ministers Yitzhak Rabin and Shimon Peres, the two sides broke considerable ground in the effort to build a lasting peace. They outlined the points that a peace agreement would need to address, reaching explicit agreement on the aims and principles of a lasting arrangement. Within the framework of security considerations, an agreement was to address borders, normalization of relations, water, a timeline for implementation stages, and US involvement.[28]

Early breakthroughs included Rabin's August 1993 conditional commitment to a full Israeli withdrawal from the Golan in exchange for Syria meeting Israel's needs on peace and security. This came to be known as the "Rabin deposit" because the commitment was to be held "in the pocket" of the American Secretary of State Warren Christopher until Israel's needs were met.[29] In a January 1994 meeting with President Clinton in Damascus, Assad crossed the public threshold on peace by approving a joint statement including language about "normal peaceful relations with Israel,"[30] a concept that had heretofore been anathema to Assad.

In May 1994 Rabin offered a formal comprehensive proposal emphasizing security.[31] The proposal relied on the concept of interphasing, meaning a sequence of Israeli and Syrian steps taken in turns. Assad offered a counterproposal using the same categories, but there was an

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[28] Helena Cobban, The Israeli-Syrian Peace Talks: 1991-1996 and Beyond (USIP, 2000): 4.

[29] Ross 220.

[30] Ross 140. Normalization could threaten Assad's "grip on power in Damascus by forcing the opening of Syria's economy and society. Up to this point, peace with Israel had meant an absence of war. As Patrick Seale, Assad's biographer, put it, "As[s]ad's objective in the negotiations had always been to 'shrink Israel's influence to more modest and less aggressive proportions.' As[s]ad's acceptance … of the formula of 'normal peaceful relations' with Israel therefore represented a significant opening" (Martin Indyk, Innocent Abroad (New York: Simon & Schuster, 2009) 106.)

[31] The proposal limited armaments and areas in which Syrian forces could be stationed, specified how the Golan could be developed so as to not adversely affect the water feeding into the Sea of Galilee, and linked Israeli withdrawal to a five-year timetable of normal relations (Ross 146.)

overwhelming gap in content between the two proposals.[32] Assad and Rabin had previously discussed full withdrawal, but now Assad was raising a new demand by defining Israeli withdrawal as withdrawal to "the line of June 4, 1967," and making it a precondition for negotiation.[33] Rabin defined full withdrawal as withdrawal to the 1923 international border. Assad argued that there was no point in negotiating until the borders of the land being negotiated were defined. Although Israel acknowledged that "the full withdrawal contemplated in the Israeli package will be from all the Syrian territories occupied as a result of the 1967 war,"[34] Assad said that there would be no more negotiations until the exact line was agreed upon, and froze talks until the parties agreed up the definition of full withdrawal.[35]

Indirect talks at the ambassadorial level later that year attempted to break the stalemate. Creative negotiating led Israel to accept Syrian demands for a June 4 withdrawal if they could qualify what this meant and ensure it would not pose a threat to their national security or water requirements. During this period of informal talks in Washington, the parties developed a framework for phases of exchange to meet Israeli and Syrian needs: security and withdrawal respectively.[36] The goal of the informal talks was to fill in as much detail as possible to the theoretical understandings reached earlier, but they broke down over two points: Syria would not accept more formal ties as long as Israel occupied any Syrian territory, and Syria wanted the withdrawal and implementation process to move quickly while Israel wanted it to move more slowly and more cautiously.[37]

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[32] The Syrian version called for smaller security zones and minimal constraints on forces. After the first phase of Israeli withdrawal Syria would declare an end to the state of war between the two. Diplomatic ties would emerge only after complete withdrawal from the Golan, to be completed in sixth months. Furthermore, this was all conditioned upon Israeli peace deals with both Jordan and Lebanon, and a full Israeli withdrawal to the June 4 line (Ross 146.)

[33] Indyk 124.

[34] Indyk 125.

[35] Indyk 126.

[36] Syria extended the acceptable timeframe from six months to one year. The first phase was to be a partial withdrawal in exchange for some academic and media exchange as well as third party tourists being allowed to cross the Israeli-Syrian border. The second phase would expand the withdrawal and allow a few more steps towards normalization.

[37] Ross 147-9.

American attempts to break the stalemate included a visit from Clinton to Damascus in October. As Martin Indyk recalls,

> During their meeting, Clinton had sought to convince As[s]ad that Rabin's commitment to full withdrawal was in his pocket but it wouldn't be taken out until As[s]ad filled up the other pocket with Syrian commitments on security arrangements and normalization. He tried to persuade As[s]ad that engaging in some positive public gestures toward Israel would help lubricate the negotiations by making it easier for Rabin to sell full withdrawal to his people.[38]

Yet while Clinton was in Damascus, Assad reneged on a promise to condemn terror, ending the momentum.[39] After other fruitless attempts such as a meeting between senior Israeli and Syrian military officers in 1994 and 1995 and a negotiation beginning in February 1995 focusing on principles rather than specifics of security, talks indefinitely were put on hold in July.[40]

Following the assassination of Yitzhak Rabin in November 1995, Rabin's successor, Shimon Peres, focused on the Syrian peace track. Although Peres was surprised to learn of Rabin's conditional promise of withdrawal because of the public outcry it might cause, he was committed to reaching a deal quickly and worked to create the proper public climate to support a deal. Assad also said he was ready to move forward and that peace was now his priority. He agreed to negotiate with Peres on the condition that Peres confirm the Rabin "deposit."[41] Peres sent Assad a letter reaffirming Rabin's commitments to reach comprehensive peace and outlining five needs for an agreement. The letter was well received by Assad.[42]

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[38] Indyk 105.

[39] The "…joint press conference was dominated by As[s]ad's refusal to condemn Palestinian terrorist attacks and Hezbollah rocket firings on northern Israeli villages…" (Indyk 141; Ross 150-9.)

[40] Ross 150-9.

[41] Ross 216-9; Israeli leaders since Rabin have been "willing to endorse the 'deposit' but were not willing to make a formal commitment, except as the final act required to conclude the deal." Hafez and Bashar [al-Assad] both tried to "consolidate the 'deposit' and turn it into a given in the negotiations" (Itamar Rabinovich, "Damascus, Jerusalem, and Washington: The Syrian-Israeli Relationship as a U.S. Policy Issue," Analysis Paper Number 19, The Saban Center for Middle East Policy at The Brookings Institution (Mar. 2009) 7.)

[42] Peres emphasized comprehensiveness: concessions made toward Syria must be seen as producing peace with Syria and the Arab world; an agreement must isolate and discredit those using violence and terror against Israel; it must make Israel more, not less, secure; and there must be a clear regional investment in peace in the form of something like a joint development zone in the Golan demonstrating an unmistakable intention for peace, not war; and there must be a serious mechanism for the process of peacemaking (Ross 228-30.)

While no agreement had been signed during the first four years of negotiations, the parties had managed to agree on four elements of peace, all of which needed to be addressed in relation to others: withdrawal; normal, peaceful relations; security arrangements; and the phases of implementation. There was a general feeling of change and optimism in Damascus, Jerusalem and Washington.[43]

Although Peres wanted to meet Assad at a formal summit to push hard for an agreement, the Syrians objected to raising negotiations to the political level. Instead Assad sent his ambassador to two and a half rounds of peace talks[44] at the Wye River Plantation outside of Washington, DC from December 1995 to February 1996.[45] The talks were detailed and comprehensive, "identifying important areas of conceptual agreement and convergence in discussions on security. Not unexpectedly, [they] also revealed differences of substance or perspective… and clarified each side's views and needs…..[46]

The Wye River talks were disrupted by four suicide bombings in nine days that killed 59 Israelis. When Assad refused to publicly condemn the terror attacks claimed by Islamic Jihad, headquartered in Damascus, the Israeli negotiators returned to Israel, and the parties were unable to take advantage of the points of convergence reached. Shortly thereafter Peres lost his bid for reelection.[47] Peres' successor, Likud's Benyamin Netanyahu, did not continue talks with Syria in part because the two parties disagreed on where talks had left off and therefore could not agree on where to resume them. Although secret talks did occur during the Netanyahu years,[48] a three-year hiatus on formal talks ensued.

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[43] Ross 231; Although no agreement had been reach in the early years, the parties managed to sketch the basic outline of a future settlement "modeled on the Israeli-Egyptian peace settlement—full Israeli withdrawal from the Golan Heights in return for full peace, including normalization and security arrangements designed to compensate Israel for ceding strategic territory" (Rabinovich, "Damascus, Jerusalem, and Washington" 6.)

[44] Ross 238; "The last round at Wye turned out to be a half round, ended by suicide bombings in Israel" (Ross 243.)

[45] Ross 239.

[46] Israel Ministry of Foreign Affairs, "Israel-Syria Negotiations," 21 May 2008. 4 May 2009 <http://www.mfa.gov.il/ MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Israel-Syria%20Negotiations>.

[47] Ross 243-4.

[48] For details on secret talks between Netanyahu envoy Ron Lauder and Assad see: Daniel Pipes, "The Road to Damascus: What Netanyahu almost gave away," The New Republic 5 Jul. 1999. See also Indyk 247 and Ross 510.

In May 1999 Israelis elected Labor's Ehud Barak to succeed Netanyahu as Prime Minister. Barak was eager to deal with the Syrians because of his commitment to withdrawing from Lebanon and because he preferred to focus on Syria rather than the Palestinians, whose situation he saw as both more complicated and less threatening.[49] Because of Assad's concerns about his deteriorating health and his desire to pave the way for his son to succeed him, he also wanted to reach agreement quickly. After eight years, it seemed both sides were eager to work towards peace with renewed commitment and activism. Both leaders were ready to raise negotiations to the political level and believed the other was serious in the same goal.[50]

In December 1999, Barak and Assad agreed to resume negotiations from the point at which they were halted in 1996.[51] The parties agreed that saying less was more in this case, allowing each side to offer their own explanation of what it meant to resume negotiations where they had left off.[52] Talks re-launched at a 1999 summit meeting in Washington where the parties agreed to have an intense round of political level talks in Shepherdstown, West Virginia in January 2000.

At the summit talks in Bethesda, Maryland and at Blair House in the months leading up to Shepherdstown, Barak, Syrian Foreign Minister Farouk al-Shara and Clinton each made positive and promising statements. As Indyk concludes, "An observer of this scene could be forgiven for believing that for one brief moment it looked as if reconciliation in the Middle East was actually possible, even between Syria and Israel."[53] Progress was especially promising on the contentious issues of borders and water. Barak's negotiator Uri Saguy conveyed Israel's respect for the Syrian claim to the June 4 line to Assad's legal adviser Riad Daoudi: "'We need to find a way to draw the line to satisfy your principle and yet meet our needs.'" Daoudi responded in kind: "'We recognize Israel has needs and we are prepared to meet the needs that are based on objective principles. I fully understand the relationship between the line and the water and the

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[49] Ross 509.

[50] Ross 510-37.

[51] Israel MFA, "Israel-Syria negotiations."

[52] Ross 536.

[53] Indyk 256.

vitality of water to the Israelis." Daoudi assured Saguy that Syria understood the Sea of Galilee was Israel's main concern in drawing the border and said: "'I am authorized to tell you that the June 4 line sticks to the 1923 line.'"[54] According to Indyk, "If the line around the north-eastern side of the lake followed the 1923 line, it meant that the Syrians would be satisfied to be ten meters from the shoreline rather than on it, as they apparently had been on June 4, 1967."[55]

Shepherdstown saw eight days of talks led by Israeli Prime Minister Barack and Syrian Foreign Minister Shara. In discussing borders, the parties agreed to a full Israeli withdrawal from the Golan Heights to the June 4 line,[56] which in the northeast part of the lake was defined by putting the border ten meters off the shoreline. On the security issue, Israel and Syria were able to agree to international presence in the Mt. Hermon early warning station after Israeli withdrawal, and limited deployment in specified zones on both sides of the border.[57] The parties continued to disagree regarding the content of peace: Israel wanted full diplomatic relations as part of the first phase of withdrawal and the possibility of full economic, tourist, commercial, banking, communications, aviation, postal, and other relations. Syria wanted an exchange of embassies only after a full withdrawal but would accept partial diplomatic presence four to six months before the final phase of withdrawal, without the possibility of relations beyond diplomatic, trade and tourist ties. As for timing, Israel wanted the implementation process to take three years. Syria wanted it to take eighteen months.

On the issue of water, Israel wanted a control mechanism to ensure that the quality and quantity of the Golan's waters feeding into the Sea of Galilee would not be altered. This meant a Syrian commitment to preserve the purity of water in the Jordan River tributaries and allow them to run undiverted into Israeli territory once it controlled these resources.[58] Israel also wanted Syria to promise not to expand upon the Golan reservoir network Israel built because Israel had

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[54] Indyk 248-9.

[55] Indyk 248-9.

[56] At the Blair House talks Shara had acknowledged that it was impossible to find the line of June 4, 1967 on any historical map and therefore suggested the negotiators try to delineate it (Indyk 255.)

[57] Israel had wanted an Israeli presence at the early warning station and demilitarization in three Syrian zones extending to Damascus with no demilitarization on the Israeli side of the border.

[58] Steven Erlanger, "Israel and Syria in New Talks, With Hopes for Modest Gains," New York Times 29 Feb. 1996.

carefully regulated and meted out the sources of groundwater and feared over-depletion of a balanced system.[59] The Syrians gave verbal assurances to that effect, but because much of their freshwater comes from rivers that originate in Turkey, they wanted to include comparable assurances from Turkey on the flow of water into Syria. Shara also clearly confirmed, "'Sovereignty on the lake is Israel's; sovereignty on the land is ours.'" [60] Indyk explains: "on the northeast shoreline, the line would be the same as the 1923 international boundary—that is, Syria would be at least ten meters off the shoreline. In return, [Shara] wanted the five [Syrian] fishing villages in that area to have access to the lake for [irrigation] water and fishing [rights]."[61]

At the end of the eight days, Clinton presented a draft of an Israeli-Syrian peace treaty. Both sides' initial responses were good, but they needed to wait to hear from Assad in Damascus.[62] Clinton was to call Assad three days after the conclusion of negotiations at Shepherdstown to deliver Barak's "deposit," but Clinton's draft treaty leaked to the Israeli press before the two leaders spoke, making it look to the Syrian public as though Assad had conceded to the principles of peace without getting an Israeli acceptance of the borders in return.[63] The public reaction in Syria was outrage. Assad was angry, upped his demands, and was in no hurry to get back into talks.[64]

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[59] Frederic C. Hof, "Mapping Peace Between Syria and Israel," Special report No. 219, US Institute of Peace Mar. 2009.

[60] Indyk 259.

[61] Ibid.

[62] Ross 549-58.

[63] Ross 563-7; Indyk 265; In Clinton's draft, which was an American draft with no official standing, the Israeli and Syrian positions were indicated in brackets in the text. As Martin Indyk explains, "In other words, in the draft peace treaty there was no Israeli commitment to full withdrawal, let alone to the line of June 4, 1967…It never occurred to us that if the document leaked we would have exposed the Syrian concessions without any indication of Israeli reciprocity. It should have" (Indyk 260.)

[64] Ross 563-7; "The public reaction in Syria was apparently so bad that the regime had begun arresting Muslim Brotherhood and Palestinian critics. By January 18, the Arab press was reporting the arrest of some five hundred people; within a week, the number had grown to two thousand. We began to hear reports that on the streets of Damascus people were accusing As[s]ad of selling Syrian territory to secure the succession for his son Bashar…. [Shara] told Albright that every member of the leadership in Damascus was questioning the wisdom of having gone to the previous round, let alone participating in a new round. 'As[s]ad is very upset with me. He said I should not have stayed for four days without the June 4 line being put on the table. He blamed me for putting the other issues on the table without that… We will not repeat this bitter experience'" (Indyk 266.)

The ultimate failure of Shepherdstown was largely the result of differing expectations, unmatched timing, and lack of trust in the other side's goodwill. Barak felt he needed to hold his commitment to a June 4 withdrawal until after he knew what Syria would offer in the final round, much like Rabin had "deposited" this conditional promise into the Americans' pocket.[65] He argued that Israelis would see him as playing "Israel's only card before negotiations had begun" if he formally agreed to withdraw to the line of June 4 before procuring Syrian promises of water, security and normalization.[66] The *Washington Post* reported that

> [Shara] insisted on talking first about Israel's willingness to withdraw fully from the Golan. Barak has sought to postpone that discussion until it is clear what Syria is willing to offer in the way of security guarantees--such as early warning posts--water rights and the nature of relations between the two countries.[67]

Assad saw Barak's tactics as gamesmanship, feeling that he had been flexible and gotten nothing in return. Clinton also reacted negatively, saying, "Barak is gaming [Shara] and me."[68] Yet while Syrians thought Barak was not making his bottom line clear, Israelis were convinced that the absence of a public handshake at Shepherdstown, the killing of Israeli soldiers in Lebanon, and editorials in the Syrian press denying the Holocaust showed that Syria was not ready for peace.[69]

In March Clinton met Assad in Geneva and gave him Barak's bottom lines. Barak's proposed line of Israeli withdrawal was clear. As noted, the line of June 4, 1967 is not officially demarcated on any historical map because it was a de facto position rather than an actual international boundary, allowing for different interpretations by Israel and Syria. In line with understandings reached at Shepherdstown, Barak's proposed withdrawal stopped short of the shoreline of the Sea of Galilee, but it did attempt to craft a deal in which each side could claim a

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[65] Barak was reluctant to reconfirm the Rabin "deposit" because he was afraid he would lose credibility with the Israeli public and because he had been misled by false reports that Assad was willing to concede on major issues (Indyk 246-7.) For more on this, see "the Lauder Points" in Indyk 246-8 and Ross 510-20.

[66] Indyk 264.

[67] John Lancaster, "Search for Peace: Israel and Syria meet face-to-face; hour-long meeting with Clinton follows dispute on order of talks," Washington Post 5 Jan. 2000.

[68] Indyk 262.

[69] Ross 563-7.

win.[70] Clinton presented Assad with "a detailed map of the line of Israeli withdrawal, marked in red on a satellite map of the Golan Heights and the valley below. The line mostly coincided with the line of June 4, 1967, as Daoudi had explained it to Saguy."[71] Although Shara had agreed at Shepherdstown that the water would be Israel's if the land could be Syria's, and Assad was being offered the equivalent of more than one hundred percent of the Golan Heights,[72] Assad objected. For the first time, he claimed that that the Sea of Galilee had always been Syrian: "The lake has always been our lake: it was never theirs…There were no Jews to the east of the lake."[73] The Americans involved concluded that Assad was preoccupied with domestic concerns such as succession and no longer focused on making a deal.[74]

Since the days of Shepherdstown, there have been no official negotiations. Unofficially, however, informal talks continued between individuals without diplomatic mandates who opened

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[70] "… around the northeast section of the lake, Barak insisted that the line be drawn five hundred meters from the shoreline to allow for a road to be constructed. …in compensation of the five-hundred meter strip in the northeastern sector, Barak drew the line around the southeastern side of the lake approximately five hundred meters to the west of the June 4 line on Israeli territory that As[s]ad did not claim, so that Syria could argue that it regained the equivalent of more than 100 percent of the Golan even as it conceded a minimal amount of territory to Israel to make the deal. In the southern sector of the lake, Barak's line put the town and hot springs of al-Hama on the Syrian side of the line, as As[s]ad had insisted on since 1994. Barak wanted Clinton to make clear that this was a difficult concession, granted out of sensitivity to As[s]ad's needs" (Indyk 272.)

[71] Indyk 272.

[72] Ross observes that "the Barak line returned more land to Syria than even that called for in the Hof line's interpretation of June 4. In effect, I said, you are getting more than 100 percent of the Golan Heights" (Ross 585); see also footnote 61 from Indyk 272.

[73] Ross 585; "As[s]ad rejected everything Barak was offering. 'This is our lake. No matter how long it takes we're not going to give up what is ours….' A surprised Clinton pointed out that As[s]ad's foreign minister had explicitly stated at Shepherdstown that sovereignty over the lake would be in Israel's hands" (Indyk 276.) It is highly unlikely that Israel would ever agree to a total withdrawal to the shoreline because while Israelis may be ready to accept returning land occupied in 1967, the notion of giving up even ten meters more is anathema (Eyal Zisser, personal interview, Mar. 2009.)

[74] Ross 584-8; "He was simply not interested" (Ross 583.) "As[s]ad had become preoccupied with internal politics, in his case ensuring the succession of his son. He no longer had the time or energy to attempt a deal with Israel as well" (Indyk 278.)

back channel negotiations. From 2004-2006 these individuals formed "understandings" on key points: process, timing,[75] tourism, water, demilitarization, and strategic realignment.[76]

Changes in leadership in Israel, Syria and the United States contributed to the hiatus in formal negotiations. Hafez al-Assad died in June 2000, leaving the task of making peace with Israel to his son and successor Bashar al-Assad. Assad's efforts in ensuring a smooth succession of power to his son proved successful, but the younger Assad was politically inexperienced and not as equipped to reach peace with Israel as his father had been.[77] The new Bush Administration in the United States and the new governments of Ariel Sharon and Ehud Barak in Israel were both less interested in Israeli-Syrian peace than their predecessors Clinton and Barak respectively.[78] Because Syria found itself in a new and more isolated geopolitical position as a result, in part, of changing American foreign policy after 9/11 and the Iraq war, it chose to reach out to Israel as one way to change the status quo.[79]

In 2007 Olmert announced renewed interest in peace with Syria, requiring that Syria cease its support for Hezbollah, Hamas, and Islamic Jihad before talks could proceed.[80] In May 2008 the parties announced they were taking part in indirect Turkish-brokered peace talks, according to the terms set by the Madrid formula.[81] Israel and Syria both utilized the talks for

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[75] In the text of the drafted document, the parties left the "exact time frame to be mutually agreed," as the parties failed to come to a consensus on the timing of Israel's withdrawal. For full text of document, see Akiva Eldar, "Full Text of Document Drafted During Secret Talks," Ha'aretz 29 Aug. 2004.

[76] Akiva Eldar, "Israeli, Syrian representatives reach secret understandings," Ha'aretz 16 Jan. 2007. Talks broke down when Syria wanted to move to the official track, and Israel wanted to restrict talks to an "academic" level, much like the lead-in to Oslo.

[77] Rabinovich, "Damascus, Jerusalem, and Washington" 9.

[78] Itamar Rabinovich, response to Peter W. Rodman, "U.S.-Syria: Who's converting whom?" Middle East Strategy at Harvard, Olin Institute: Weatherhead Center for International Affairs 25 Apr. 2008; Sharon prioritized the second Intifada and the Palestinian issue (Rabinovich, "Damascus, Jerusalem, and Washington" 10.)

[79] "…when Syrians were upset that no one thought to invite them to Sharm el-Sheikh in June 2003 for George W. Bush's summit with Arab leaders… Bashar al-As[s]ad responded by publicly calling for the Israeli-Syrian negotiations to resume from where they had left of in Shepherdstown. When that offer was met by complete lack of interest by Bush and Sharon, Bashar dropped all his preconditions. However, as soon as Israel, under Sharon's successor, Ehud Olmert, showed an interest in resuming negotiations, the conditions were re-imposed" (Indyk 283.)

[80] Israel MFA, "Israel-Syria Negotiations." See also United States Department of State, "Country Reports on Terrorism: Chapter 3: State Sponsors of Terrorism Overview," 30 Apr. 2007.

[81] Israel Ministry of Foreign Affairs, "Syria and Israel Start Peace Talks," press release, 21 May 2008. 6 May 2009 <http://www.mfa.gov.il/MFA/Government/Communiques/2008/Syria+and+Israel+start+peace+talks+21-May-2008.htm>.

publicity. Assad was interested in "international diplomatic dividends,"[82] and Olmert wanted to send a message of hope to his people, demoralized after a series of negative developments in the region.[83] While little is known about the specifics of the negotiations that took place, reports suggest they focused on the line to which Israel would withdraw and the nature of Syria's future relations with Iran, Hezbollah, and Hamas.[84] Syria suspended the process in December 2008 in response to Israel's military campaign in Gaza.

Since then, Turkey has reaffirmed its willingness to revive the talks,[85] but Israel and Syria both want the United States to play a bigger role. Both parties believe the United States is best suited to guarantee the other side adheres to its commitments; Syria considers US support for negotiations a "prerequisite" for a deal.[86]

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[82] Rabinovich, "Damascus, Jerusalem, and Washington," 17.

[83] Ibid.

[84] Martin Indyk noted, 'The trade has shifted from territories for peace and normalization' to 'territories for strategic realignment'" (Rabinovich, "Damascus, Jerusalem, and Washington," 18. Footnoted to Martin Indyk, book launch transcript, Restoring the Balance: A Middle East Strategy for the Next President, Brookings Institution, Dec. 2, 2008 <http://www.brookings.edu/~/media/Files/events/2008/1202_middle_east/1202_middle_east.pdf> 30-1.)

[85] "Turkey Willing to Revive Israel-Syria Talks: PM," AFP 27 Mar. 2009.

[86] "Syria Pushing to Restart Peace Talks with Israel," Gulf News 15 Apr. 2009.

INDEPENDENT WATER SOLUTIONS

Both Israel and Syria face real water problems, but the water issues facing the two states are very different: each requires a unique and independent solution. While joint efforts to mitigate the regional water shortage may ultimately be a positive side-effect of a peace agreement, they will not be the catalyst for such peace. Each country must address its unique water challenges independently.

Israel

Despite being one of the most water-efficient countries in the world, Israel faces a severe drought and a real water crisis compounded by rapid population growth.[87] The water level in the Sea of Galilee, Israel's main reservoir, is receding so rapidly that the waters from the lake are not enough to rely on, regardless of the ultimate outcome of negotiations with Syria.[88] Therefore, Israelis are seeking creative solutions to combat the water shortage by either using currently available resources more efficiently or introducing new water resources.

The large and active environmental movement in Israel believes that improved efficiency can significantly mitigate the water shortage. They support new pricing schemes to incentivize efficient use of water, and public awareness campaigns to encourage more mindful water usage. These campaigns are effectively reeducating Israelis to get by with their existing water resources,[89] and Israeli water infrastructure and technology is increasingly efficient. In the agricultural sector, which accounts for the bulk of Israeli water consumption, Israel relies on purified, recycled or treated wastewater to grow crops;[90] all agriculture uses drip irrigation as opposed to the more common but inefficient flood irrigation;[91] and foods that require a great deal

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[87] "The River Jordan Basin: The Politics of Sharing a Scarce Resource," <u>Population Bulletin</u> 47.3 (1992). Only one-third of Israel's total rainfall is usable since 60 percent evaporates and 5 percent flows into the sea or is too hard to retrieve (Morag.)

[88] Oren Blonder, personal interview, Mar. 2009.

[89] Gidon Bromberg, personal interview, Mar. 2009.

[90] Ilene R. Prusher, "Water Lies at the Heart of Mideast Land Fight," <u>The Christian Science Monitor</u> 17 Apr. 1998: p1.

[91] Blonder.

of water to grow are being imported instead of being locally produced.[92] Despite these achievements, conservation alone cannot sufficiently address Israel's water needs. With current levels of efficiency so high, increased efforts could only conserve up to five additional percent-- not enough to significantly impact the water shortage.[93] The water supply must be enlarged by desalinating seawater or importing water from abroad.[94]

Desalination would grant Israel the independence to guarantee its own water security and not rely on other nations' willingness to export water or otherwise cooperate in water-sharing endeavors. However, the financial and environmental costs of desalination are high. The large amount of energy required to run desalinating plants is a significant ecological and political factor for a country that relies on imported coal and natural gas from Egypt; the physical footprint of the plants would take a toll on Israel's limited and already highly developed coastline; the ecological effect of the resulting brine when it is returned to the ocean has yet to be sufficiently studied; and large desalination plants along Israel's coasts could become vulnerable targets to be defended at further military cost.

Proposals to import water are given less weight amongst the Israeli academic and political elite because of the preference given to solutions that allow for Israeli water independence. In a region where political trust is as scarce as water, depending on former enemies for a vital resource is a frightening risk. Israelis fear that Syrian control over the Golan's water resources could enable their diversion and storage as was attempted in the 1960s.[95] Should Syria choose to block the water flow to Israel after an agreement is signed, Israel would have little non-military recourse other than relying on international diplomatic assistance. Ultimately, a combination of solutions will be required. Desalination will be one of the major components, in addition to improved water efficiency technology and education.[96] Israel is currently proceeding

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[92] Clifton Coles, "Water Without War," Futurist 38.2 (2004): 9.

[93] Avie Geffen, personal interview, Mar. 2009.

[94] We come to this conclusion despite the Israeli environmental argument stating that enlarging the total water supply may decrease incentives to conserve (Clive Lipchin, personal interview, Mar. 2009; Bromberg.)

[95] Blonder; Amnon Lipkin-Shahak, personal interview, Mar. 2009.

[96] Blonder.

with plans to build a third large desalination plant in Hadera: by 2013, thirty percent of Israel's water for consumption will come from desalinated seawater.[97]

Syria

Syria also faces a water shortage, compounded by rapid population growth and unregulated usage of a finite water supply. The amount of water that reaches the average citizen is less than the acceptable level identified by the water scarcity index.[98] In contrast to Israel, however, Syria can significantly improve its water situation by focusing on efficiency without increasing its water supply.

Syria's largest water problems are the lack of efficient resource management and technology, and a crippled infrastructure. Despite the availability of freshwater sources, Syria's water needs remain unmet due to great inefficiencies. Instead of centralized systems for water distribution or waste-water recycling, multiple ministries (Irrigation, Agriculture, and Housing) share this responsibility without the benefit of common systems.[99] Furthermore, Syria's water infrastructure is in a state of serious disrepair. The German development company Gesellschaft für Technische Zusammenarbeit (GTZ) estimates that sixty-five percent of water moving through Syrian plumbing is lost due to leaky pipes.[100]

Another problem compounding the water shortage in Syria is inefficient water usage. Rather than thinking of water as a common resource to be shared, Syrians see it as a public good to be used as needed, leading to wasteful consumption patterns.[101] The Ministry of Irrigation in effect "owns" all of Syria's water, yet does not keep statistics on how much water is used, or wasted, by area. For example, GTZ engineers estimate that eighty-five percent of Syria's water is used for irrigation, but this number is not supported by substantive documentation.[102] This is

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[97] Geffen.

[98] M. Salman & W. Mualla, "Water Demand Management in Syria: Centralized and Decentralized Views," Water Policy 10 (2008): 549-62.

[99] Sleman Rammah, personal interview, Mar. 2009.

[100] Antje Hagemann, personal interview, Mar. 2009.

[101] Salman and Mualla.

[102] Hagemann.

partially because the government lacks the technology, expertise and hardware to implement a modern system of documentation.

One way to alleviate the shortage is to encourage more mindful water usage. This can be done though pricing schemes that attach an indirect cost to water either by creating a volumetric pricing scheme or by taxing the energy it takes to access water, thus avoiding the public backlash directly taxing water would incite.[103] Another way to encourage more efficient water usage is to shift agricultural practices away from water-intensive crops.[104] However, re-pricing would require a new water metering system that the government currently lacks the technology to implement. A further drawback is that any attempt by the government to regulate water usage is likely to be met with strong resistance by farmers who would resent the infringement on their autonomy. Finally, the Ministry of Agriculture lacks a mechanism to enforce new taxation and regulation policies.[105]

Before looking abroad for solutions to its water problems, Syria must work independently to improve its own systems. Past attempts at reform and improvement such as a more streamlined water management system and tighter regulation over the drilling of legal and illegal wells have been killed by bureaucratic red tape.[106] Efforts at improving the internal system are met by resistance to all suggestions of privatization, especially those put forward by foreign development companies, which threaten government control over water resources.[107] Syria has significant internal improvements to make before considering options to secure additional water resources from the region.

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[103] Salman and Mualla.

[104] Rammah; Salman and Mualla.

[105] Hagemann.

[106] In 2008 Syria tried to purchase water meters from a Chinese firm to improve water usage data collection, but these efforts ultimately failed due to government processes (Hagemann.)

[107] Hagemann.

CONDITIONS FOR PEACE

Since the Israeli-Syrian water dispute will only be resolved as one component of a comprehensive peace, we turn to the question of which conditions will prepare the ground for such an agreement. Four structural underpinnings must be secured: first, Israel and Syria must be fully dedicated to the process and its outcome. We term this "political will." Second, domestic constraints on both sides must be overcome. Third, a strong, neutral broker is needed to mediate. Finally, the format and timing of negotiations and implementation must be acceptable to both parties.

Political Will

The first condition that must be present is the political will and incentive structure for Israel and Syria to talk to one another. Are stakes high enough to force the two nations together? While there are unique incentives motivating each side to negotiate, the trust and will to reach peace are the primary and most crucial conditions. As former Chief of Staff of the Israel Defense Forces (IDF) Gen. (Res.) Lipkin-Shahak puts it:

> The question is, what is the meaning of peace? If we believe the Syrians are serious, we can ask for guarantees like demilitarization,…international observers, or early warning stations…. The question of the land has importance, but the real importance is not the land but the trust.[108]

Each state has different reasons for wanting to enter negotiations. Israel's incentives stem from national security considerations, foremost of which is concern over the existential threat posed by Iran and its proxies on Israel's borders. Israelis perceive Iran as the gravest threat to their existence, and Israel believes it may be able to mitigate the danger by drawing Syria away from the Iranian sphere of influence through peaceful negotiations.[109] This is a matter of trust: Israel would be making an irreversible territorial concession by returning the Golan in exchange for Syrian political realignment in a region where political orientations are notorious for

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[108] Lipkin-Shahak.

[109] Boaz Wachtel, personal interview, Mar. 2009; Alon Liel, personal interview, Mar. 2009.

changing. Israel would lose its last bargaining chip and line of defense in exchange for an intangible and reversible concession.[110]

Ironically, it is this threat that makes Israel eager to sit down at the negotiating table. The border with Syria had been Israel's quietest for decades. There was no intifada coming from the northeast, nor was there a demographic threat like the one posed by Palestinian population growth. There were no needs pressing enough to force Israel to the table, let alone to cede territory considered a national treasure such as the Golan.[111] However, the growing Iranian-Syrian alliance has changed this picture, as Iran provides financial, logistical and military support to Hezbollah and Hamas, a direct threat to Israeli security. Now Israel may be willing to make difficult concessions previously considered impossible in order to diminish the Iranian threat by attempting to bring Syria into the Western camp.[112] The existential threat posed by Iran raises the stakes to the point that Israel is ready to engage Syria, even though chances that Syria will sever ties with Iran are unknown.[113] Israel's motivations have to do with making itself less vulnerable by decreasing the threats it faces—Hamas, Hezbollah, and Iran—through a deal with Syria.

Finally, Israel seeks peace with more than one neighbor. Prime Minister Netanyahu is more likely to succeed with the Syrians than with the politically fractured Palestinians.[114] This is especially relevant in light of the new American administration's eagerness to restart the Middle East peace process because it may pressure Israel to produce results in at least one peace track, increasing Israel's incentive to reach a deal with Syria.[115]

Syria, on the other hand, derives incentive to engage with Israel from the prospects of restoring national pride by reasserting Syrian sovereignty over the Golan Heights. After the 1967

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[110] Dore Gold, "The Golan Heights and the Syrian-Israeli Negotiations," Jerusalem Center for Public Affairs 8.1 (2008).

[111] Zisser interview.

[112] Liel.

[113] There are contradictory reports suggesting that Syria is willing to reassess its relationship with Iran and that it will not consider such a realignment as part of negotiations with Israel. For more detail on this debate, see the section on "Structure of Negotiations."

[114] Lipchin.

[115] Catherine Norris Trent, "Netanyahu 'ready' for peace talks with Syria, Palestinians," France24 20 May 2009.

war, the military leadership under Hafez al-Assad was blamed for the loss of the Golan Heights. Ever since, the Assad regime has made regaining the Golan its priority. For forty years, this has been central to Syrian domestic and foreign policy. Current geopolitical conditions provide another incentive for Syria to negotiate because diplomatic efforts with Israel can build better relationships with the West. As Israel's Chief Negotiator of the Oslo Accords Uri Savir notes, "the most important thing to understand is that Syria wants Washington more than it wants Jerusalem."[116] Bashar al-Assad is desperate for foreign investment and knows the dividends of talking to Israel can include economic benefits and opportunities such as the lifting of sanctions.[117] Preliminary talks in Turkey in 2008 already began reaping him other benefits such as improved relations with the United States and Europe. For example, French President Nicolas Sarkozy immediately thawed the freeze in French-Syrian relations, inviting Assad to Paris as an honored guest for a summit of Mediterranean countries in July 2008. This was followed by Sarkozy's attendance at a summit in Damascus in September 2008.[118] According to Norwegian diplomat Terje Roed-Larson, Israel "opened the door to European countries who were eager to renew their contacts with Syria but withheld because of international pressures."[119]

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[116] Uri Savir, personal interview, Mar. 2009.

[117] Leslie Susser, "The Golan Gamble," Jerusalem Post 5 Jun. 2008. Despite moderate successes in attracting direct foreign investment, the Syrian economy has suffering as a result of the global economic crisis (Reuters, "Syria says lifting sanctions key for normal US ties," Khaleej Times Online 3 Feb. 2009; Andrew Tabler, "Global economic crisis boosts utility of US sanctions on Syria," Policywatch #1482, The Washington Institute for Near East Policy 26 Feb. 2009.)

[118] Susser; Rabinovich, "Damascus, Jerusalem, and Washington" 19.

[119] Rabinovich, "Damascus, Jerusalem, and Washington" 20; Barak Ravid, "UN Envoy: Israel Has Given Syria a 'Huge Gift' for Free," Ha'aretz 17 Jun. 2008.

In fact, Syria may be more interested in the peace process than it is in the ultimate result of negotiations.[120] It is the process of engagement that serves Syria's interests by winning positive international attention in order to: regain relevance in international relations, end the political and economic isolation they face, and divert the negative attention they are receiving as a result of the Hariri tribunal and the International Atomic Energy Agency (IAEA) investigation into Syria's undeclared nuclear program.[121] Furthermore, history has shown that when Syria is open to dialogue with the West, the West turns a blind eye on Syria's actions in Lebanon, effectively granting the Assad regime a free hand there.[122] Although Syria would want to move as fast as possible in implementing a favorable agreement once it is signed, participating in a slow-moving peace process with Israel allows Syria to begin enjoying the international dividends of peace without committing to any changes in its own policies.[123] Therefore, as strong as the

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[120] Matthew RJ Brodsky, "Why Syrian-Israeli Peace Deals Fail," inFocus 3.1 (Spring 2009). Also this sentiment was expressed in May 2009 by Israeli Deputy Foreign Minister Daniel Ayalon who said, "Assad is not interested in peace, but rather is interested only in the peace process" (Jpost.com staff and AP, "Ayalon: Assad doesn't want actual peace," Jerusalem Post 15 May 2009; Ha'aretz Service and News Agencies, "Deputy FM: Assad just wants peace process, not peace," Ha'aretz 17 May 2009.) Prioritizing process over results was also a claim applied to Hafez al-Assad: "Yet again As[s]ad seemed more interested in the process than the result. At least that was our conclusion" (Indyk 126.) "The proof that As[s]ad was more interested in the process than in the result came in that unique moment in December 1999 when he finally decided the time was right to go for an agreement. He simply dropped, just like that, his previous preconditions that Israel commit in advance to full withdrawal—the clearest indication that for much of the rest of the time he was using it as a procedural excuse to drag out the negotiations…. His calculus only changed at the last moment when it became clear to him that time was literally running out. Then he demonstrated that when he was in a hurry he was quite capable of flexibility on procedure and substance. But when he saw the potential backlash in Syria to peace with Israel… he backed away again" (Indyk 282.)

[121] The IAEA found evidence strongly suggesting that the building bombed by Israel in 2007 housed a nuclear reactor ("Bringing Syria in," The Economist 23 Feb. 2009; Brodsky.)

[122] After Syria's support in the 1990 Gulf War, the US gave "tacit approval" to its consolidation of power and influence in Lebanon (Tareq Y. Ismael, Jacqueline S. Ismael, The Gulf War and the new world order (Gainesville, FL: University Press of Florida 1994) 327; David Reynolds, One World Divisible (New York: WW Norton and Company 2000) 594.) In 1991, the inclusion of Syria in the Madrid peace process was seen by some (including the Syrians) as giving them a green light to step up their bullying in Lebanon (Peter W. Rodman, "U.S.-Syria: Who's converting whom?")

[123] Brodsky. According to Clinton Administration officials at the end of their term, Assad appeared more interested in winning concessions through process than ever reaching peace (Micheal Rubin, response to David Schenker, "Syria, Israel, and Bush," Middle East Strategy at Harvard, Olin Institute: Weatherhead Center for International Affairs 25 Mar 2009.) "… [E]ngaging in a peace process with the United States and Israel, while stopping short of concluding an agreement, held out considerable advantages for As[s]ad…. He could avoid being treated like Iraq and Iran…He would give the United States … a stake in the survival of his regime…neutralized American pressure and legitimized Syria in the eyes of much of the world. This is probably why, in the face of Bush administration efforts to isolate and pressure Syria, As[s]ad's son has repeatedly signaled his desire to resume peace negotiations with Israel…" by sending a representative to Annapolis in 2007 and entering talks in 2008 in Turkey (Indyk 281.)

Syrian desire to regain the Golan is, it may not be the only motivating factor.[124] As American

political analyst Jon Alterman posits:

> …there are other, less noble reasons for wanting to open an Israel channel now. [Assad]
> … is also quite eager to ease his isolation…and engaging with Israel presumably renders
> kosher a whole range of countries' dealings with Syria. Not least, I think Syrians believe
> that such negotiations will protect them from attack by both Americans and Israelis,
> which are the two countries they fear most.[125]

Thus while regaining the Golan may be the primary desired outcome of negotiations, it

may take a back seat to the other incentives motivating Assad to meet the Israelis at the

negotiating table. Sitting down at the table is only the first step. Once the parties arrive there,

only trust will facilitate the reaching of an agreement. As noted, once Israel withdraws from the

Golan, their decision is irreversible. For this reason and others, Israel and the United States insist

that Damascus provide concrete demonstration of its commitment and intent to follow through

with good faith negotiations and any resulting peace agreement. After President Obama took

office, Washington took a step-by-step approach to see if Syria would demonstrate readiness for

improved US-Syrian relations by reaching benchmarks of what the US would describe as good

behavior such as complying with American requests. For example, America asked Syria to

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[124] "One important consequence of [the Hariri murder] was to isolate Syria in the Arab world. The Arabs, particularly
the Gulf Arabs, were furious at Syria—Hariri was a close friend of the Saudis…The Syrians chose that period to
float another peace overture to Israel. But we and the Israelis and the Arabs correctly saw this as a ploy— as a device
to break out of their isolation, indeed as a way to split us from the Gulf Arabs." American analyst Peter Rodman of
the Brookings Institution concluded, "the Syrian government has behaved like a government that has made a
strategic decision to continue to play the spoiler—to cling to its alliance with Iran in order to maximize its regional
position and leverage. Syria is an essentially weak country that has made itself a major factor in the Arab world by
its alliance with Iran and by being disruptive and menacing in its behavior. It is not self-evident the Syrians will give
all that up, just for the Golan Heights. Their strategic priorities do not seem to be limited to the Golan (Rodman,
"U.S.-Syria: Who's converting whom?")

[125] Jon Alterman, "Syria and Israel: tactical advantage," Middle East Strategy at Harvard, Olin Institute:
Weatherhead Center for International Affairs 21 May 2008.

prevent anti-American Islamic militants from crossing into Iraq as they had been since 2003.[126] So far Washington has been disappointed with Syria's fulfillment of this and other requests.[127]

A top Israeli diplomat recently noted Israel's similar "need for clear benchmarks and expectations for Syria. [They] need to show some kind of demonstration of change."[128] Yet thus far, Syria has "been unwilling to engage in the confidence-building measures" that are so important to Israel as a sign of acceptance and goodwill and are considered "prerequisites for durable peacemaking."[129] "For example, at the summit of the heads of Mediterranean states in Paris in July 2008, Bashar openly shunned Israeli premier Ehud Olmert, refusing to look at him, let alone shake his hand."[130]

Domestic Politics and Public Opinion

The second necessary condition has to do with domestic conditions in Israel and Syria. The leaderships on both sides face constraints from their own publics.

Israel

Three domestic considerations play a role in Israel's ability to negotiate a successful peace agreement with Syria. First, Israeli leaders must maintain support in their own governments and amongst the public. Because of the nature of the Israeli parliamentary system, no party receives enough votes to govern on its own. In order to maintain a majority and stay in power, parties must form coalitions, often with a very diverse collection of parties. Today Prime

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[126] "Bringing Syria in."

[127] Tabler. According to CENTCOM's David Petraeus "the al-Qaeda in Iraq pipeline through Syria had been 'reactivated'" by April 2009 (Karen DeYoung, "Terrorist Traffic via Syria Again Inching Up," The Washington Post 11 May 2009.) "The Bush Administration [tried] to persuade [Assad] to stop these activities…. However…the main problem was not border control but the evident policy of the Syrian government to allow sanctuary inside Syria for political organizing by Iraqi extremists directly involved in those hostile activities" (Peter W. Rodman, "U.S.-Syria: Who's converting whom?") "During Colin Powell and Bashar al-As[s]ad's February 26, 2001 meeting in Damascus, As[s]ad promised that Syria would comply with the U.N. sanctions imposed on Iraq. What followed, however, became a pattern. First, Syria did not keep the promise. Then, As[s]ad tried to follow in his father's footsteps by straddling the fence…" "Syria allowed Damascus International Airport and the Syrian-Iraq border to become the main gateway for the 'Sunni insurrection' by allowing a large number of Islamist volunteers to enter Iraq" (Rabinovich, "Damascus, Jerusalem, and Washington" 11.)

[128] AIPAC Policy Conference, 4 May 2009.

[129] Brodsky.

[130] Brodsky.

Minister Netanyahu governs with a coalition that includes ultra-Orthodox Shas, nationalist Israel Beitanu, and left-leaning Labor. Any deal he negotiates must meet the approval of all these parties or his coalition could collapse, he would lose his position, and the deal would likely fall apart.

The second domestic consideration in Israel, public opinion, is closely tied to the first. Public opinion affects the parliamentary system a great deal and frequently disrupts the longevity of Israeli governments: although elections are supposed to take place every four years, they can and often do occur sooner. It is quite difficult for party leaders to form long-term strategies, rendering peace talks that depend on building trust and confidence difficult to carry out. Eyal Zisser of Tel Aviv University explains the dilemma succinctly: "Usually the people will follow the leader when he shows there's an agreement. The problem is first there is the process, which can take years. No government can survive during this phase without public support."[131] Furthermore, public opinion is an important factor because before Israel can return the Golan to Syria as part of a negotiated deal, the Israeli public must vote in a national referendum. A 1999 Israeli law "mandates a national referendum or a two thirds Knesset [Parliament] majority prior to a withdrawal from any territory under Israeli sovereignty" and further "requires that territorial concessions be approved by a national referendum or general elections or a majority of 80 Knesset members."[132]

Israelis are extremely attached to the Golan Heights for both practical and sentimental reasons. They value it in terms of nature, recreation and its commercial value; through the tactical lens of security; and also in terms of water security. Simply put, the Golan is a beautiful area full of greenery and waterfalls ideal for hiking and picnicking, and Israelis have fallen in love with the region, living there, vacationing there, and running successful wineries, orchards and tourist attractions. After forty years, Israelis have formed a tight emotional attachment to the Golan. There is a Golan lobby ready to leverage the "sympathies of a majority of the Israeli

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[131] Zisser interview.

[132] Shahar Ilan and Eli Ashkenazi, "New law stipulates: territorial withdrawal only by referendum," Ha'aretz 1 Jul. 2008.

public, which prefers the current tranquil status quo to the risks of peace with, in their view, an untrustworthy Syrian partner."[133]

On a more practical level, Israelis have grown accustomed to thinking of the Golan as a vital buffer whose absence would threaten national security according to traditional geostrategic logic.[134] Although demilitarization was addressed at Shepherdstown, conservative Israelis continue to believe the Golan is crucial to national security. The cliffs of the Golan Heights rise 800-1000 meters above the Sea of Galilee, towering over the Jordan Rift Valley and crowned by the Hermon Mountain, the highest point of observation over the entire region. The territorial status quo provides Israel with an optimal line of defense and has allowed Israel to establish key electronic surveillance stations on the Hermon.[135] Without these strategic heights all of northern Israel is within range of direct artillery fire from the Golan.[136] Parts of the Israeli public view withdrawing from these strategic heights as naive move that might be taken by Syria as an invitation to attack.[137] This is especially relevant in light of the perceived danger of the so-called "Shiite Crescent" of a Syrian-Iranian-Hezbollah military alliance engulfing Israel from indefensible north and northeast borders.[138] While agreements reached at Shepherdstown suggest that Israel's security needs can be met without this security buffer, it is important to note that the majority of Israeli citizens continue to believe the Golan is vital to national security.[139]

Other sectors of the Israeli public counter that giving up the territory would not pose a threat. They hold that the common notion of the Golan as vital to national security is based on outdated assumptions and old realities. Specifically, the military concept of the Golan's strategic

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[133] Indyk 284.

[134] According to the Tami Steinmetz Center for Peace Research, sixty-five percent of Israelis believe that the military/security factor is the reason the Golan Heights are "so crucial to the Jewish public"
(Ephraim Yaar and Tamar Hermann, "War and Peace Index: May 2008," Tami Steinmetz Center for Peace Research, 2009: 2.)

[135] "The Golan Heights Shall Remain Israel's Strategic Bulwark," Military Technology 2008.

[136] Israel Ministry of Foreign Affairs, "Golan Heights," 1 Jan. 2004. 29 Apr. 2009 <www.mfa.gov.il/MFA/Facts+About+Israel/Israel+in+Maps/Golan+Heights.htm>.

[137] "Israel's Strategic Bulwark."

[138] "Israel's Strategic Bulwark."

[139] Yaar and Hermann, "War and Peace Index: May 2008."

depth is obsolete in the era of rockets and missiles. Modern alternatives to the security the Golan once provided might include complete demilitarization of the Golan, early warning systems, electronic surveillance, no-fly zones, high-altitude flyovers, precision-guided missiles and weapons, and the presence of international peacekeeping forces.[140]

In addition to its security advantages, the territorial status quo on the Golan provides Israel with assured access to vital water resources, and ceding the territory could threaten Israel's water supply. These water needs cannot be sufficiently met elsewhere without Israel depending directly or indirectly on former enemies for its water needs.[141] In addition to the tangible water concerns, losing the Golan's water would be a significant blow to the Israeli political psyche. Water has played an important role in the Israeli psyche since the early days of the state, when water was vital for creating a new Jewish society based on communal agricultural settlements and irrigating the deserts of southern Palestine. This goal became part of the Zionist ethos of "making the desert bloom," and changing this national ethos about security and water will be a difficult task.[142] On the other hand, ceding the Golan to Syria need not threaten Israel's water supply as long as part of the negotiated peace includes a Syrian commitment not to divert the natural course of the region's tributaries, allowing the waters of the Jordan to flow uninterrupted into the Sea of Galilee, Israel's largest freshwater reservoir.[143]

It is generally accepted by the Israeli leadership, and to a growing extent by the public, that any peace deal with Syria must include a return of the Golan.[144] Israelis understand that the

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[140] R. Reuben Miller, "The Israeli-Syrian Negotiations," <u>Mediterranean Quarterly</u> 11.4 (2000): 117-39.

[141] Morag. Even if Israel manages to desalinate enough water to meet its needs, it will need to rely on international funding for this process, as well as on Egypt for the energy associated with desalination (Lipchin). Furthermore, as noted, desalination plants along the coast have the potential to become military targets (Lipkin-Shahak).

[142] Morag.

[143] R. Reuben Miller. "The Golan: An Obsolete Security Buffer," <u>Mediterranean Quarterly</u> 4.2 (1993): 121-8.

[144] According to the Harry Truman Research Institute/PCPSR, Maagar Mohot Survey Institute, 22% of Israelis polled in June 2008 supported a full Israeli withdrawal from the Golan Heights in return for a complete peace agreement with Syria, and 28% supported the same thing when polled in March 2009. In November 2008, when given the choice of conditions under which Israel should agree to a full withdrawal including after signing an agreement for full peace, after signing an agreement for full peace and only after a long testing period of a number of years, after signing an agreement for a full peace and breaking ties with Iran, or after signing an agreement for full peace and only after a long testing period of a number of years and breaking ties with Iran, a combined 50% of Israelis were in favor of withdrawing ("Israeli Opinion Regarding Peace with Syria and Lebanon," <u>Harry Truman Research Institute/PCPSR</u> 1-7 Mar. 2009.)

Golan will be the price for peace with their neighbor. It is well-known in Israel that every recent prime minister has held secret negotiations with Syria, and has acknowledged returning the Golan as the price for peace.[145] The public is ready to accept a compromise, yet the process of leveraging this understanding into political action will not be simple.[146]

The Israeli leadership faces a daunting challenge in convincing a public in love with the Golan to part with it after forty years. Israelis must first be convinced that the Syrians are truly interested in making peace because the question of trading the Golan is ultimately one of trust. For a decade, Israelis have been hearing from the United States and their own leaders that Syria is a terrorist state and an ally of Iran, Israel's most threatening enemy.[147] Former Director General of the Israeli Ministry of Foreign Affairs Alon Liel notes, "it is easy to scare the public;" but also that "Syria earned their scary reputation by assisting Hezbollah and Hamas. It will now be a very difficult task to convince Israelis that Syrians are actually good guys."[148] Despite the obstacles, many Israeli political and academic elites argue that a strong enough leader will be able to drive public opinion.[149] History has shown that the Israeli people, no matter how reluctant before or during negotiations, will follow the leader once an agreement has been produced.[150]

The third domestic hurdle to overcome in Israel is the rightward shifting political climate and the diminishing influence of the Left. Labor, which used to be Israel's largest party, became the fourth-largest party after the February 2009 elections. Ideas once associated with the far left "peace camp" of the 1970's such as a two-state solution to the Israeli-Palestinian conflict are now mainstream ideas shared by both Left and Right. In the process, the Left is becoming

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[145] Bromberg; David Schenker, "Syria: Between Negotiations with Israel and the Iranian Axis," Jerusalem Center for Public Affairs 27 May 2008.

[146] Bromberg.

[147] Liel.

[148] Liel.

[149] Lipchin; Zisser interview.

[150] Israel's return of the Sinai to Egypt in exchange for peace provides a historic precedent substantiating this belief. Before Sadat's arrival in Jerusalem, ninety percent of Israelis opposed the idea of withdrawing from the Sinai, but the day after the Egyptian leader's historic visit to Israel, public opinion changed dramatically (Zisser interview; Moshe Ma'oz, interview with Steven L. Spiegel, "Can the Syrian Track Come Back? A Conversation with Moshe Ma'oz," IPF Focus 27 Mar. 2008.)

marginalized, and the Right is coming to power, though on a more central platform.[151] Political sentiment has shifted rightward largely as a result of decreased optimism regarding peace after two intifadas, the war against Hezbollah in 2006, rocket attacks from Gaza, and an increasing Iranian threat.[152]

We do not expect this rightward shift to negatively impact relations with Syria. In fact, a prime minister from the Right may be better able to deliver a peace deal that involves concessions than one from the Left, because security-minded Israelis trust that the Right will protect their safety. The military and security establishments support ceding the Golan in exchange for peace with Syria as the best route to guarantee Israeli security: most recently, a top Israeli defense official articulated this viewpoint at a conference.[153] The support of the Israeli security establishment is a key component in convincing the Israeli public that trading the Golan for peace is an acceptable risk.[154] Most dismiss statements by Foreign Minister Avigdor Lieberman and Prime Minister Netanyahu promising the Golan will never be given up as mere lip-service to the public.[155] In fact, Netanyahu is likely to continue peace talks with Syria, though perhaps not immediately, in order to make clear that this is his process rather than a continuation of his predecessors.[156] Washington's continued pressure will also help ensure that Israel's right-wing leadership continues negotiations.

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[151] Wachtel.

[152] Almost 50 percent of voters in Israel's February 2009 elections were under 35. To them, the optimism of past decades is history. What they know is the second Lebanon war in 2006 when a third of Israel was in bomb shelters for six weeks, and the Gaza war when they saw Kasam rockets bombarding men women and children. This is what they know and base their voting decisions on, which is why there was a shift to the right (Aharon Barnea, personal interview, Mar. 2009.)

[153] At the Herzliya Conference in February 2009, Maj. Gen. (res.) Amos Gilad asserted that it was imperative for Israel to make peace with Syria in order to weaken radical movements across the Middle East (Barak Ravid, "Top defense official: Israel is already on collision course with Syria, should at least strive for peace," Ha'aretz 4 Feb. 2009; Rabinovich, "Damascus, Jerusalem, and Washington" 17.)

[154] Daoudy, "A Missed Chance."

[155] In 1998, during his previous tenure as prime minister, Netanyahu did pursue secret negotiations with Syria - and allegedly agreed to cede the Golan Heights back to Syria (Aluf Benn, "Can Israel Make Peace with Syria without Leaving Golan?" Ha'aretz 28 Feb. 2009.)

[156] Seymour Hersh, interview with Terry Gross. Fresh Air, National Public Radio, WHYY, Philadelphia, 30 Mar. 2009.

Thus it is conceivable that a Netanyahu coalition could convince an otherwise skeptical Israeli public that conceding the Golan is in their interest. The Israeli public is in favor of peace, but "they aren't pushing for it. You need a leader to say 'this is in Israel's best interest.'"[157] Israel requires a strong coalition behind its prime minister so the government can sell major concessions to the public in pursuit of peace with Syria.

Syria

On the Syrian side, Bashar al-Assad faces four main considerations. The first concerns nationalism. Syria's primary interest in regaining the Golan is to satisfy national pride, as the Syrian narrative strongly emphasizes the connection to the land and waters of the Golan Heights. Like Israelis, Syrians see the Golan for the beautiful and fertile land that it is,[158] emphasizing their historical claim and the inadmissibility of Israel's annexation. The area supported a thriving agricultural economy in Syria before 1967,[159] and Syrians who once lived on the Golan are nostalgic about the idyllic life they remember living there, recalling the villages they lived in with pride.[160]

A second constraint stems from the limitations public opinion places on the younger Assad. Syrian public opinion is united in believing the Golan is Syrian territory under foreign occupation. They demand the return of this land that they see as their own.[161] Failure to deliver complete sovereignty over the Golan as part of a deal with Israel would expose Bashar to major opposition in Syria: both secular and Islamist groups could exploit this failure for their own political ends.[162] Furthermore, elements of the Syrian military elite have vivid personal

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[157] Lipchin.

[158] Abu Fakhr 14.

[159] Ibid 6.

[160] Ibid 14-15.

[161] Zuheir Farah, personal interview, Mar. 2009; Hagemann.

[162] Jouejati interview; Murhaf Jouejati, "Options for US policy towards the Arab-Israeli conflict," Woodrow Wilson International Center for Scholars, Event summary, 15 Nov. 2006. 23 May 2009 <http://www.wilsoncenter.org/index.cfm?event_id=207135&fuseaction=events.event_summary>.

recollections of bathing in the waters of the Golan as young officers prior to 1967.[163] Failure to deliver the Golan to the shoreline may result in lack of support for an agreement from those military circles.

While Syrian willingness to negotiate in good faith is conducive to peace talks moving forward, it also causes problems at home. Each time there is an Israeli media leak suggesting that Assad has hinted at concessions, the Syrian leadership feels undermined by the media releasing details they were not yet ready to make public. The government fears public reaction to hearing about possible Syrian concessions before knowing the Golan will definitively be returned will diminish the chances talks will be able to proceed.[164] Syrian debate over detailed negotiations is therefore overshadowed by rhetoric demanding the return of the Golan.

Bashar al-Assad's need to live up to the legacy of his father is a third consideration. Assad biographer Patrick Seale believes this legacy will "determine the policies of [Bashar al Assad's] government."[165] After Hafez al-Assad's death, the Egyptian newspaper *Al Ahram* described him as a man who "struggled for more than half a century for the sake of his convictions:" namely "Arab pride, unity, and restoration of Arab rights."[166] Chief among his goals was restoration of Syrian sovereignty over "every inch of" the Golan Heights.[167] While Assad remained unsuccessful in this endeavor, he cultivated the image of a man holding out for "honorable" peace by reminding his people that Arabs had been "beaten [by], but never capitulated" to Israelis.[168] The unfinished task of regaining the Golan Heights was left to Bashar, and while some hoped that the younger Assad would prove to be "flexible [in negotiations] where his father was rigid,"[169] Seale sees little possibility for deviation from Hafez al-Assad's

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[163] Jouejati interview; see also Bill Strubbe, "Returning to an adopted homeland," The Boston Globe 9 Dec. 2007; Jasmin Habib, Israel, diaspora, and the routes of national belonging (Toronto: University of Toronto Press Incorporated 2004) 95; Israel Nature & National Parks Protection Authority, "Hermon National Park (Banias)."

[164] Akiva Eldar, "What's the deal with Syria?" Ha'aretz 28 Apr. 2009.

[165] "Breaking news: President Hafez al-Assad of Syria confirmed dead," CNN.com, transcript, 10 Jun. 2000. 24 May 2009 <http://transcripts.cnn.com/TRANSCRIPTS/0006/10/bn.01.html>.

[166] Nabil Zaki, "A lion to the last," Al-Ahram Weekly Online 15-21 Jun. 2000 (Issue no. 486).

[167] "Breaking news: President Hafez al-Assad of Syria confirmed dead."

[168] Nabil Zaki, "A lion to the last."

[169] Graham Usher, "The legacy and the legatee," Al-Ahram Weekly Online 15-21 Jun. 2000 (Issue no. 486).

approach.[170] Because Bashar al-Assad is young and politically inexperienced, he has a high incentive to prove himself a good successor to his father.[171] He faces opposition from regime insiders who fear he cannot guard their interests and privileges and who argue that he has lost too many political battles, most importantly withdrawing from Lebanon in 2005 after the Hariri assassination; and from reformers who are still waiting, amidst stagnant standards of living, for the economic and political reforms he promised when taking office.[172] One way for Bashar to secure his rule is to be the leader who recovers the Golan.[173]

Finally, the last domestic constraint is caused by Assad's legitimacy relying on support from a sectarian population. He must manipulate internal divisions to maintain his position amidst a majority Sunni population. The Assad family is part of the Alawi sect of Shi'a Islam – the largest minority group in Syria, yet historically one of the poorest and most oppressed. The history of Alawi marginalization in Syria contributes to the Assads' constant quest for legitimacy as Muslim Arab leaders. While Alawis acquired political power through military positions and Hafez's rise to power, they were also blamed for the loss of the Golan Heights in 1967. Hafez al-Assad worked to bridge this divide by appointing many Sunnis to high-ranking positions. Bashar al-Assad works to maintain this delicate sectarian balance as well, and might lend more permanent legitimacy to Alawi rule should he regain the Golan Heights. That said, Assad has become a skilled politician who knows exactly how far he can push his population without

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[170] Ibid.

[171] Upon his succession, Syrian elites asked if Bashar was suitable to the task of leading Syria, and "… it did not take long for the world to discover that Syria's new ruler would have difficulty consolidating his power and asserting his own authority vis-à-vis his father's associates. …Bashar seemed ill-equipped to navigate the web of domestic and regional forces and issues confronting him as Syria's ruler" (Rabinovich, "Damascus, Jerusalem, and Washington" 9.) See also Mohamed Sid-Ahmed, "Syria: Continuity and change," Al-Ahram Weekly Online 22-28 Jun. 2000 (Issue no. 487).

[172] Carsten Wieland, "SYRIA'S CHALLENGES AFTER THE ELECTION YEAR: IS BASHAR AL-As[s]ad PART OF THE PROBLEM OR PART OF THE SOLUTION IN THE MIDDLE EAST," Papel Político 12.1 (Jun. 2007): 222.

[173] Eyal Zisser, "Does Bashar al-As[s]ad Rule Syria?" Middle East Quarterly X.1 (Winter 2003); Jouejati, "Options for US policy towards the Arab-Israeli conflict." It must be noted that making peace with Israel may also pose a threat to Assad's rule. His father was "able to mobilize his people against the Israeli threat, justifying their economic [hardship], the diversion of resources, and most important, the maintenance of repressive state control of individual liberties…Peace with Israel threatened As[s]ad's sources of legitimacy and control." Sunnis could claim he went against pan-Arab anti-Israel orthodoxy, peace might lead to a loss of economic control if Syria opened up to new business opportunities and independence, and peace with Israel could result in increased pressure from Lebanon for Syria to withdraw (Indyk 279-80.)

crossing the red lines that would alienate the Sunni majority, engendering a threat to his rule.[174]

He must move carefully, calculating the possible returns he can exact from his overtures. Should he eventually deliver the Golan, it would be a major legitimizing victory for his regime.

International Broker: a New American Diplomacy

The third condition necessary for peace is third-party involvement. The best hope for fruitful and direct Israeli-Syrian dialogue hinges on the United States' willingness to be a go-between. Most recently, Turkey has attempted to play this role. Turkey's unique position as a Muslim-majority Western ally on good terms with Israel gives it credibility with both sides, while its ability to sell water to other states in the Middle East gives it a vested interest in talks. On the other hand, Turkey may not be able to be an impartial mediator because of its complicated history with Syria[175] and its recent falling-out with Israel over its war in Gaza.[176]

Turkey is not as powerful an international broker as the United States. Because Israel has few friends in the region, having its strongest partner--the United States--present provides a needed sense of security. U.S. security guarantees to Israel can create the necessary confidence for Israel to risk ceding the Golan, whereas Turkey cannot provide the same guarantees. Convincing the Israelis that Syria is an honest partner in peace talks will also be easier when the United States leads the way. Furthermore, Syria aspires to improve relations with the United States, and good faith talks with Israel would go a long way toward that end. Only the United States can fill the strategic void if Syria moves away from Iran: Turkey cannot. Finally, as part of

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[174] Fouad Ajami, "The ways of Syria: stasis in Damascus," <u>Foreign Affairs</u> (May/Jun. 2009.)

[175] In 1990 Turkey and Syria neared a state of war over the issue of the Great Anatolia Project, when Turkey dammed the Euphrates River, reducing the flow into Syria. Since then, relations have improved (Marwa Daoudy, "Syria and Turkey in Water Diplomacy," <u>Water in the Middle East and in North Africa</u>, ed. Fathi Zereini and Wolfgang Jaeschke (Berlin; New York: Springer 2004) 319-22.)

[176] Liel. At the January 2009 World Economic Forum meeting at Davos, Turkish Prime Minister Tayyip Erdogan publicly berated Israeli President Shimon Peres for the recent incursion into Gaza. Interviews in Israel demonstrated ambivalence towards the future of Israeli-Turkish relations: while Peres has gone on to clarify that the event would not alter the nature of their relations, public opinion in Israel may not easily forget the incident (Daniel Steinvorth, "A Turkey-Israel clash at Davos: Erdogan's feeling for rage," <u>Spiegel Online International</u> 30 Jan. 2009.) "The outbursts against Israel by Turkey's prime minister Recep Tayyip Erdogan, including at the World Economic Forum in Davis on Janurary 29, has greatly diminished his capacity to act as a mediator between Israel and Syria" (Rabinovich, "Damascus, Jerusalem, and Washington" 23.)

the region, Turkey's own interests may interfere with its ability to be a neutral broker[177] and make it difficult for either Israel or Syria to regard it as impartial.

With the United States at the helm, both Israel and Syria could have the reassurances and financial aid and compensation they require to move forward.[178] With the new administration in Washington, there is hope that the United States will mediate, and that American-led talks will lead to peace. No longer relegated to President Bush's "Axis of Evil," Syria may yet emerge as an essential part of Obama's Middle East policy. After eight years of isolation and cold relations, the opportunity to build warmer ties with the United States may incentivize Syria to reconsider its alliances in the region.

On the campaign trail, President Obama made clear his willingness to repair bilateral relations with Syria. Subsequent visits to Damascus by government officials have fueled speculation that a new era of US-Syrian relations is imminent.[179] Obama's vision of Middle East peace is comprehensive, which means that Syria cannot be left out. The American administration also wants to change Syrian behavior to better serve its own interests with regards to Iraq, Lebanon and Iran. A potential warming is viewed positively in Syria as well. Recent public opinion surveys conducted in Syria reveal a "strong desire for improved relations with the [United States], even amidst the Gaza crisis . . . and much talk (and hope) that Syria and the [United States] could turn a new page with the new administration, the return of an American ambassador, and the relaxation of sanctions."[180]

Nonetheless, there are difficulties with the United States assuming this role of mediator. The last decade exacerbated feelings of mistrust and estrangement between Syria and the United States that have existed for decades over the issues of Lebanese sovereignty, Hamas and Hezbollah, and too-close ties with Iran. Syria remains on the US list of state sponsors of

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[177] Zisser interview.

[178] Zisser interview.

[179] In February 2009, Senate Foreign Relations Committee Chairman John Kerry visited Damascus, accompanied by a "high-level American delegation" (Edward Yeranian, "Signs show possible thaw in US-Syrian relations," VOA News 17 Feb. 2009.) This visit was followed by a subsequent visits from State Department and White House officials, the first high-level visits in four years ("Syrian leader meets US politicians," Al Jazeera English 28 May 2009.)

[180] "Iraq, its Neighbors, and the Obama Administration: Syrian and Saudi Perspectives," U.S. Institute of Peace and The Stimson Center 9 Feb. 2009: 6.

terrorism, and President Obama decided in May 2009 to renew sanctions against Syria as a result of continued American disappointment in Syrian policy.

The role of a strong third party mediator is a necessary but not sufficient condition for peace. While a strong Washington may be able to nudge Israel and Syria towards peace, it cannot compensate for weak leadership or lack of political will. Ultimately, it is the will of the parties to reach peace that will make a difference, not the presence of an international referee.[181]

Structure of Negotiations

Finally, both sides must realize that while they have their own maximum and minimum negotiating positions, each will need to make real concessions in order to reach peace. Despite opposing national narratives and the desires of both publics, once the parties come back to the table negotiations will tackle the same issues that were discussed in previous negotiations, most recently at Shepherdstown in 2000. While preliminary agreements were outlined, no binding agreement was reached, and there are still significant areas of disagreement that must be negotiated.

Political conditions in the Middle East and around the world have changed in the last eight years, and the next round of negotiations will need to address new realities. However, the basic negotiating positions of Israel and Syria have not changed in regards to water, borders, security or normalization. The issue of regional dynamics has changed the most, namely Syria's relationship with Iran, Hamas and Hezbollah.

On the related issues of water and borders, Israel still requires assurances that if the Golan reverts to Syria, Israel's water needs will be met and it will remain sovereign over the Sea of Galilee. Syria also needs guarantees of its water sources from Turkey and some access to the Sea of Galilee.[182] At Shepherdstown Israel agreed to withdraw from the Golan Heights while keeping the shoreline of the Sea of Galilee.[183] Shara agreed to this, although Assad later claimed

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[181] Lipkin-Shahak.

[182] Hof, "Mapping Peace." The waters of the Sea of Galilee have receded since 1967 so a literal return to the June 4 1967 line would not grant Syria access to the water, yet Syrian reference to the June 4 line assumes a non-literal return to the water line.

[183] "[Shara] had accepted Israeli sovereignty on the lake and the shoreline to a distance of ten meters (as provided by the 1923 international border)" (Indyk 273.)

that an Israeli withdrawal from the Golan must include a withdrawal from the shoreline. This remains a contentious sticking point that will need to be delicately negotiated. The simplified and theoretical agreement by which Israel would "get the water" and Syria would "get the land" must be nuanced. Israel would need relocate its approximately 17,000 citizens[184] who currently live on the Golan, and Syria would need to meet local water demands for its citizens returning to the Golan.

Security concerns will also be resolved along the lines of the demilitarization agreements discussed at Shepherdstown. As for the nature of Israeli-Syrian relations after an agreement is signed, Israel still wants a warm peace, yet Israelis do not naïvely think signing a peace agreement will automatically lead to cozy relations. Rather, they believe that a cold peace is better than no peace at all: "Ultimately, Israelis realize that [even cold peace] will be cheaper than war."[185] Syria, meanwhile, still wants only normal relations[186] and does not express interest in warm exchanges beyond basic diplomatic relations.

The newest dimension of negotiations will be regional alliances. Israel wants Syria to reassess its strategic alliance with Iran and cease support for Hezbollah and Hamas. Syria may be willing to restructure its alliances away from Iran in pursuit of its own national interests, though this is a hotly contested assumption. On the one hand Syrian foreign policy may be seeking a realignment that would move it closer to the West and further from Iran.[187] Negotiations with Israel could present Syria with this opportunity, especially if the United States mediates. Recent news reports provide conflicting evidence about the likelihood of Assad ceasing support for Hezbollah and Hamas. For example, the leaders of these groups are allowed to operate from Damascus[188] and Bashar praises Hezbollah and Hamas for their "resistance" against Israel.[189]

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[184] Encarta Online Encyclopedia 2009.

[185] Miller, "The Israeli Syrian Negotiations."

[186] Gold.

[187] "When We Meet with Syria, What Should We Say? What Should We Hope to Hear?" Capitol Hill Conference Series on US Middle East Policy. Transcript. Middle East Policy Council. Washington, DC. 10 Apr. 2007. 5 May 2009 <http://www.mepc.org/forums_chcs/48.asp>; Susser.

[188] Mohamad Bazzi, "Militant's death mirrored life," Council on Foreign Relations 14 Feb. 2008.

[189] Patrick Bishop, "Syrians demand military action to reclaim Golan Heights," The Telegraph 18 Aug. 2006; Roee Nahmias and AP, "Syria wants dialogue with US without preconditions," Ynetnews.com 26 Jan. 2009.

During a January 2009 interview with Hezbollah's *al-Manar* television, for example, Assad proclaimed that, "Israel only understands the language of force," and praised "Hamas' achievements" during the recent Gaza crisis."[190] At the same time, a news report from *Asia Times Online* asserts that Assad intends to ask Hamas' political leadership to cease public statements from Damascus as well as gradually move out of the Syrian capital.[191]

On the other hand, Syria may not be interested in changing the nature of its relationship with Iran.[192] While Senators John Kerry and Chuck Hagel describe Syrian-Iranian ties as a "marriage of convenience,"[193] some analysts argue, "it is clear that the relationship between Syria and Iran is much more than a tactical move on the part of the parties."[194] Syria and Iran have a twenty five-year old political alliance that is moving in a positive direction, especially given Iran's recent rise in regional influence and nuclear ambitions.[195] Syria has invested a great deal in its relationship with Iran, especially by investing in Hezbollah. They will not be eager to lose this investment. Syria sees itself as a key regional influence but without Hamas and Hezbollah, their influence is severely diminished.[196]

On this issue it is important to listen to the ideas coming directly from Damascus instead of relying only on international political analysis.[197] As Assad told a reporter from *Al-Manar* television in early 2009, Syrian-Iranian relations are

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[190] Brodsky.

[191] "Hamas Feels the Heat from Syria," Asia Times, 7 May 2009.

[192] Susser. "Strategic realignment of Damascus is unlikely": David Schenker, "The Obama Administration reaches out to Syria: implications for Israel," Middle East Policy 8.23 (18 Mar 2009).

[193] John Kerry and Chuck Hagel, "It's time to talk to Syria," Wall Street Journal 5 Jun. 2008.

[194] Steven A. Cook, response to Jon Alterman, "Iran's strategy in the Levant," Middle East Strategy at Harvard, Olin Institute: Weatherhead Center for International Affairs 6 Jun 2008.

[195] Syria sees Iran as the regional superpower of the future (Michael Young, response to Peter W. Rodman, "U.S.-Syria: Who's converting whom?")

[196] David Schenker, "The Obama Administration reaches out to Syria."

[197] "So many in Washington are so busy listening to themselves and the Israelis that they have stopped listening to what the Syrians are saying…. But to discuss engagement—or the trilateral relationship between Jerusalem, Damascus, and Washington—without even looking at what the Syrians themselves are saying about strategic reorientation, presents an incomplete and, I believe, misleading picture" (David Schenker, response to Itamar Rabinovich, "Syria, Israel, and Bush.")

…firm and continuously improving; they are strategic relations, which have proved their efficiency and importance in all of the issues which our region has been passing through since the Revolution in Iran in 1979. They are not transitory relations. We have no option but to be in a stable and enduring relation[ship].[198]

A recent *Foreign Affairs* contributor concurs:

> Contrary to the conventional wisdom, the Iranian-Syrian relationship is not a tactical marriage of convenience; it is one of the most enduring strategic partnerships in the Middle East…. Syrian officials went out of their way to emphasize that a break with Iran was not on the table in the indirect talks with Israel and that it never will be. Tehran is a reliable and important ally for Damascus, not one to be traded overnight to meet Israeli or U.S. demands.[199]

There may be little chance for Syrian strategic realignment away from Iran.[200]

The timing of negotiations is also a significant consideration that must be handled delicately. Neither party wants to risk moving first until it has a guarantee that the other side is equally willing to commit to serious concessions. Assad cannot sell the idea of negotiating with Israel to his public until he can assure them that Syria will get the Golan back. This won't happen until Israel is similarly convinced that Syria is willing to offer guarantees on water and security. What Assad wants as the first step, full withdrawal from the Golan, Israel considers the last step and vice versa.[201] This dilemma is not new. According to the *Washington Post*:

> A dispute over the sequence of the negotiations [at Shepherdstown] forced Clinton to cancel a planned three-way meeting with Barak and [Shara]. The Syrians had wanted to begin by discussing the extent of an Israeli withdrawal from the Golan. The Israelis thought the first items on the agenda should be security arrangements and normalization of relations.[202]

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[198] David Schenker, "Syria, Israel, and Bush." Listening to the words of Syrian officials can illuminate other aspects of Syrian policy as well. For example, as David Schenker points out, "The Syrian daily Al Watan criticized Cardin for 'fail[ing] to distinguish between terrorism and resistance,' asking, 'Are these groups [Hamas and Hizbullah] terrorists? We think not.' The government press also took Cardin to task for attempting to 'drive a wedge between Iran and Syria'" (Schenker, "The Obama Administration reaches out to Syria.")

[199] Prem G. Kumar, "Realigning Syria," Foreign Affairs 88.2 (Mar./Apr. 2009).

[200] Jon Alterman writes, "Iran is Syria's only regional ally and an escape valve for pressure applied by the United States and the Gulf states. With the demise of the Soviet Union, Syria lost its patron…leaving Syria literally with nowhere to turn but Tehran" (Jon Alterman, "Iran's strategy in the Levant.")

[201] AIPAC Policy Conference.

[202] John Lancaster, "Search for peace: Israel and Syria meet face-to-face; hour-long meeting with Clinton follows dispute on order of talks."

The same sentiment is demonstrated in two recent news reports. Israeli Foreign Minister Lieberman told *Israel Radio* in April 2009, "I'd be glad to negotiate with Syria this evening, but without preconditions.… They say, first go back to the 1967 lines and give up the Golan. If we agree to that, what is there to negotiate?"[203] The same week, Assad told the Austrian daily *Die Presse*, "The bottom line is that there is occupied territory that must be returned to Syria, and then we can talk about peace."[204]

Despite the distance between Israel and Syria's maximum positions, negotiation does not need to be a zero-sum game. Israel and Syria face different problems and have different needs. Once the political will is present, creative solutions can be found that satisfy each side's most important needs: water and security for Israel and sovereignty over the Golan for Syria. There is room for nontraditional compromises. There are precedents for narrowing gaps between maximum negotiating positions through creative maneuvering. Regional examples of nontraditional compromises include a unique agreement between Israel and Egypt over the Sinai, and the Israeli-Jordanian Peace Island.[205]

A current example of this type of thinking can be found in the idea to staff the early warning stations on Mt. Hermon with American-Israeli dual citizen soldiers. Syria will not accept any Israeli presence there, but this arrangement would allow them to say the station is staffed by Americans while allowing Israel to feel that it has the presence it needs.[206] Another example of creative tweaking of bottom lines and of finding space between opposing absolute demands is an arrangement in which parts of the Golan would become a Peace Park, under full Syrian sovereignty, which Israelis could visit without visas.[207] Finally, there is the proposal to

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[203] Shalhevet Zohar, Haviv Rettig Gur and AP, "Liberman: I'd talk with Syria tonight," Jerusalem Post 25 Apr. 2009.

[204] "Assad: No talks till Israel Cedes Golan," Jerusalem Post 27 Apr. 2009.

[205] Israeli tourists may visit parts of the Sinai without a pre-arranged visa. The Peace Island is a park created as a way to promote peace between the Israel and Jordan. The land belongs to Jordan but Israeli tourists are allowed to visit for short periods of time, and Israeli farmers are allowed to lease land for agricultural use.

[206] Murhaf Jouejati, "Syrian motives for its WMD programs and what to do about them," Middle East Journal 59.1 (Winter 2005).

[207] During unofficial track II talks between Ibrahim Soliman and Alon Liel from 2004-2006, the sides agreed that once the two countries sign a peace agreement, a Peace Park would be established on the Golan Heights for the use of both sides. Israelis would be able to enter the park, for tourism or work purposes, without visas ("Peace Park on the Golan," Israel Syria Peace Society 2 May 2009 <http://www.is-peace.org/EN/wnDispPage.asp?Item=313>.)

pump freshwater through a "Peace Canal" from Turkey to the Golan Heights.[208] Nontraditional solutions such as the Peace Canal are more idealistic than they are feasible. They have the potential to soften Israeli public opinion but do not adequately solve the practical and difficult issues that need to be addressed. Neither do they take into account the Syrian approach to negotiation, which is a bottom-line desire to see a demarcated border.[209] Nonetheless, this type of out-of-the-box thinking is the only thing that will lead to a win-win solution. As Fred Hof concludes, neither water nor the Golan are the crucial issue here. Both can be creatively addressed to deal with the Syrian need for sovereignty and the Israeli need for water and security[210] once Israeli and Syrian will to make peace exist.

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[208] Liel; Wachtel. The canal would export three to four billion cubic meters of Turkish river water annually for distribution to Syria, Jordan, Israel, and the Palestinian Authority. In addition to enlarging the regional water supply, it would "facilitate a safe Israeli withdrawal and demilitarization of the Golan" by guaranteeing Israel would have sufficient water from the canal and would not need to rely on the Golan. Drawbacks to the project include the prohibitive monetary costs of constructing the large canal infrastructure, the more expensive price per cubic meter of bringing water overland compared to desalination, and the political risk of being dependent on Turkey for water. International actors may be able to allay the costs, since as Uri Savir explains, the world will pay a lot for peace in the Middle East (Savir.) Depending on international funding, however, lends itself to the familiar criticism of water dependency.

[209] Zisser interview.

[210] Hof, "Mapping Peace."

CONCLUSIONS

Future negotiations between Israel and Syria will address the issues of water and the Golan Heights as part of a comprehensive peace agreement. Water is but one of many components of both the conflict dividing Israel and Syria and of the negotiations the two countries will need to resume in order to resolve this conflict. As we have attempted to demonstrate, water can indeed be the spark that ignites violence or military clashes, but even then it is only one highly visible part of a larger contextual conflict. On the other hand, cooperation in the arena of water is not likely to serve as a catalyst for peace between the two nations. Instead, water will be one component of comprehensive negotiations that simultaneously take into account borders, security, regional dynamics, and normalization of relations between the two nations. Water will be a key component that must be resolved as part of a peace agreement, but it does not stand alone as more important than any of the other issues to be addressed.

Although it is important, water is not the most crucial factor for either side, and independent solutions to the different water problems facing each country are possible. Israel can desalinate enough water to serve its needs, and Syria can improve the efficiency of its water infrastructure to improve its water situation. The two parties will address water as part of a joint effort only within the context of a larger political deal.

There are four factors that must be present in order for comprehensive peace negotiations to resume. The first is the political will of Israel and Syria. If the appropriate incentive structures motivate both parties to come to the table, and the leaders on each side are strong enough to take part in negotiations with a former enemy and commit to reaching and implementing a resulting peace deal, negotiations may proceed and bear fruit. Second, both leaders will need to be able to handle the domestic constraints on their own side of the border, including internal politics and public opinion. Third, the United States must commit to working with the parties as a neutral broker, offering support and guarantees. Finally, the process and timing of peacemaking is important. Both Israel and Syria must understand that real concessions will need to be made in order to achieve and implement a lasting peace.

Chances for peace are optimized through creative and unorthodox approaches. Should the necessary four conditions for peace be present and the parties resume negotiations, the technical solutions and methods to reach compromises are readily available. It is a matter of political will: will the two sides be able to make the switch from perceiving of the situation as a zero sum game to perceiving of the situation as one in which both parties may win?

Because Israel and Syria have different needs in regards to the Golan, it is possible to find a solution that addresses them both. Simply put, Israel needs the water of the Golan and can live without the territory. Syria needs sovereignty over the Golan and can live without the water. These needs can be met simultaneously. Israel needs its national security guaranteed, and needs to be able to utilize the Golan's water resources. Syria needs to plant its flag in the soil of the Golan to reclaim lost sovereignty and pride. Everything else, including the two national narratives of historical grievances and two national psyches with personal connections to the Golan Heights, can be addressed with creative maneuvering and good faith negotiation.

Although it seems as if conditions for peace are aligned, there remain real problems of trust between the two sides. Past negotiations have broken down time and again. Negotiations must proceed with caution because it could be "counterproductive to try and fail" to reach an agreement: fruitless talks could generate further pessimism on both sides for the next round of negotiations.[211]

The ground may be ripe in that the political will and other necessary conditions for peace exist in Israel, Syria and the United States more than they have in over a decade. Therefore, we await the catalyst of strong Israeli, Syrian, and American leadership capable of bringing the Israeli and Syrian people to understand the value of difficult symbolic concessions in exchange for pragmatic compromises. Only this will allow for a win-win solution to the Israeli-Syrian conflict.

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[211] Gold; Zisser interview.

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