

How Israeli Apartheid Affects the Syrian Golan

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The US President Donald Trump's 2019 reversal of decades of his country's foreign policy by recognizing Israeli sovereignty over the Syrian Golan drew praise from Israeli Prime Minister Benjamin Netanyahu. However, it also has drawn unwanted global attention to Israel's illegal occupation of the territory,¹ prompting the United Nations Security Council to hold a special meeting in which nearly all members condemned the president's action in violation of international law.² Such scrutiny casts light not only on the fact of Israel's illegal acquisition of—and annexation—of the territory by force, but also the background, content and human consequences of its colonial and theocratic apartheid regime.

Since its inception, the Zionist movement to colonize Palestine and its founding institutions have, throughout more than a century, incorporated the notion of a unique racial character of persons of Jewish faith, distinct from all others, and constructed a system of racial supremacy on that basis. As noted by numerous scholars³ and UN Human Rights Treaty Bodies,⁴ religion and race are conflated in the constructed concept of “Jewish nationality”—distinct from, and superior to citizenship in Israel—uniquely affirmed in Israeli law and institutions as the basis for perpetual, material discrimination against the indigenous Palestinian people. However, the case of the Syrian Golan expands that objective to apply the treatment to the Syrian people in the illicitly acquired Golan.

The consequences of this regime for the whole of its indigenous subjects are legend and manifest in the serious crimes of population transfer, pillage, forced displacement, social fragmentation, dispossession and overt and enforced denial of the people's inalienable right to self-determination. This regime, however conceived during the darkest period of European racist social thought, has prevailed across historic Palestine since 1948. Coincidentally, that was the same year that Israel's close ally, apartheid South Africa, formally perpetrated its own anachronistic system of apartheid within its jurisdiction and territory of effective control (also encompassing Namibia).

Israel has been recognized as maintaining its own apartheid regime through a complex of laws, policies and parastatal institutions chartered to discriminate in favor of “Jewish nationals.” Among the outcomes of this apartheid structure has been the strategic fragmentation of the Palestinian people into four distinct legal, geographical, and political domains, which serves to obscure the very existence of the apartheid regime.⁵ However, these mechanisms of apartheid apply also in the Syrian Golan, which is often referred to as the “forgotten occupation.”⁶ This paper explores how Israel's mechanisms of institutional discrimination against the Palestinian people are currently operating in the Syrian Golan within the definition of apartheid.

Since the Arab-Israeli War of 1967, Israel has occupied the Syrian Golan, a plateau region of about 1,230 km² in southwest Syria. During that War, Israeli forces forcibly expelled or otherwise displaced the vast majority of 135–150,000 indigenous Syrians, preventing their return and forbidding the remaining Syrians from movement within their own country. After the 1967 War, all that remained of the two cities, 163 villages and 108 farms⁷ were six villages (ʿAin Qinya, Buqatha, Ghajar, Majdal Shams, Mas`adah and S`haita). All of the others had been destroyed, leaving only 6,396 Syrian Arab inhabitants. Most are adherents to the Druze faith, with a minority of Alawites (Ghajar). Natural growth has brought that indigenous Syrian population to approximately 27,000 today,⁸ while Israel has transferred at least 26,000 Jewish-Israeli settlers into the territory.⁹

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Golan's Legal Status

Under international law, Israel's role in the Golan is as temporary administrator—hence, occupier¹⁰—of the territories it controls outside its pre-1967 borders and, as such, is strictly prohibited from transferring its civilian population into,¹¹ applying its laws in,¹² or annexing these territories.¹³ The law of occupation also requires Israel to refrain from exploiting natural resources in the Golan “except for the benefit of the peoples of the territory, on their behalf or in consultation with their representatives,”¹⁴ and must ensure the indigenous inhabitants enjoy the “continuous improvement of living conditions.”¹⁵

However, through its occupation and subsequent illegal “annexation” of the territory in 1981,¹⁶ Israel has exercised effective control over the Golan through a combination of military orders and civilian laws distinctly from its occupation of occupied Palestinian territory (oPt), despite the territories equivalent international law status. This consistent process of fragmenting indigenous peoples through differentiated status within the territory of Israel's effective control¹⁷ is consistent with the concept of “grand apartheid,” devised at the time of Israel's close alliance with apartheid South Africa.¹⁸

The Golan was excluded from the Oslo Process, which created territorial distinctions and segregation, multiple administrative divisions and movement restrictions upon the occupied Palestinians. However, US-brokered negotiations between Israel and Syria took place in 1999–2000. The process broke down upon Israel's refusal to recognize the pre-1967 border, which would restore Syria's access to the adjacent Sea of Galilee/Lake Tiberius.¹⁹ No such “peace process” has been attempted since.

Inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them

International Convention on the Suppression and Punishment of the Crime of Apartheid (Apartheid Convention), 1973, entered into force 18 July 1976, Article II(e)

The Israeli military operations in the 1967 Arab-Israeli war paralleled the planning functions on the part of the World Zionist Organization (WZO) Settlement Division and Jewish Agency (JA) Settlement Department to acquire the Syrian Golan. Both institutions are chartered to discriminate against others than persons of “Jewish race or descendency.” The WZO/JA coordinated with the Israeli Ministry of Agriculture as part of its Israeli-Jewish settler-colonization project in the conduct of these operations, which saw 131 Syrian Golan villages and 61 farms destroyed and depopulated. The military operation transferred 93% of the indigenous population out of the district. The Syrian government estimates, however, that the Israeli forces demolished about 250 villages and farms and forcibly transferred 150,000 Syrian inhabitants in 1967.²⁰ The population transfer also involved the Israeli military destroying 157 schools.²¹

The internally displaced Syrians fleeing the Golan from Israeli forces in 1967 and their descendants now exceed 500,000 persons. As victims of war crimes without statute of limitations, they are entitled to reparations under international law, including return and restitution;²² but they remain displaced and continuous victims today. Most of the internally displaced population of the Golan has settled in the suburbs of Damascus and in Swaida, in the south of Syria.²³

In the last half-century, Israel, as Occupying Power, has devised myriad methods to systematically deepen and expand its territorial control over the Golan by disarticulating and continuously decreasing the number and proportion of indigenous Syrians.²⁴ Since Israel's population transfer and ethnic cleansing of the Golan, its apartheid institutions and mechanisms are the mechanism of that dual cross-border-expansion and local-fragmentation process, and the main subject of this inquiry. Their symptomatic outcomes are overtly seen in Israel implanting settler colonies of “Jewish nationals,” as race-based Israeli laws and apartheid institutions call them (i.e., referring to Jewish immigrants, as well as Jewish citizens of other countries). That uniquely constructed theocratic “nationality” status confers many economic, social and cultural rights that are unavailable

to mere “citizens” of Israel belonging to other groups.²⁵ The race-based privileges of “Jewish nationality” in Israeli institutions, policies and practices, and the consequences for all others, form the axis upon which the State of Israel’s apartheid turbinates.

Legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups

Apartheid Convention, Article II(e).

Israel has denied Golan Syrians the right to their Syrian nationality, and began to impose Israeli citizenship on indigenous Golan Syrians in 1980. Since 1981, Israel has forced the Syrian Golan to become Israeli citizens in order to be eligible for local office. That function is subject to the discretion of Israel’s minister of interior, who appoints the local mayors based on unwritten criteria at the recommendations of the security apparatus from among those who are sufficiently pro-occupation.²⁶ However, most Golan Syrians have resisted Israeli citizenship,²⁷ a status inferior to the uniquely privileged status of “Jewish nationals” in the apartheid State of Israel and territories of its effective control. Meanwhile, Israel has refused to recognize Golan inhabitants’ Syrian citizenship, but only their Israeli-defined “nationality” (a status more significant in matters of rights and responsibilities), whether formal citizens of Israel or not. On Israeli-issued travel documents, the nationality Syrians in the Golan is typically noted as “undefined,” effectively rendering them stateless.

Civil status under Israeli occupation notwithstanding, Israel’s policies and practices are designed to deny the Golan Syrians’ sovereignty over their means of subsistence and other economic, social, and cultural rights, as is the case of Palestinians.²⁸ Similarly, Israel overtly favors the enterprises and interests of Jewish settlers, and those of complicit multinational corporations.

The Land

Indigenous Syrians of the Golan remain deeply attached to their ancestral land, despite Israel’s repeated attempts to dispossess them of their small plots.²⁹ The time they spend on their lands is how they “express their humanity and give meaning to their existence.”³⁰ However, the Israeli state tools and colonization process seek to sever that primordial connection by constricting the indigenous people’s existence upon their land.

Israel has prevented the Syrian population from using more than 30% of the lands belonging to their remaining six villages (about 5% of the total Golan), confiscating the rest for exclusive Jewish use under classifications such as “state” or “absentee” lands that the Jewish National Fund, World Zionist Organization and/or the Israeli government have claimed for “Jewish nationals.” To date, Israel has expropriated over 95% of the Golan (1,250 square kilometers),³¹ while refusing to acknowledge the vast majority of Syrian public or private ownership of any land.³²

Housing, Planning and Built Environment

As inside Israel and the oPt, Israel imposes extremely restrictive zoning and building policies on the indigenous population through the authority of the Jewish Agency and its apartheid charter, serving only persons of “Jewish race” or “Jewish nationality.” Israeli planning law, illegally applied in the Golan,³³ establishes elected Regional Planning Councils with the Jewish Agency—in Golan’s case, in the name of the WZO—as ultimate decision maker with a guaranteed majority of votes. With the WZO/JA bound by its common charter to exclude and, thereby discriminate against the indigenous population, Israel’s physical-planning regime systematically denies building permits to Golan’s Arab households. This institutionalized material discrimination manifests in the continuous demolition of Syrian structures, while facilitating illegal settler-colony expansion.³⁴ Under Israeli

institutions maintaining this regime, in 2016, for example, between 80 and 90 households faced “administrative” (effectively punitive) demolition of their homes.³⁵

Israel also recently initiated a process to zone some of the only viable land for the expansion of the Golan Syrian villages as one of its eight so-called “national” parks, which is effectively a mechanism of land appropriation³⁶ for the exclusive benefit of “Jewish nationals.” This would make it nearly impossible for the creation of any future development projects by Syrian Arabs on depopulated or otherwise-undeveloped land.

Jewish Israeli colonization of the Golan, led by the Settlement Division of the World Zionist Organization (WZO), instrumentalizes the first institution in Israel’s apartheid superstructure, established in 1897. What made WZO’s Settlement Division such an attractive conduit for the Zionist movement and eventual Government of Israel funds is that it has carried out the public functions of development planning and Jewish-only housing project implementation while operating as a nongovernment body. Hence, as a parastatal “national” institution, the WZO is not subject to transparency criteria and accountable to the public, nor does it have to abide by disclosure rules that regulate governmental institutions.³⁷ The WZO’s surrogate role on behalf of the State of Israel is guaranteed by some of the earliest acts of Knesset, namely World Zionist Organization-Jewish Agency (Status) Law (1952) and Covenant with the Zionist Executive (1954, amended 1971).

Since 1970, WZO/JA has operated a nominal division of labor reminiscent of Zionist institutional history, when most persons of Jewish faith were anti-Zionist and the Jewish Agency, founded in 1929, sufficed instead as the less-objectionable name for an organization ostensibly serving the Jewish faith community. However, following the anti-Zionist American Council for Judaism’s successful legal challenge to WZO’s charitable and nongovernmental status in the U.S. (1968),³⁸ the next Zionist Congress resolved to undertake Jewish-only settlement projects inside Israel under the seemingly more-innocuous name of Jewish Agency, while colonies in the occupied Arab territories, including the Syrian Golan, would operate as the WZO, whose name and self-definition are overtly ideological and dedicated to the project of colonization. Since 1967, this colonization of the occupied Arab territories has been clandestine, although it had remained an open secret until exposed officially in 2005 to be the vanguard of settler colony development, including the establishment of “outposts,” which are *ultra vires* even under Israeli law.³⁹

Exemplary of the tortuous procedures linking the Government of Israel with the illegal settler colony project in the Golan is the initial \$2.3 million in funding for the construction of a settler colony in the Golan named after U.S. President Donald Trump in 2019. In the case of Trump Heights, the budget was shared between the Israeli Housing Ministry for planning and the WZO for the actual construction.⁴⁰ In seeming reciprocity, the Trump Administration proclaimed U.S. recognition of Israeli sovereignty over the Golan.⁴¹

Water Apartheid

The occupied Syrian Golan rises between two major water systems: One in the west, consisting of the Jordan River drainage basin and its tributaries, the Banias, the Dan and the Hasbani Rivers; the other in the south, draining into to Lake Tiberias and the Yarmuk River.

For the Syrians remaining in the Golan, Israel institutes discriminatory pricing and distribution of utilities in their territory, subsidizing illegal Israeli colonies and businesses, while suffocating Syrian production, particularly the vital agricultural sector.⁴² For years, local Syrians have complained about the systematic discrimination in allotments of water, which is scarce and expensive for Golan Syrians, while the occupied region is the source of fully one-third of the total water that Israel controls.⁴³

Israel has outrightly confiscated many of the area's water resources, preventing the local Syrian Arabs from using them, while piping local water to its local settler colonies and into Israel. The practice has involved also

digging wells adjacent to existing springs, thereby depleting the natural run-off available for local Arab farmers and preventing them from digging their own wells. In order to optimize the use of remaining water, the Golan's indigenous farmers have adopted new forms of irrigation, including the transformation of their old canal system into a modern pipe system.

In the area of the Arab villages, four main kinds of water resources remain available:

- (1) Underground springs that run year-round, but which the Israeli National Water Company (Mekorot) has reduced by having tapped into them through wells exclusively for Jewish use, or available at discriminatory prices (disfavoring non-“Jewish nationals”) and at debilitatingly low limits on the amount of water Syrians are allowed to buy, while Syrian farmers have been cut off from their national customer base for agricultural products in the rest of Syria and forced to develop new irrigation infrastructure, without support from either the government of Israel and its apartheid institutions, or from their own State of Syria;
- (2) Existing wells and human-made pools that are privately owned, but which Israeli authorities have administered through extremely discriminatory regulation, licensing and taxation;⁴⁴
- (3) A volcanic natural lake (Ram Lake), in the vicinity of Mas`adah village, which contains 5mm³. However, due to Israeli restrictions and sabotage of Golan Arabs' water systems, only 180 dunums (18 hectares) of their land were irrigated from that source as of 2013. However, that volume has reportedly declined, while the remaining water is piped to Jewish settler colonies in the Golan as far as 40 kilometers away; and
- (4) Iron tanks that Arab farmers have built to collect rainwater after the Israeli occupation banned Arabs from digging wells in 1980. Shortly thereafter, the Israeli authorities imposed licensing, strict regulations, gauges and exorbitant user fees on the indigenous farmers, while also fining Golan farmers and destroying their tanks for alleged noncompliance.⁴⁵

A major Israeli apartheid water-management company in the occupied Golan is Mey Golan Association, established in 1978 as a cooperative, supplying water- and waste-management services in the Golan, but exclusively to the Israeli settler colonies. Mey Golan has supplied some 2,000 Jewish-settler households, 27 agricultural communities and local Israeli industry. The infrastructure created by Mey Golan is comprised of 14 flood and stream reservoirs and 4 deep wells. The company is responsible for maintaining somewhere in the range of 8,000 hectares (80,000 dunums) of agricultural land, in addition to overseeing wastewater and sewage systems. Mey Golan reservoirs reportedly capture about 40 mm³ every year.

Its “Bene Israel Reservoir” is located near the south Golan settler colony of Ramat Magshimim, built on the land of the Arab village of Khisfin, which the Israeli military destroyed in 1967. The Bene Israel Reservoir can hold 7.5 mm³ and operates in cooperation with Mekorot, the Israeli water company set up in 1937 by its apartheid-sister institutions: Jewish Agency, Jewish National Fund (JNF) and Histadrut. Mekorot began supplying water for a fee throughout the Golan in 1990, while assisting Jewish settlers exclusively with pumping mechanisms, distribution and other infrastructure.⁴⁶

Consistent with material discrimination in the management of water resources, Mey Golan has cooperated with the apartheid-sister JNF, also chartered to discriminate exclusively in favor of persons of “Jewish race or descendency”⁴⁷ in development of captured and purchased lands. Its latest collaboration in the water sector is the creation of the Bar'on Reservoir, the newest of over 230 JNF-establish water catchments across historic Palestine and the Syrian Golan.⁴⁸ The new reservoir, with a capacity of 1.9 mm³ will collect and store runoff water, ensuring maximum utilization of rainfall and providing a readily available and accessible source of water to Jewish-Israeli agricultural enterprises in Kibbutz Merom Golan and Kibbutz Elrom. That reservoir is designed to significantly improve the colonies' ability to expand agricultural output, especially in the summer and during particularly severe periods of drought.⁴⁹

Natural Resource Administration and Development

Israel exploits gas and oil resources in the occupied Syrian Golan, while prohibiting local Syrians from utilizing the same resources. Israel relies heavily on its private sector and complicit multinational corporations to conduct exploration and extraction, which accelerated especially since the 2011 outbreak of the Syrian conflict.⁵⁰ To begin extracting Golan's estimated "billions of barrels" of oil,⁵¹ Israel issued its first license to drill exploratory wells for gas and oil reserves in 2013 to Afek Oil and Gas, a subsidiary of Genie Energy, a United States-based energy corporation.⁵² Afek's license covers most of the southern half of the Golan, where it dug ten wells before it halted drilling activities in 2017.⁵³ Despite this pause in illegal activity,⁵⁴ Afek remains optimistic about large oil reserves in the Golan⁵⁵ and is still actively seeking licenses in the region.⁵⁶

Israel's selective development in the Syrian Golan in favor of Jewish settlers also contributes to the high unemployment rate among Syrians in the local economy: Only about 51% of working-age Syrians in the Golan are employed.⁵⁷ Approximately 90% of those employed individuals do not work in any industry that utilizes natural resources.⁵⁸

Out of Israel's numerous wind and solar energy projects in the Golan,⁵⁹ the Clean Wind Energy Project will have the most-dramatic impact on Syrians' health,⁶⁰ environment⁶¹ and habitat defenders.⁶² The company behind the project is Energix Renewable Energies Ltd., which is incorporated and traded on Israel's main stock exchange.⁶³ To advance the project, Energix is following Israeli regulations and seeking to obtain Israeli licenses,⁶⁴ with hopes to secure a contract with the 99.85% state-owned Israel Electric Corporation ("IEC") to supply Israel's main power grid.⁶⁵

Energix's project proposes to build 31 wind turbines that can reach heights of 220 meters⁶⁶ atop Syrian agricultural lands and in close proximity to Syrian population centers.⁶⁷ The project's full structural footprint is still unknown, but estimates project that it will occupy about 4,300 dunums (430 hectares), almost a fifth of the limited agricultural land remaining in indigenous Syrians' possession. Energix plans to generate 130–150 megawatts of energy per year, producing revenues of US\$38–44 million annually.⁶⁸ Syrian landowners would receive less than 1% of its total profits.⁶⁹ Meanwhile, Israel reportedly has sought to block a local initiative of Syrian Arabs to mount a renewable-energy project in the Golan in 2014,⁷⁰ and Energix is also on record as seeking to silence Syrian civil society in the Golan.⁷¹

Amid fragmentation of the colonized territories and their indigenous people, the IEC operates the electric grids of Israel, Palestine and the Golan as one territorially contiguous entity, and controls 75% of electricity generation for that grid.⁷² In 2017, Israel provided the Golan Syrians with 99% of their electricity consumption,⁷³ forcing them to become dependent on IEC. Meanwhile, the EuroAsia Interconnector Project, which is set to launch by 2023, will connect Israel's power grid, including its settler colonies, as well as illegally occupied Palestine and Golan, to mainland Europe.⁷⁴ This integration of energy infrastructure further entrenches Israel's occupation, colonization and apartheid.

The towering physical presence of the turbines not only reduces the cultivable land available to Golan's Arab farmers, but the ambient conditions created by the turbines also may negatively affect the land that remains available to be farmed. Energix's project threatens to alter this land permanently and further limit Syrians' access to it. All together, these developments risk forcing Syrian Arabs out of the agricultural sector altogether.

Conclusion

Israel's mechanisms of control, dispossession and profit from colonization, occupation and annexation are, at once, governmental, parastatal, corporate and private in nature. All of these are subject to norms of private and/or public international law proscribing their activities outlined here. In all cases, the reasons for the legal prohibition of their activities become obvious in the context of the Syrian Golan. The resulting matrix has

erected a racialized apartheid regime that impoverishes and variously negates the existence of the indigenous people of the land.

This institutionalized, material discrimination is combined with the serious crime of population transfer, incrementally and continuously being committed through the push factors of wholesale expulsion in 1967 and grinding deprivation of natural and other resources, as well as the implantation of Colonial settlers. A closer look at this “forgotten occupation” in practice, sheds light on the complex crime of population transfer with its consequence of demographic change, which the International Law Commission referred to as “such a serious act that it could echo the seriousness of genocide.”⁷⁵ This consequential rupture of the indigenous Golani community’s way of life not only destroys important cultural activities tied to the land, but also denies the Syrians of the Golan the means of subsistence that have been theirs from time immemorial.

Endnotes

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