

Pete Buttigieg on the Golan Heights and “the Occupation [that] Must End”

by Hugh Fitzgerald



Pete Buttigieg doesn't think President Trump was right to recognize Israeli sovereignty over the Golan Heights. The disturbing story is [here](#):

Pete Buttigieg, the mayor of South Bend, Indiana and a candidate for the Democratic nomination in the 2020 election, denounced Tuesday US President Donald Trump's recognition of Israel's sovereignty over the Golan Heights, as an interference in Israeli politics, JNS reported.

“There are very legitimate Israeli security concerns,” Buttigieg told JNS, “That being said, I would have, in that

situation, had this be part of a negotiated discussion.

“The really upsetting thing about what was done with the Golan Heights was that it was an intervention in Israeli domestic politics.”

“In other words,” he added, “The president used US foreign policy to put a thumb on the scale for right-wing allies within Israeli domestic politics. This is totally the wrong basis for our policy.”

“The bottom line is that when I am president,” Buttigieg concluded, “We will do it not based on US politics and not based on Israeli politics but based on what is best for the security of the Israeli-Palestinian [future].”

When asked about possibly undoing the president’s move, Buttigieg told JNS that he will not “make any declarations now about the future of that status other than to say that on my watch it would not have come as part of the intervention of [sic] Israeli [politics].”

The Republican Jewish Coalition replied to Buttigieg, saying that he “apparently wants Syria to have the Golan Heights, supports a foreign policy strategy that denies reality.”

Pete Buttigieg believes that President Trump’s recognition of Israel’s sovereignty over the Golan Heights constitutes “interference in Israeli politics.” That might be true, if Trump had lobbied for Israel to annex the Golan Heights. But the Golan Heights were annexed by Israel in 1981, 38 years before Trump recognized the simple fact of its annexation. That annexation is not an issue in Israeli politics. At the time of the annexation, 80 per cent of Jewish Israelis supported the move, according to opinion polls, “even if” returning the Golan to Syria would mean a permanent peace with Syria. Now 85% of Israeli Jews would not consider giving up the Golan Heights under any scenario. Ever fewer Israelis

believe that a lasting peace with Syria or the other Arab states can be obtained through treaties; the only secure peace with Muslims, they realize, is that obtained and maintained through deterrence. To ensure that, Israel's military power must be overwhelmingly greater, so as to deter any would-be aggressors. Part of that strength requires continued control of certain territories, and the Golan Heights have always been understood in Israel as critical to its security. According to U.N. Resolution 242, Israel has a right to territorial adjustments so as to obtain "secure" – i.e., defensible – borders. That, according to successive Israeli governments, must include the Golan. And others agree: when President Johnson had the Joint Chiefs send a delegation to Israel after the Six-Day War, in the report they wrote they concluded that Israel had to hold onto the Golan.

The Golan Heights loom high above the Israeli farms beneath, and from 1949 to 1967, Syrian gunners rained fire down on those farms below. Wresting the Golan from Syria was a costly undertaking for the Israelis in 1967, and holding onto the Golan in the face of the Syrian surprise attack in October 1973 was even more difficult. After that history of pain and sacrifice, and remembering how that land was used by the Syrians, nothing will induce the Israelis to give up the Golan. Why not recognize the annexation, and thereby help to "take it off the table" of any future negotiations?

Jewish support for the annexation now stands at 85%; Israelis overwhelmingly agree that, as Prime Minister Netanyahu has said, possession of the Golan Heights, won in a war of self-defense, remains essential to Israel's defense. It is even more so now that the Iranians have been setting up bases in Syria; imagine if the Golan, in such circumstances, were again in Syrian – or possibly Iranian – hands.

Pete Buttigieg has in the past been criticized at pro-Palestinian websites for being too sympathetic to Israel. Would that it were true. But I don't see him as being

particularly understanding of Israel's plight. Granted, he's not part of the "Squad." He visited Israel in 2018, on a trip sponsored by the American Jewish Committee. Afterwards he did blame Hamas for the wretched condition of the Palestinians in Gaza, but said nothing about Hamas's firing of missiles into towns and cities – civilian targets – in southern Israel. He did not discuss the Hamas campaign to breach Israel's security fence, nor did he take the opportunity to note that those Gazans who keep being described in much of the media as "unarmed protesters" in fact flung Molotov cocktails, grenades, incendiary kites, and in some cases even fired guns, at Israeli soldiers. He did not describe Israel's use of tear gas and rubber bullets to halt the rioting mobs, and the Israeli soldiers who reluctantly found it necessary to use live fire, and only in the most threatening situations. He said nothing about the security situation in the West Bank, nothing about the Palestinian Authority's "Pay for Slay" program, nor the naming of squares and streets after terrorists. He said nothing about the Palestinian textbooks full of antisemitic venom, nothing about the Palestinian children's programs where little kids declare their admiration for those who "kill Jews."

Nor did Pete Buttigieg mention the 140,000 missiles from Iran that Hezbollah has stockpiled in southern Lebanon, or the tunnels dug by both Hamas and Hezbollah to smuggle weapons, money, and fighters. He did mention that the threat from Iran was made clear to him by Israeli officers; he described the situation with that country as "complex"; a less ambiguous denunciation of the Islamic Republic as an aggressor throughout the Middle East, especially of concern to Israel because of its supplying of advanced missiles to Hezbollah, and its attempts to create bases in Syria, would have been welcome.

Judging by his post-trip comments, what impressed Buttigieg the most about Israel was the high-tech modernity of Tel Aviv,

that is, the Jewish state, as the “start-up nation.” That is impressive, but more impressive still is how Israel manages, despite every conceivable threat, to remain a wide-open democracy. It’s a place where Arabs serve in the Knesset, on the Supreme Court, in the diplomatic corps and, if they wish, in the military as well. It’s a place where human rights and the rule of law are respected. And in Israel, this occurs even while the people in this tiny country are under a permanent siege: they remain the object of Islamic terrorism, of missile attacks from Gaza, of Hezbollah’s building of terror tunnels, and of bloodcurdling threats from Iran to destroy the country. Its people are resilient, intelligent, and brave. Those qualities are even more noteworthy than their astonishing inventiveness. Buttigieg might have taken note.

This July, Pete Buttigieg, who for reasons I fail to grasp, has been described as one of the most pro-Israel candidates in the Democratic field, signaled that on Israel, he had moved farther to the left. He tweeted: “The occupation has to end.” Anti-Israel groups were ecstatic.

What we have here is a failure by Buttigieg to understand the legal status of the West Bank. The word “occupation” suggests that Israel has no legal claim to the West Bank; it is merely to be seen as a military occupier, like the Americans in Occupied Japan or Occupied Germany. But Israel’s legal claim is not that of a military occupier, who remains for a few years, and once having rearranged the politics of a defeated country, leaves. That legal claim to the West Bank is based on the Mandate for Palestine itself. Buttigieg should look at the Mandate maps. He may not realize – he is hardly alone – that the West Bank (to use the term the Jordanians affixed to that area in 1949 so as to avoid the too-Jewish “Judea and Samaria”) was included, by the League of Nations’ Mandates Commission, in the territory that was assigned to Mandatory Palestine, thus part of the land that was to become the Jewish National Home and, subsequently, the State of Israel. This

territory included all of historic Palestine west of the river Jordan.

Buttigieg should study the provisions of the Mandate, especially Articles 4 and 6, where he will find that the Mandatory authority solemnly undertakes to facilitate Jewish immigration into Palestine and to encourage "close settlement by Jews on the land." If Buttigieg thinks that those clauses are without continued relevance, as he likely does, he should consult Article 80 (known as "the Jewish People's clause") of the U.N. Charter, which preserves intact all the rights granted to Jews under the Mandate for Palestine, even after the Mandate's expiry on May 14-15, 1948. Under this provision of international law (the Charter is an international treaty), Jewish rights to Palestine and the Land of Israel were not to be altered in any way unless there had been an intervening trusteeship agreement between the states or parties concerned, which would have converted the Mandate into a trusteeship or trust territory. There was no such intervening trusteeship.

When Jordan won the West Bank in the 1948-49 war, Israel's legal right to that territory was not extinguished. Nor did Jordan create for itself, by seizing it in a war of aggression, a legal right to that land. Jordan was only the military "occupier" of the West Bank from 1949 to 1967. Then, after the Six-Day War, Israel came into possession of the West Bank. and could then enforce its preexisting legal claim under the Mandate.

At the same time, Israel has a separate and distinct claim to much of the West Bank, based on U.N. Resolution 242, by which Israel could hold onto territories it had won if they were necessary for it to have "secure and recognizable boundaries," or as another phrase often used put it, "secure and defensible borders." Israel had the right to determine what territory it needed to be "secure." So far it has given up 95% of the territory it had won in 1967; it gave back the entire Sinai to Egypt, for the second time (the first time was in 1956) and

gave up Gaza in 2005 to the “Palestinians.” After the Battle of Gaza in June, 2007 between Fatah and Hamas, Hamas won decisively and has ruled – and misruled – Gaza ever since.

It bears repeating again and again: the West Bank, by the terms of the Mandate, was included in the territory that was to be the Jewish national home (which became Israel). Jordan was its military occupant from 1949 to 1967, not its legal claimant. Furthermore, according to the text of U.N. Resolution 242, Israel has a right to retain certain territories taken in the Six-Day War, that it needs if it is to have “secure and recognizable boundaries.” Shortly after the Six-Day War, President Johnson had the Joint Chiefs send a delegation to study the security situation in Israel. In the report they issued, they concluded that Israel would necessarily have to retain the Golan Heights and much of the West Bank.

Were Israel forced to give up the entire West Bank – which is what Buttigieg’s “The occupation has to end” must mean – Israel would no longer control the Jordan Valley or the Judean hills. The traditional invasion route from the east would be wide open. Israel would once again be only nine miles wide at its narrowest width, from Qalqilya to the sea, and the country could be cut in two within a matter of hours. That is not a defensible result, in either the legal (see the Mandate for Palestine and U.N. Resolution 242) or the moral sense.

Then there is Buttigieg’s statement about the Golan, criticizing Trump’s recognition of Israel’s annexation, and his insistence that unlike Trump, he did not want to “intervene” in Israeli policies. But by commenting on the annexation, he has intervened on the side of those who oppose the annexation and want the future of the Golan to still be subject to negotiation. He intervenes, that is, to oppose recognizing the annexation that 85% of Israel’s Jews support. When asked about the possibility, were he to become president, of undoing Trump’s move, Buttigieg replied that he will not

“make any declarations now about the future of that status other than to say that on my watch it would not have come as part of the intervention of [sic] Israeli [politics].” To me, that sounds as if he might indeed undo Trump’s recognition of the Golan annexation; that he considers it to be “occupied territory,” and he’s now tweeting “the occupation has to end.” Does he really mean to say that he wants Israel to be pushed back to the pre-1967 lines, that is, the armistice lines of 1949, which Abba Eban once described as “the lines of Auschwitz”? Does he not think we non-Israelis, in the case of the Golan, should defer to the Israeli military’s judgment that it is critical to Israel’s defense?

Does Buttigieg have an opinion on Brexit? If he expresses it, is he not “intervening” in British politics? If he declares himself a supporter of Juan Guaido, is he not “intervening” in Venezuelan politics? If he denounces the crackdown on Hong Kong protesters, is he not “intervening” in Chinese politics? Every foreign policy statement he – or anyone else – makes is an “intervention” in some other country’s politics. But the only “intervention” that seems to exercise him is that which recognizes an annexation which was carried out nearly 40 years ago, which is supported by 85% of Israeli Jews, and which reflects Israel’s determination to create “secure” borders, as it is fully entitled to do under U.N. Resolution 242.

So here’s a homework assignment for Pete Buttigieg:

1. Read the Mandate for Palestine, paying special attention to the Preamble, and Articles 4 and 6.
2. Study the Mandate for Palestine maps, showing the territory assigned to the Mandate after all the territory east of the Jordan River had been unilaterally closed to Jewish immigration by the British.
3. Read Article 80 of the U.N. Charter.
4. Read the text of U.N. Resolution 242.

5. Read the discussion of the meaning of U.N. Resolution 242, written by its author, Lord Caradon.

6. Read the report on territorial adjustments that would be required to meet Israel's security needs, as prepared by staff members of the U.S. Joint Chiefs, who visited Israel after the Six-Day War.

FOR EXTRA CREDIT:

Read *Israel and Palestine: An Assault on the Law of Nations*, by the celebrated Australian jurist Julius Stone.

Let us know, after that bit of homework – it's always fun to learn new things – if you still want to stand by that tweet "the occupation has to end," or if the knowledge you've acquired will lead, as I allow myself to believe it will, to quite a different understanding.

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