

Who Will Control the Shore and Waters of the Galilee?

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Brief Analysis

Press reporting out of the Middle East in the wake of the failed Geneva summit between Presidents Bill Clinton and Hafiz al-Asad suggests that the territorial dispute between Damascus and Jerusalem has widened and that issues pertaining to the ownership of the Sea of Galilee (also known as the Kinneret and as Lake Tiberias) have come to the fore.

Background In 1920, the two mandatory powers, the United Kingdom and France, agreed provisionally to divide the sea between the emerging states of Palestine and Syria. This same agreement would have placed a major piece of the Golan Heights inside Palestine and part of the Sea of Galilee inside Syria. Yet, when the actual boundary from the Mediterranean Sea to the Yarmuk River was surveyed and demarcated a year later, the Golan Heights were placed in Syria and the Sea of Galilee was reserved entirely for Palestine--but just barely. According to the boundary commission report of 1922, "From the mouth of the Jordan to the sulphur springs at Messifer, where is placed cairn 61, the frontier follows a line on the shore parallel to and at 10 meters from the edge of Lake Tiberias, following any alteration of level consequent on the raising of its waters owing to the construction of a dam on the Jordan south of Lake Tiberias." The boundary was ratified in 1923 and has not been recognized by independent Syria. The "ten-meter strip" on the sea's northeastern shore was intended to convey legal title of the sea to Palestine without denying access to Syrians. Both the 1922 report and the 1926 "Agreement of Good Neighbourly Relations" protected the traditional fishing and navigation rights of local inhabitants, irrespective of nationality. Policing of the Galilee, however, was reserved to Palestine.

At the end of the 1948 war, Syrian forces fully controlled the northeastern shore of Galilee right down to the water. Yet, the Israeli-Syrian General Armistice Agreement of July 20, 1949, put in the Israeli zone all of the Galilee and its shore, including the narrow strip along the northeast. In fact, however, Syria physically controlled that strip and barred Israeli access to it. Syrians swam, boated, and fished in the sea. Presence of Syrians on the sea was occasionally challenged by Israeli patrol boats, whose arrival at times set into motion a violent chain reaction culminating in Israeli air strikes or ground assaults on Syrian positions. Syria complained to the United Nations (UN) that Israel's aim was to "intimidate the riparian Arab civilian population and thus to prevent the people from

peacefully crossing the demarcation line to exercise their lawful rights under age-long custom to fish and use the waters of Lake Tiberias [the Sea of Galilee] for their domestic needs." Damascus also claimed that there had been pertinent "assurances given by the Israel delegation during the armistice negotiations" about access to the sea. The Syrian military in 1954 issued orders that claimed, in effect, "territorial waters" extending 250 meters into the sea, and the UN tried but ultimately failed to broker "gentlemen's agreements" keeping Israeli police boats away from the northeastern shoreline and "letting inhabitants of Syria water their cattle or draw water from the lake." Absent such an agreement, the UN concluded that "any crossing from Syria into the 10-meter strip on the eastern shore of Lake Tiberias, as well as from Israel into Syrian territory, is a violation [of the armistice]." Violation or not, there is no doubt that until June 9, 1967, Syria controlled the entire ten-meter strip on the northeast Galilee coastline, plus a short extension to the south into the demilitarized zone.

Water Issues It is difficult to see Syria making much use of Galilee water, beyond possible recreational access for its citizens. To pump Jordan Valley water (from the Sea of Galilee, the Jordan River, and the Banias springs) up the Golan escarpment is--as Israelis discovered--prohibitively expensive. Of greater potential concern to Israel would be Syrian resettlement plans on the Golan plateau. Damascus has spoken of 500,000 Syrians with roots in Golan, implying a densely populated area producing municipal and agricultural waste water potentially damaging both to Sea of Galilee and to the Yarmuk River, from which Israel pumps water into the Galilee.

Given the fact that Israeli settlers on the Golan have made great strides over the past thirty years in tapping the plateau's streams and springs for their own needs, it is not apparent whether a return of the Heights to Syrian jurisdiction would change the amount of water flowing into the Galilee. Still, there would be considerable concern in Israel about pollution--an issue to be addressed, no doubt, in the "water annex" of any potential Israeli-Syrian peace treaty. Moreover, notwithstanding the economic absurdity of pumping water from the Jordan Valley up to the Heights, Israelis will remember the abortive Arab League diversion scheme of the mid-1960s and will no doubt seek binding assurances on this score. Finally, even if water issues are satisfactorily addressed, Israel will still have security concerns about a Syrian presence on the sea.

Proposals Muted A variety of proposals have been floated about how to square the Syrian demand for a return to the 1967 border with the Israeli desire to control the sea and its shore. At the time of Syrian-Israeli discussions at Shepherdstown, there was considerable speculation in Israel's press that Israel might retain the ten-meter strip, which the two sides would claim--through creative reinterpretation--is where the 1967 borders had been. In the April 8 issue of the respected pan-Arab newspaper al-Hayat, British journalist Patrick Seale--Asad's official biographer and said to be well-informed about Syrian thinking--proposed a six-point plan as part of his proposed cooperative "Lake Tiberias tourism area": (1) Israel will retain the sea and Syria will retain the northeast beach; (2) Syria will agree not to divert water from the sea or to pollute it, and Israel will give Syrians access to the sea for fishing and recreation; (3) no bureaucratic barriers will be established to access to the beach; (4) no country will establish police, customs, or search points on any area visible from the sea, nor will military presence be permitted; (5) UN or European police will supervise and control the area (presumably the beach area on the sea's northeast); and, (6) Israel and Syria will establish a joint water committee to manage the Golan water.

If Seale's proposal reflects Syria's official thinking, it has not yet been formally tabled. The Israeli press has reported that at the Geneva summit Asad was much tougher about the Galilee issue than Syrian foreign minister Faruq al-Shara had been at Shepherdstown. Clinton is said to have expressed surprise at Asad's tough stance, saying that Shara had suggested compromise was possible, reportedly leading Asad to upbraid Shara during the meeting. Shara, meeting on April 8 with senior Egyptian editors, had a different story. Claiming that Clinton presented Israeli proposals backing away from the 1994 "Rabin Deposit," Shara, according to the Cairo-based Middle East News Agency (MENA) as translated by FBIS, "pointed out that, since 1948, Israel controlled three-fourths of the shore of

Tiberias Lake while Syria had one-fourth of the shore on the northeast part of the lake. He said that Israel thinks it is too much for Syria to have 25 percent of the shore while it has 75 percent." According to MENA, Shara said exploitation of the Galilee would be solved according to international law.

In sum, there are few signs that Israel and Syria are narrowing their gap over the Galilee issue. It is not yet clear how Syria's and Israel's demands can be reconciled.

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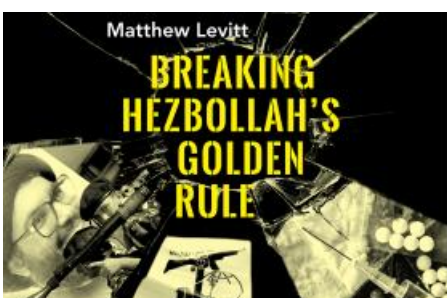
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