

**MORE  
SHADOWS  
THAN  
LIGHTS**

**By:  
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# MORE SHADOWS THAN LIGHTS

**LOCAL ELECTIONS IN THE OCCUPIED SYRIAN GOLAN**

**BY: ALESSANDRO DELFORNO**

<b>6</b>	<b>Introduction</b>
<b>8</b>	<b>From the 1967 Arab-Israeli War to Today: Perpetual Deprivation of Political Rights</b>
8	1981: ANNEXATION LAW
8	1981 -1967: MILITARY RULE
<b>12</b>	<b>The Golan and East Jerusalem: Similarities and Differences</b>
12	NATIONAL ELECTIONS
12	LOCAL ELECTIONS
<b>14</b>	<b>The Elections Under International Law</b>
14	ILLEGALITY OF THE ELECTIONS
15	CONSERVATIONIST PRINCIPLE
15	PROHIBITION OF TERRITORIAL CONQUESTS RESULTING FROM THE USE OF FORCE
16	THE UNDEMOCRATIC CHARACTER OF THE ELECTIONS
<b>18</b>	<b>The Israelization of the Golan</b>
<b>18</b>	<b>THE SIGNIFICANCE OF THE GOLAN</b>
18	KEY WATER RESOURCE
18	STRATEGIC ADVANTAGE
19	ECONOMIC BENEFITS
<b>19</b>	<b>ISRAELIZATION PROCESS</b>
20	SETTLEMENTS BUILDING
20	IDENTITY ALTERATION: ASSIMILATION OF THE NATIVE POPULATION
<b>21</b>	<b>TAKING ADVANTAGE OF THE ONGOING SYRIAN CONFLICT</b>
<b>23</b>	<b>Elections as further step towards israelization</b>
<b>23</b>	<b>EXPLOITATION OF THE SYRIAN CONFLICT</b>
23	SPLIT WITHIN THE COMMUNITY
23	OCCUPATION AS A LESSER EVIL
24	RETURN TO SYRIA UNLIKELY
<b>25</b>	<b>ELECTIONS AS AN ATTEMPT TO LEGITIMIZE THE OCCUPATION</b>
25	VALIDATING THE OCCUPATION
26	THE CITIZENSHIP DEMOGRAPHICS ASPECT
<b>28</b>	<b>The Elections</b>
<b>28</b>	<b>THE ISRAELI GOVERNMENT DECISION</b>
<b>28</b>	<b>THE SYRIAN GOVERNMENT REACTION</b>
29	UN SECURITY COUNCIL
29	UN HUMAN RIGHT COUNCIL
<b>30</b>	<b>LOCAL REACTION</b>
32	CANDIDATE WITHDRAWAL
33	COMMUNITY EXCLUSION
<b>33</b>	<b>ELECTIONS DAY</b>
<b>36</b>	<b>ELECTIONS RESULTS</b>
<b>38</b>	<b>Conclusion</b>

# INTRODUCTION

On 30 October 2018, for the first time since Israel took control of the occupied Syrian Golan ('Golan') in 1967, residents of the Syrian villages of Majdal Shams, Buqata, Masada and Ein Qynia were allowed to vote for their mayors and municipal council members in the Israeli local municipal elections ('Elections'). Israel's takeover of the Golan following the 1967 Arab-Israeli War led to the complete denial of all political rights for the overwhelming majority of the remaining native Syrian population. After a period of 51 years, the opportunity to exercise the right to vote has had a monumental impact on the 24,175<sup>1</sup> inhabitants of the four villages. However, because of the Elections' unlawfulness and undemocratic character, they should be seen as part of the 'Israelization' of the Golan rather than a means to effectively strengthen the political rights of the native population.

After a brief overview of the history of the region, the following report discusses why the Elections were illegal and illegitimate, despite being presented as an opportunity for democratic reform. The report then comprehensively examines what happened in the lead up to and on the day of the Elections. The report concludes by showing how the Elections were overwhelmingly rejected by the native Syrian community and therefore failed to support Israel's attempt to gain tighter control of the Golan and the remaining native community.

# FROM THE 1967 ARAB-ISRAELI WAR TO TODAY: PERPETUAL DEPRIVATION OF POLITICAL RIGHTS

## 1981: ANNEXATION LAW

The 1967 Arab-Israeli War, which ended with the defeat of the Syrian military and the occupation of the Golan, had dire, lasting consequences for native Syrians in the region. During and immediately after the conflict, Israel razed 340 Syrian villages and farms and displaced or forcibly evacuated around 130,000 Syrians (about 95 percent of the population<sup>2</sup>). Only 6,400 residents of the northern most villages of Majdal Shams, Masada, Buqata, Ein Qynia, S'heeta<sup>3</sup> and Al Ghajar remained.

Subject to Israel's authority as an occupying power, the Syrians who remained in the Golan have faced many obstacles. For instance, they have had to deal with a large number of minefields and military bases in and around residential areas<sup>4</sup>, family separation<sup>5</sup>, Israeli appropriation of their land and natural resources<sup>6</sup>, the building of illegal settlements and settlement businesses<sup>7</sup>, and the manipulation of their education system<sup>8</sup>. One major impact of Israeli occupation has been the complete denial of political rights for the native population, in particular the right to elect their government representatives.

## 1967- 1981: MILITARY RULE

During the first 14 years of occupation, the Golan was subject to military rule, meaning that military commanders exercised exclusive authority over the area. During this first phase of occupation, residents of the remaining

Syrian villages were not able to take part in any elections. Syrians were unable to formally participate in Israel's national elections because they did not hold citizenship. Simultaneously, due to the occupation and the change in existing Syrian laws, they were not allowed to join in Syrian elections even though they continued to formally retain Syrian citizenship. The right to vote could not be exercised at the local level either because military commanders directly appointed both the members of the local council (an organ established in the mid1970-s) and mayors.

Things changed in 1981 when the Israeli Parliament promulgated Law 1981/5742 ('Annexation Law'<sup>9</sup>). This law, domestically, formally recognized Israel's annexation of the Golan and the passage from military to civil rule in the region. The Annexation Law was quickly rejected by the entire international community. One of the main effects of the law was the attempted imposition of Israeli citizenship on the Golan's native population. Israel, however, did not foresee the local community's response as it stood firmly against this attempted Israelization. The native Syrians' reactions included organizing demonstrations against Israel's annexation, staging a six-month strike and rejecting and burning recently issued Israeli identity cards<sup>10</sup>.

Eventually, Israeli authorities were met with such an unexpected and strong resistance that they gave up; citizenship was granted exclusively to the minority who voluntarily applied for it<sup>11</sup>. As a result, currently only 6.5 percent of the native Syrian population (excluding the village of Ghajar<sup>12</sup>) have applied for Israeli citizenship and overall just 12 percent hold Israeli citizenship (again, excluding Ghajar<sup>13</sup>). The overwhelming majority of Syrians who were not willing to accept Israeli citizenship paid a high price. Israel has refused to recognize Syrian citizenship for the Golan's inhabitants and instead their nationality, as reported on their travel documents, is '*undefined*'. Undefined citizenship essentially equates to statelessness<sup>14</sup>. This is the historical context surrounding Israeli Interior Minister Aryeh Dery's July 2017 Decree announcing that local elections would be held in the Syrian villages<sup>15</sup>.



Figure 1. An Israeli-issued travel document for a Syrian in the Golan, which states nationality as 'undefined'.



Figure 2. Ministerial Decree of 3 July 2017 that calls for local elections in the four Syrian villages.

# THE GOLAN AND EAST JERUSALEM: SIMILARITIES AND DIFFERENCES

To analyse the legal implications of the Elections in the Golan, one can look to the comparable legal situation in East Jerusalem, which Israel has also occupied since 1967. Similar to the Golan, Israel annexed East Jerusalem in 1980 with '*Basic Law: Jerusalem, Capital of Israel*'<sup>16</sup>. After the annexation, which, like the Golan's annexation, was rejected by the international community, Israel refused to recognize Israeli citizenship for Palestinians living in East Jerusalem, instead giving them permanent resident<sup>17</sup> status. Up until 2018, the 370,000<sup>18</sup> Palestinians living in East Jerusalem shared the same status as Syrians in the Golan (permanent residency) but their political rights differed.

## NATIONAL ELECTIONS

After Israel's occupation of East Jerusalem, Palestinian Jerusalemites maintained Jordanian citizenship<sup>19</sup> and were therefore allowed to continue to participate in the national elections regularly held in Jordan<sup>20</sup>. In 1988, King Hussein of Jordan officially severed all ties with the West Bank and, as a result, Palestinian Jerusalemites lost their Jordanian nationality and the ability to participate in Jordanian national elections<sup>21</sup>. Therefore, since 1988, Palestinian Jerusalemites and the native Syrians of the Golan have had the same undefined nationality status. However, in 1996, Palestinian Jerusalemites were given a new right to participate in national elections after the 1993 Oslo Agreements<sup>22</sup> allowed them to be elected for and vote on the legislative council and presidency of the Palestinian National Authority ('PNA').

## LOCAL ELECTIONS

Although East Jerusalem's legal status is identical to the Golan's, Israeli

authorities did not adopt the same local electoral system for both regions until 2018. Since East Jerusalem's occupation, the mayor and municipal council members have been chosen through local elections. Under Israeli law<sup>23</sup>, which extends to East Jerusalem according to Israel, one must only be a permanent resident to vote in local elections but must retain citizenship to vote in national elections. This has allowed Palestinians who permanently reside in East Jerusalem to exercise their right to vote locally<sup>24</sup>. However, the same law allowing residents to vote in local elections does not allow them to stand for all offices unless they hold Israeli citizenship. The Elections marked the first time since Israel's occupation of the Golan that the same local election regulations applied in the Golan. Up until 2018, even with identical status, Syrians in the Golan had no opportunity to vote in local elections.

In spite of the fact that the territory and residents of the Golan and East Jerusalem have identical legal status, there remain substantial differences between the two. For Instance, Palestinian Jerusalemites have undoubtedly faced a more oppressive and discriminatory occupation than the Syrians in the Golan<sup>25</sup>. However, as far as participation in government elections is concerned, the Palestinians of East Jerusalem have been in a much better position since they have had the ability to: (1) vote (until 1988) in Jordanian national elections and after that in the PNA's elections; and (2) vote in Jerusalem's local elections. The Elections have, of course, altered this dynamic a bit since they have allowed native Syrians to vote in local elections.



Figure 3. The Ceasefire line separating the Occupied Golan (on the left) from the rest of Syria (on the right).

# THE ELECTIONS UNDER INTERNATIONAL LAW

Democratic elections are ordinarily welcomed in areas of conflict or where human rights abuses occur, such as in the Golan. Through elections, individuals have the opportunity to exercise the fundamental right of political participation, a right that is usually enshrined at a constitutional level. At its core, political participation allows people to freely choose their representatives and/or present themselves as candidates to be representatives. The international community tends to favour elections because it is keen to maintain relations with countries that are democratic, respect human rights and have an evolving political class. However, for elections to be legitimate and recognized at the international level, two requirements are usually necessary: (1) the elections should be held by a sovereign State with the authority to call them; and (2) the elections should be democratic. If elections do not meet these two most basic criteria, they can, instead of being an instrument of power for people, become a smokescreen for State authorities trying to achieve illicit objectives. Israel's lack of legitimacy to call for the Elections, and their highly undemocratic character, make them manifestly contrary to international humanitarian and human rights law.

## ILLEGALITY OF THE ELECTIONS

According to the Annexation Law, *'the law, jurisdiction and administration of the State [of Israel] shall apply to the area of the Golan Heights'*. This law represents the foundational authority for any Israeli act – past or future as well as legislative or administrative – applying in the territory of the Golan after it was passed. In this respect, the Annexation Law is the foundational act for the Israeli Interior Ministry Decree of 3 July 2017 calling for the Elections and Local Authorities Law 1975-5735 ('Local Authorities Law'), as applied to the Golan, governing their execution.

Under the Derived Invalidity Theory<sup>26</sup>, the illegitimacy of an underlying act automatically makes all other consequential acts either invalid or deprived of any effect. In the Golan, this means that the Annexation Law's illegitimacy

under international law invalidates both the Ministerial Decree calling for the Elections and the Local Authorities Law as applied to the Golan. The following explains why the Annexation Law is contrary to international law.

## CONSERVATIONIST PRINCIPLE

As an occupying power<sup>27</sup>, Israel has the duty to respect international humanitarian law when overseeing the territory it occupies. In particular, Israel must abide by: (1) 1907 The Hague Convention Respecting the Laws and Customs of War on Land ('Hague Convention'); and (2) 1949 IV Geneva Convention related to the Protection of Civilian Persons in Time of War ('IV Geneva Convention'). Articles 43 of The Hague Convention<sup>28</sup> and 64(2) of the IV Geneva Convention<sup>29</sup> articulate, as a general rule, the Conservationist Principle<sup>30</sup>. According to this principle, an occupying power must continue to, albeit with certain exceptions, apply the local laws in force when the occupation started in the territory now under its control.

**“I refuse to take part in elections governed by Israeli law. We are Syrians and we should vote according to Syrian law.”**  
Moodar Al Qeesh

The rationale behind the Conservationist Principle is the notion that belligerent occupation is temporary. Occupation should be time-limited and terminate with the withdrawal of the occupier from the occupied territory. This should be followed by the restoration of full sovereignty to the State the occupied territory belongs to or, alternatively, with a peace treaty between the States vying for control of the occupied territory. Thus, during a military occupation, sovereignty over occupied territory does not transfer to the occupying State. Instead, the occupying State is only entitled to exercise a limited range of powers in order to aid the occupied population<sup>31</sup>. Israel violated, in the strongest possible terms, the provisions of Articles 43 of The Hague Convention and 64(2) of the IV Geneva Convention when it passed the Annexation Law. In direct contradiction to the Conservationist Principle, Israel promulgated an all-encompassing law that automatically enforced, in the Golan, all the normative provisions in force in Israel.

## PROHIBITION OF TERRITORIAL CONQUESTS RESULTING FROM THE USE OF FORCE

Israel, through the adoption of the Annexation Law, also infringed on the customary international legal principle prohibiting any form of extension of



territorial sovereignty by threat or use of force<sup>32</sup>. This rule, stemming from the proscription on the use of force set forth in Article 4(2) of the United Nations Charter<sup>33</sup>, has gained the status of jus cogens<sup>34</sup>. This means that it is at the apex of the hierarchy of sources of international law<sup>35</sup>. The Annexation Law clearly violated the provisions of this norm since it unilaterally declared the annexation of an invaded territory following a use of force. It is important to note that the acquisition of the Golan would violate this principle even if Israel's use of force was legitimate. The jus cogens norm prohibits any territorial extension resulting from the use of force, regardless of whether such force was legitimate or not.

The international community's reaction<sup>36</sup> to Israel's activities represents further evidence that the Annexation Law is in breach of the customary international law outlawing territorial conquests. Just three days after the law was passed, the United Nations ('UN') Security Council, sitting in an emergency session, issued Resolution 497. In this resolution, the supreme organ of the UN, 'reaffirm[ed] that the acquisition of territory by force is inadmissible, in accordance with the Charter of the United Nations, the principles of international law and relevant Security Council resolutions'<sup>37</sup>. The Security Council held that it '(1) decides that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect; [and,] (2) demands that Israel, the occupying power, should rescind forthwith its decision'<sup>38</sup>.

## THE UNDEMOCRATIC CHARACTER OF THE ELECTIONS

The highly undemocratic character of the Elections is a consequence of the illegitimate enforcement the Local Authorities Law in the Golan. Article 4 of the Local Authorities Law provides that only those with Israeli citizenship can run for mayor. This means that only a very small percentage of the Syrian population has the opportunity to run for the top office in the Elections. Of the 24,175 inhabitants of the four Syrian villages, only 12 percent have Israeli citizenship. Limiting the possibility of running for mayor to only this small part of the population shows the Elections are severely undemocratic.

**“Despite my candidacy, I consider these elections to be highly undemocratic. How else should I define polls in which only a narrow minority of the population can run for mayor?”**  
Samira Rada-Amran

Article 4 of the Local Authorities Law, as applied in Israeli territory, does not present a democratic gap with respect to the relevant norms of international law. In fact, both Article 21<sup>39</sup> of the Universal Declaration of Human Rights ('UNDHR') and Article 25<sup>40</sup> of the International Covenant on Civil and Political Rights ('ICCPR') provide that the *right to stand for elections* need only be afforded to citizens. Limiting the right to participate as candidates to citizens does not undermine the democratic nature of local elections as long as this standard is applied within the national territory of the State. However, this is not true for elections held in occupied territory because, in such territory, occupying state citizenship is, of course, lacking. Inhabitants of an occupied territory have no reason to apply for the occupying State's citizenship and such citizenship should not be imposed on them because they are still citizens of their original home State. When evaluating the Elections under Articles 21 of the UNDHR and 25 of the ICCPR, it is evident that the situation that these provisions aim to avoid is actually occurring: undemocratic elections where almost all of the local population has no right to stand for office.

### Population of Residents (Holders of Permanent or Temporary Residency Status) and Citizens (Holders of Israeli Citizenship) per Syrian Village (12 March 2018)<sup>41</sup>

Village	Citizens	Permanent / Temporary Residents	Total
Majdal Shams	1,312	9,938	11,250
Buqata	829	5,748	6,577
Masada	528	3,487	4,015
Ghajar	2,610	9	2,619
Ein Qynia	239	2,094	2,333
<b>Total</b>	<b>5,518</b>	<b>21,276</b>	<b>26,794</b>

# THE ISRAELIZATION OF THE GOLAN

Israel has long sought to Israelize the Golan. Israelization is the process by which the Israeli authorities have tried, since the occupation began, to render the Golan de facto part of Israel. This objective has been implemented through a series of policies aimed at severing the strong ties that the Golan and its native inhabitants have with Syria while simultaneously seeking international community recognition that the region is de jure Israeli territory.

## THE SIGNIFICANCE OF THE GOLAN

The Golan is an area of 1,230 square kilometers<sup>42</sup> that is extremely important to Israel. This territory provides unparalleled benefits such as fresh water, strategic military posts and an abundance of natural resources that have led to prosperous settlements and settlement businesses.

## KEY WATER RESOURCE

Unlike Israel and the Occupied Palestinian Territories, the Golan is characterized as being particularly rich in terms of water<sup>43</sup>. Indeed, the majority of the 7.9 million cubic meters of rainwater annually recorded in Israel are registered in the Golan<sup>44</sup>. The area also hosts Ram Lake, more than 200 springs and numerous streams<sup>45</sup>. Altogether, the Golan supplies Israel with about one third of the water it uses annually<sup>46</sup>. Given the dryness of the surrounding landscape, Israel considers its exploitation of the Golan's water resources, which started soon after the occupation began with Military Order No. 120 of 24 July 1968<sup>47</sup>, essential for existence.

## STRATEGIC ADVANTAGE

Situated at elevation between Israel, Lebanon, Syria and Jordan, the Golan hosts a strategic military position. The Golan's peaks allow control of the entire Syrian plain to Damascus (just 60 km away) to the east; the upper Jordan Valley and part of the Galilee (including Tiberias Lake) to the west and south; and, Bekka Valley in Lebanon to the north. The positioning

of military outposts and the installation of powerful radar stations on Mount Hermon (2,224 meters above sea level<sup>48</sup>), allow Israel to identify the movements of an enemy well in advance<sup>49</sup>.

Israel is also taking advantage of the ongoing conflict in Syria to justify its claimed military need for the the Golan. In fact, Israel has repeatedly claimed that the assumed presence of its enemies, Iran and Hezbollah, in Syria make it extremely important for Israel to maintain control of the Golan<sup>50</sup>. Some analysts believe Israel's statements to this effect are exaggerated.

## ECONOMIC BENEFITS

Israel gains extensive economic benefit from its occupation of the Golan, especially with regards to agriculture and tourism. The abundance of water, high altitude and volcanic soil make the terrain of this area, unlike most of Israel, particularly fertile and suitable for agriculture and pastoralism<sup>51</sup>. This has led to the development of a substantial Israeli agricultural industry in the Golan<sup>52</sup>, which plays a key role in Israel's market. In fact, in 2015, just agricultural products from the Golan provided Israel with a profit of USD 371\$ million<sup>53</sup>. The Golan's main commodities include corn, apples, pears, cherries and beef<sup>54</sup>. The area also has numerous wineries that produce nearly one third of Israel's wine<sup>55</sup>.

Additionally, the Golan is one of the most popular destinations in the region for tourists because of its beauty and the outdoor activities it hosts<sup>56</sup>. In order to promote tourism, Israel labels the Golan as 'Northern Israel'<sup>57</sup>. Every year, more than two million visitors come to the Golan and 10.9 percent of all international tourists to Israel make stops in the area<sup>58</sup>. The Golan is particularly popular in the winter season because it hosts the only ski resort in the region<sup>59</sup>.

**“Israel has never cared about the native Syrian population. We are only a means by which Israel hopes to get its hands on our land.”**  
Iyad Shoufi

## ISRAELIZATION PROCESS

Israel, for the reasons outlined above, clearly prioritizes maintaining control over the Golan. Israelization is a multi-tiered process that uses different tools at Israel's disposal to bind the Golan to Israel and integrate, despite the will of the native population, the region into Israel.

## CHANGING THE LANDSCAPE

One of the main instruments of Israelization has been the removal of every trace of Syria from the Golan. The Syrian names of the majority of the geographic, cultural and historical sites in the Golan have been altered or replaced<sup>60</sup>. Israel, by representing the Golan as an uninhabited land until the occupation began, carries forward a distorted view of history that intentionally aims to avoid any reference to the Syrian origins of the territory, the forced transfer of its native population and the Israeli military's destruction of 340 villages and farms<sup>61</sup>. In doing this, Israel is able to change the landscape of the Golan by rewriting the facts on the ground.

## SETTLEMENTS BUILDING

Israelization is also carried out through the construction and expansion of settlements in direct contravention of Article 49(6) of the IV Geneva Convention<sup>62</sup>. Settlements are a core piece of Israelization because they create areas that are exclusively inhabited by Israeli settlers and therefore fundamentally alter the physical and demographic character of the Golan. Once settlements are established, they are not easily deconstructed and essentially serve as a permanent alteration to the land<sup>63</sup>. Israel has never been shy about its settlement construction and population transfers into the Golan. Some settlements are even built directly on top of the ruins of Syrian villages destroyed by the Israeli army<sup>64</sup>. Israel began building its first settlement in the Golan, Merom Golan, within a month of occupying the territory<sup>65</sup>. Today, there are 34 Israeli settlements, which are home to at least 167 settlement businesses and about 27,000 settlers in the Golan.

## IDENTITY ALTERATION: ASSIMILATION OF THE NATIVE POPULATION

Assimilating the local population into Israeli society is another means Israel attempts to use to tighten its grip on the Golan. This began as early as 1981 with Israel's failed attempt to impose citizenship on all native Syrians. Today, Israel mainly targets the younger generations. A core tool of Israel's forced assimilation has been the Israeli-imposed education curriculum<sup>66</sup> that, with Druze heritage classes and a markedly Israeli version of history, aims to erase students' Arab identity<sup>67</sup>. Once Israel succeeds in destroying the younger generations' Arab-Syrian roots, it will be easier to push the youths to accept Israeli citizenship due to the benefits it holds<sup>68</sup>. Through these

policies, Israel 'intends to establish a new Druze-Israeli identity favourable to the occupation'<sup>69</sup> that it can leverage in the international arena to gain recognition of its claimed sovereignty over the Golan.

## TAKING ADVANTAGE OF THE ONGOING SYRIAN CONFLICT

Since the occupation began, negotiations between Israel and Syria aimed at concluding a final peace deal for the Golan were sporadic but ongoing<sup>70</sup>. Israel, however, has radically changed its attitude following the outbreak of the war in Syria. Israel has used the conflict to claim that the disintegration of the Syrian Arab Republic<sup>71</sup>, lack of a reliable partner to negotiate with<sup>72</sup> and presence of Hezbollah and Iranian militias in Syria<sup>73</sup> means Israel should retain control of the Golan.

One of Israel's main activities during the Syrian conflict to solidify its hold on the region has been its expansion of settlements in the Golan. Since the Syrian conflict began, Israel's settlement population has increased by one third<sup>74</sup>. In June 2015, Israeli Education Minister Naftali Bennet declared that Israel would bring the number of settlers in the Golan to 100,000 over the next 5 to ten years<sup>75</sup> and in June 2018 Deputy Minister Michael Oren presented a new project to execute Bennet's declaration<sup>76</sup>. In October 2016, Finance Minister Moshe Kahlon announced the approval of a plan to construct 1,600 new housing units in the Golan settlement of Katzrin<sup>77</sup>.

Israel's widespread attempts to solidify its control over the Golan following the outbreak of the Syrian conflict have not only been implemented through a policy of settlement expansion. Israel has also applied constant pressure at an international level for the recognition of its claim of sovereignty over the region. In February 2017, Prime Minister Benjamin Netanyahu – after arguing that five years of conflict had fragmented Syria to the point that there was no longer a legitimate Syrian State – asked United States President Donald Trump to officially recognize Israel's claim of sovereignty over the region<sup>78</sup>. It is worth mentioning that a similar request was made to the White House in November 2015 but was promptly rejected by then President Barack Obama<sup>79</sup>. In January 2019, while hosting United States National Security Advisor John Bolton, Prime Minister Netanyahu again stated that the United States should recognize Israel's claim over the Golan<sup>80</sup>.

In February 2018, Prime Minister Netanyahu, addressing the UN Secretary General Antonio Gutierrez, stated, without mincing words, that 'the Golan

Heights will remain in the hands of Israel forever'<sup>81</sup>. In October 2018, Prime Minister Netanyahu also made an appeal to Russian President Vladimir Putin<sup>82</sup>, but was summarily rejected. According to Russian Foreign Minister Sergey Lavrov, 'the status of the Golan Heights is determined by the resolutions of the UN Security Council and changing this status bypassing the Security Council, from my perspective, would be a direct violation of these resolutions'<sup>83</sup>.



Figure 4. View of Katzrin, currently the biggest settlement in the Syrian Golan. (photo from Israel Real Estate Sales)

# ELECTIONS AS FURTHER STEP TOWARDS ISRAELIZATION

The Elections are simply Israel's latest attempt to Israelize the Golan. In calling for the Elections, Israel has further exploited the Syrian conflict and tried to find new ways to legitimize its occupation.

## EXPLOITATION OF THE SYRIAN CONFLICT

Israel, as an occupying power, has not randomly called for elections for the first time in 51 years of occupation. Israel's actions, instead, seem consistent with its other tactics to solidify its control of the Golan while a brutal conflict rages just beyond the ceasefire line. By taking advantage of the impacts of the war in Syria, Israel hopes to tighten its grip on the Golan<sup>84</sup>.

## SPLIT WITHIN THE COMMUNITY

The Syrian conflict has caused large rifts within the Syrian community. Iyad Shoufi, a resident of Majdal Shams, believes that 'by calling the elections now, Israel wants to cause further divisions within our society, which is already deeply polarized following the outbreak of the Syrian conflict'<sup>85</sup>. Indeed, in addition to the community split between those who are in favour of and those who are against Bashar al-Assad's regime, the Elections have formed new divisions between those who view them as a step towards democracy and those who see them as an attempt to legitimize Israel's occupation. It seems to be Israel's hope that a torn and fragmented community will not be capable of rejecting the Elections with the same determination it has brought to other Israeli attempts to solidify its occupation in the past.

## OCCUPATION AS A LESSER EVIL

For some in the native community, the Syrian conflict has shed new light on Israel's actions in the Golan, creating the perception that the occupation

may have some benefits as a the lesser of two evils. According to this new view, the Israeli occupation has prevented the Golan from being sucked into the Syrian conflict. In contrast to their brothers and sisters living a few kilometres beyond the ceasefire line, the Golan's native Syrians have been untouched by serious violence for decades. Recently, in the Druze villages of Sweida<sup>86</sup> and Hader<sup>87</sup>, extremist groups killed hundreds of civilians, including women and children, and kidnapped dozens of additional people. This horrifying event has had an exceptionally strong impact on the local Syrian community. Living under Israeli control is likely a major reason that the Syrians in the Golan have not suffered the same fate as their fellow ethnic Druze in places like Sweida and Hader.

This argument is misleading and does not change the legal status of the Golan as an occupied Syrian land. Nevertheless, the logic of *'better under occupation than in a war-torn country'* is particularly widespread among the younger generations<sup>88</sup>. In light of what is happening beyond the ceasefire line, the youth perceive the presence of Israel in the region as a guarantee for their own safety. That is not to say that the individuals adhering to this line of thought do not understand the occupation's consequences; rather, they see it as a lesser of two evils.



Figure 5. A suicide attack that hit the city of Sweida, Syria on 25 July, 2018. (Albawaba Photo)

## RETURN TO SYRIA UNLIKELY

As stated earlier, the sudden outbreak of the conflict in Syria has led to the abrupt end to all negotiations concerning Israel's withdrawal from the

Golan<sup>89</sup>, making the possibility for the area to be reintegrated into Syria unlikely to occur in the near future. Since 2011, it has become much more complicated for Syrians living in the Golan to maintain links to Syria. These complications include the interruption of commercial exchange, the prohibition on visiting relatives beyond the ceasefire line and the end to programs allowing students to attend Syrian universities. Moodar Al Qeesh, a resident of Buqata and medical centre director, explained, *'as a result of this (Israel cutting off native Syrians' links to Syria proper), our motherland has never been as far away as it appears now'*<sup>90</sup>.

Given the state of deep uncertainty within the native Syrian community and with Syria on the edge of an eighth year of war, Israel has used the 'democratic elections card' to appear as the only reliable and credible alternative for the local populations' future.

## ELECTIONS AS AN ATTEMPT TO LEGITIMIZE THE OCCUPATION

According to Interior Minister Dery, the Elections are a move that strengthens Israel's democracy in the region<sup>91</sup>. Indeed, hailing the Elections as the bearer of democracy is the perfect way to hide the real purpose behind them.

“These elections have a declared objective and a secret one. The former is to bring democracy, the latter is to legitimize the occupation.”  
Modad Zaher Eldeen

The unlawfulness and undemocratic character of the Elections make it clear that their actual purpose is neither to empower the political rights of the locals nor to bring democracy to the region. Moreover, as made evident by Iyad Shoufi, ‘the fate of the native Syrians living in the Golan has never represented a concern at all for Israel. We represent only a means it uses in order to obtain what really matters for it, namely the takeover of the Golan land’<sup>92</sup>. With the Elections, Israel pursues very different objectives than the ones it publically states. Israel's real purpose is to create the illusion that it is installing legitimate democracy and governance in the region.

## VALIDATING THE OCCUPATION

Behind the facade of the first opportunity to exercise the right to vote in

51 years is the true reason for the Elections: validation of the occupation. Emil Masoud, a former teacher and shop-owner in Masada, argues, ‘it is like a trap. Through the false story of offering human rights, Israel hopes to deceive us. Actually, going to the polls would mean just legitimizing the Israeli occupation’<sup>93</sup>. By calling the Elections, Israel has attempted to evolve its occupation. In the past, through ministerial appointment, mayors and councillors did not receive any popular legitimacy; however, elections change that. Voting for the political apparatus of an Israeli institution makes it seem as if the Syrians themselves recognize that institution and therefore support the occupation<sup>94</sup>.

Israel was well aware that most of the population would not participate in the Elections. However, this does not imply that the Israelization plot has failed. According to Al Qeesh, ‘the Israelization of the Golan is a long-term process that has been going on for decades and is implemented step by step’<sup>95</sup>. In four years, elections will be held again in the Syrian villages and will continue to be held in the future as the occupation persists. The disappearance of the older generations, coupled with the rise of the younger ones, who are seemingly less hostile to the occupation, may ensure that the number of voters participating in local elections will increase in every new electoral cycle. With the Elections, Israel has broken the ice and has triggered a mechanism that may slowly lead Syrians to legitimize the occupation.

## THE CITIZENSHIP DEMOGRAPHICS ASPECT

Given that under Israeli law only citizens can run for mayor, the Elections also aim to produce an increase in the number of Syrian residents applying for Israeli citizenship. For Israel, the Elections are a suitable way to convince the Syrians to drop their undefined citizenship status and seek Israeli nationality. If they choose to do so, included with their new nationality is the opportunity to run for mayor.

**“The chance to run for mayor is the last of numerous privileges that Israel offers to those acquiring Israeli nationality.”**  
Haisam Srayaldeen

The Israelization process has always focused on pushing all native Syrians to acquire Israeli citizenship. Israel would use such a change in citizenship demographics in the international arena to argue that the Golan

is inhabited by Israeli citizens and, therefore, must necessarily belong to Israel, even if the cultural identity of the population has not changed. Israel probably did not intend on seeing a sharp increase in the number of citizenship applications after the July 2017 announcement calling for the Elections. Like voter turnout increase, it is likely Israel’s goal for citizenship demographic change will be achieved gradually.

For the purposes of its citizenship demographic plans in the region, the Syrian conflict has further benefited Israel. Indeed, starting in 2014, the number of Syrian residents seeking out Israeli citizenship, especially amongst the younger generations<sup>96</sup>, has increased<sup>97</sup>. With the Elections, Israel most likely wants to continue this trend and hopes to see the Golan inhabited exclusively by Israeli nationals as soon as possible.

### Residents who Obtained Israeli Citizenship by Village and Year (12 March 2018)<sup>98</sup>

Year Citizenship was Granted	Buqata	Majdal Shams	Masada	Ghajar	Ein Qynia	Total
2010	5	2	0	0	0	7
2011	3	7	8	0	0	18
2012	2	13	0	0	0	15
2013	3	5	4	1	3	16
2014	7	20	5	0	4	36
2015	14	72	11	0	8	105
2016	16	120	28	4	13	181
2017	26	51	20	1	8	106
2018	8	9	7	0	0	24

# THE ELECTIONS

The following section will present the narrative of the Elections and their results starting with Israel's initial decision to hold elections.

## THE ISRAELI GOVERNMENT DECISION

On 28 February 2016, Hamad Aiwdat, a resident of Majdal Shams, submitted a petition to the Israeli High Court demanding that the mayor and municipal councillors of Majdal Shams, Masada, Buqata and Ein Qynia be chosen through local elections and not ministerial appointment<sup>99</sup>. The same request had been made on several occasions in the past but rejected. According to Fahid Safadi, a lawyer and mayoral candidate in Masada, in the year and a half prior to Aiwdat's petition, there were six petitions lodged before the Court that asked for local elections in the Syrian villages<sup>100</sup>. Before Aiwdat's petition, the Court had always found that the practice of choosing the mayor and councillors through ministerial appointment was lawful.

In Aiwdat's case, however, the High Court never reached a decision because on 15 January 2017 Aiwadat withdrew his petition following a settlement with the Israeli Interior Ministry. The content of the settlement became clear on 3 July 2017 when a Ministerial Decree declared that elections would be held in the four Syrian villages. It is important to emphasize that the judicial authorities did not impose a requirement on the Israeli government to hold the Elections. If the parties had not reached a settlement, the Aiwdat's petition probably would have been rejected as had already happened numerous times in the past.

## THE SYRIAN GOVERNMENT REACTION

Damascus immediately voiced strong objections to the Israeli government's decision to hold municipal elections in the Syrian villages. In a letter dated 8 June 2017 and addressed to the Secretary General Gutierrez, the Syrian

Foreign Minister Walid Al-Muallem expressed '[Syria's] categorical rejection

of the Israeli occupation's declaration to hold the so-called local elections, in October next year, in the villages of the occupied Syrian Golan with the aim of annexing it'<sup>101</sup>. Foreign Minister Al-Muallem added, 'the new Israeli decisions consist of a flagrant violation of the UN Charter, international humanitarian law and the Fourth Geneva Convention relative to the protection of civilian persons in time of war'<sup>102</sup>.

On 30 October 2018, just as the polls were opening, the Syrian government reiterated its opposition to the 'Judaization attempt on Syrians living in the occupied Syrian territories'<sup>103</sup> by sending two separate letters to the UN Secretary General and UN Security Council President. The letters stated that, 'Throughout the past few weeks the Syrian citizens have organized protests in rejection of these elections ... They burned their polling cards and condemned attempts by the Israeli occupation ... to impose Israeli laws on them by force ... The government [] fully supports the Syrian nation's resistance in the face of the Israeli occupation, and rejects the illegal elections in the Golan Heights'<sup>104</sup>.

## UN SECURITY COUNCIL

The Elections were also addressed in UN Security Council meetings. On 25 July 2018, the Syrian Representative to the UN, Bashar Jaafari, raised the issue of 'the illegal decision of the Israeli occupying forces to hold local council elections in villages in the occupied Syrian Golan'<sup>105</sup>. Representative Jaafari claimed that 'they called this an Israeli law - but in fact it is a flagrant violation of our Charter and of United Nations Resolutions as well as international humanitarian law, including the Geneva Convention relative to the Protection of Civilian Persons in Time of War and relevant Security Council Resolutions, in particular resolution 1981) 497), adopted unanimously on 17 December 1981. That resolution rejects Israel's annexation of the occupied Syrian Golan and finds all Israeli activity in the occupied Syrian Golan is null and void from the perspective of international law'<sup>106</sup>.

## UN HUMAN RIGHT COUNCIL

Additionally, the Elections were discussed at the UN Human Rights Council on 25 September 2017, when Syrian Representative to the United Nations in Geneva, Hussam Eddin Ala declared, 'Israel has decided to carry out elections for local councils in the occupied Syrian Golan. This is a clear violation of the Security Council Resolution 1981/497 which invalidates and nullifies the decision of the Israeli authorities to impose its law and

jurisdiction on the occupied Syrian Golan’<sup>107</sup>. Consequently, the UN Human Rights Council issued a resolution on 23 March 2018 that ‘deplore[d] the announcement by the Israeli occupying authorities in July 2017 that municipal elections would be held on 30 October 2018 in the four villages in the occupied Syrian Golan, which constitutes another violation to international humanitarian law and to the relevant Security Council resolutions, in particular resolution <sup>108</sup>‘(1981) 497.

## LOCAL REACTION

Although native Syrians did not necessarily anticipate the ministerial announcement declaring the Elections, a group of them mobilized quickly and within a week they held their first meeting to discuss how to deal with the Elections. The meeting, which was attended by individuals from all four villages, concluded with a statement rejecting the elections, labelling them a ‘Judization’ attempt<sup>109</sup> and warning that those who participate in them would be ostracized<sup>109</sup>.

Despite this declaration, it took time for people to understand Israel’s true intentions in pursuing the Elections. As reported by Wael Tarabieh, manager of Al-Marsad – Arab Human Rights Centre in Golan Heights economic, social and cultural rights program, ‘there were several who, at first, believed that these elections were really aimed at strengthening Israel’s democracy in the region, and only some understood from the first moment that the objectives pursued by the occupying power were exquisitely political’<sup>110</sup>. However, even the latter never expected that such a strong and unified movement against the Elections would be born. Initially, the Elections were only spoken about in private circles and among certain groups of people. Although people were interested in the Elections, no general public debate existed on them<sup>111</sup>.

A new discourse on the subject began in early October 2018 with the birth of the ‘Social Movement’ (which started as the ‘Youth Movement’). For the first time since 2011, both those in favour of and those against Assad’s regime, ‘decided to stand together to face the election project, which carries only the rifts of division and sedition and will deepen the pre-national affiliations among our people’<sup>112</sup>. The Social Movement was able to ‘put aside all the political disputes’ rooted in the Syrian conflict that had been present within the community for almost 8 years and create a unified voice on the Elections issue<sup>113</sup>.

The Social Movement’s first statement was released on 6 October 2018 and brought the Elections into the spotlight, creating a public debate on

them. In this statement, the Social Movement declared that although ‘Israel is working to promote these elections as if [they are] purely democratic practice ... the social and political representation of the people of the Golan does not come from legitimizing a power based on the occupation of the territory of others’<sup>114</sup>. The Movement declared that ‘the political representation of the people of the Golan must remain in the civil society framework and away from the authority of the occupation’<sup>115</sup>. It concluded, ‘the inclusion of all segments of society in the discussion of crucial issues will enhance community solidarity and give new meanings to social consensus, values and national morality’<sup>116</sup>.

The impact of the Social Movement’s announcement was quickly evident. After the announcement, the majority of the Syrian community came together to produced countless communiques, demonstrations, sit-ins and strikes. Through these activities, the native population of the Golan reclaimed their Arab-Syrian identity by showing strong opposition to Israel’s attempt to legitimize the occupation.

**“If by calling for the elections Israel aimed to exploit the existing rift within the community, it made a huge mistake. This strategy of divide et impera has turned against it.”** Nasser Abu Fayed

The last large protest before the Elections, which was staged in Majdal Shams on Friday, 19 October 2018, saw hundreds of Syrians from all the remaining villages participate. On this occasion, demonstrators burned election-related material in a gesture of symbolic relevance reminiscent of when, in 1982, the population rejected Israel’s attempt to impose citizenship by setting fire to Israeli identity cards<sup>117</sup>. By the day of the Elections, a general consensus amongst the native Syrians had been reached: the elections would be rejected.





Figure 6. Residents of Majdal Shams set fire to ballot papers during the protest on 19 October 2018. (Jalaa Marey)

## CANDIDATE WITHDRAWAL

The community was particularly active in trying to dissuade candidates from taking part in the Elections. Tarabieh stated, ‘several have been the meetings held with the candidates, even the night before the Elections. They were shown the implications of their decision to run and there was hope they would eventually withdraw’<sup>118</sup>.

Voting is a fundamental right and its holder has the absolute freedom to exercise it. In the present case, however, things were perceived differently. Not only were the Elections in breach of the core principles of international law, but, as argued by a student from Majdal Shams, Kinan, ‘participating in them would mean legitimizing the occupying power, its policies and institutions. It would allow Israel to further solidify its grip on our land and could irreparably undermine the possibility for us to get back to Syria’<sup>119</sup>. Accordingly, the decision whether or not to participate in the October vote was not just a personal choice for many native Syrians, it was also a choice that would affect the entire community.

The strong social pressure, together with the awareness that their candidacy was against the general consensus, pushed many candidates to take a step back. Modad Zaher Eldeen, former appointed mayor of Ein Qynia, said that ‘after a meeting with the religious leadership, I realized how my intention of being a candidate was strongly opposed by society. This was

the reason why I immediately renounced my candidacy’<sup>120</sup>. Of the mayoral candidates who ran for office, at least five withdrew their candidacy on the eve of the vote and, due to lack of candidates, elections were not even held in two of the Syrian villages.

“I ran for mayor because I wanted to bring good practices to the city council but when I realized that everyone, even my friends, were against my candidacy, I decided to withdraw. I want to serve the society and certainly not go against the community general consensus.”

Rafat Safadi

## COMMUNITY EXCLUSION

As a unified group, the community devoted particular attention to how to address the small minority who participated in the Elections, either as candidates or as voters. With regards to the candidates, there was a general consensus within the community that anyone running would be ostracized. The reasoning for this, as articulated by Nasser Abu Fayed, a Majdal Shams resident, was that ‘if the candidates withdrew, the whole electoral process would stop. It [would] only be because of them if these elections take place’<sup>121</sup>.

As for the voters, there was a divergence of opinion on what attitude to take. According to some, the door should remain open to those who voted and the community should maintain relations with them to persuade them not to return to cast their vote in the future. However, not everyone agreed, some argued instead that the community should sanction the voters, just like the candidates, since it would ultimately be the whole community that paid for the consequences of their behaviour. At first, it was decided that the community exclusion would only concern candidates but on the day of the Elections a new decision was made: ‘candidates and those who come to vote will have a religious and social prohibition put upon them’<sup>122</sup>.

## ELECTIONS DAY

On Tuesday, 29 October 2018, the night before the Elections, a general meeting was held in Majdal Shams’ main square. As reported by Kinan, ‘it was decided that all those against the elections would get together the

next day at Sultan al-Atrash Square and then head to Majdal Shams High School where the voting would take place. During the meeting it was repeatedly noted that the protest of the following day would be completely peaceful and no violence would be used against the police or against those who were going to vote<sup>123</sup>.

On the day of the Elections at 6:00, more than 500 protesters gathered in the centre of Majdal Shams and marched to Majdal Shams High School. When the protesters arrived at the polling station, which was to be open from 07:00 to 22:00, it was guarded by about 12 to 15 Israeli police<sup>124</sup>. After a brief conversation between religious leaders and the Israeli police, it was agreed that the demonstration could continue as long as those who wished to vote were not prevented from voting.<sup>125</sup> The number of protesters - singing, chanting and waiving Syrian national flags - grew with the passing hours. Nevertheless, entry to the polling station continued to be unobstructed and, by 11:00, approximately 11 people had cast votes<sup>126</sup>. Around 12:00, as the demonstration numbered some 1,500-1,000 people, a group of individuals (no more than a hundred people) arrived from the village of Buqata to join the protest. Shortly afterwards, Israeli police, allegedly without reason, ordered all the demonstrators to leave within the next 10 to 15 minutes. Not long after this, as protesters were dispersing, Israeli police began using pepper spray, tear gas, stun grenades and rubber bullets to scatter the crowd.

Yasser Khanjer, a poet and activist from Majdal Shams, was present at the event from the early hours of the morning and argues that 'the protest was absolutely peaceful. The first rows of demonstrators were composed exclusively of old religious leaders as a sort of guarantee that no violent episodes would occur'<sup>127</sup>. According to Masoud, who also attended the protest, 'the violence used against us cannot be justified in any way. Those who wanted to vote did so without problems. We saw several cars entering the school to vote'<sup>128</sup>.

Nabi Awidat, the director of the news website 'Jawlany', who was severely injured after being struck in the face by a rubber bullet fired by the police, condemned the Israeli security forces' actions. Awidat, who was covering the protests as a journalist, stated, 'Above all, the use of rubber bullets was unjustified. The situation absolutely did not require their use. After the launch of the tear gas, the crowd had already dispersed, so much so that many protesters were hit in the back while they were already leaving'<sup>129</sup>. Awidat spent days in the hospital with serious damage to his face and neck. Ultimately, Awidat had to undergo surgery to resolve his facial injuries.

From the numerous testimonies of those present at the scene, two things are clear: (1) the Israeli police's use of force was unnecessary and disproportionate; and (2) the behaviour of the demonstrators was peaceful from beginning to end. Even after the use of tear gas and rubber bullets, no protesters resorted to violence. In the end, the number of people injured, all Syrians, was 36<sup>130</sup>, with two individuals severely hurt. There were also numerous arrests<sup>130</sup>.

After the violence subsided around 13:00, protesters retreated from the polling station and gathered again at Sultan al-Atrash Square. During continued demonstrations in the square, the group agreed on another statement condemning the Elections, its participants and actions of the Israeli police.



Figure 7. Israeli police firing rubber bullets and tear gas during the 30 October 2018 protest in Majdal Shams. (Reuters/Ammar Awad)



Figure 8. Israeli police firing tear gas and rubber bullets during the 30 October 2018 protest in Majdal Shams. (Reuters/Ammar Awad)

## ELECTIONS RESULTS

Just over one percent of the eligible voters across the four Syrian villages actually cast votes in the Elections. This very low voter turnout cannot be blamed on protesters. In Majdal Shams, where the demonstration occurred, protesters were only at the polling station for about six of the 15 hours it was open and they never obstructed the entrance to the venue. Even so, only 271 people (3.3 percent of the eligible voters) went to the polls in Majdal Shams. In Ein Qynia, the other village where elections took place, the turnout was even lower (1.3 percent of the eligible voters), despite the fact that the voting went ahead without any incident. Full election results can be seen here.

Village	Registered Voters	Votes Cast	Percentage
Majdal Shams	8,134	271	%3.3
Buqata	4,680	No Elections	-
Masada	2,740	No Elections	-
Ein Qynia	1,615	21	%1.3

Village	Initial Candidates	Candidates Withdrawn	Running Candidates
Majdal Shams	Dawlan Abu Saleh Tarek Safadi Raafat Safadi Munjid Abu Saleh Ramez Abu Saleh	Rafat Safadi	Dawlan Abu Saleh Tarek Safadi Munjid Abu Saleh Ramez Abu Saleh
Buqata	Abbas Abu Awwad Nafi 'Amasha	Nafi 'Amasha	Abbas Abu Awwad
Masada	Salman Btaish Hamoud Choukair Fahad Al Safadi	Salman Btaish Hamoud Coucair Fahad Al Safadi	-
Ein Qynia	Wael El Maghrabi Samira Omran Salman Dabous Ramzi Azzam	-	Wael El Maghrabi Samira Omran Solomon Dabous Ramzi Azzam

# CONCLUSION

The Elections' figures speak for themselves. If Israel aimed to gain legitimacy in its occupation by relying on the native inhabitants of the Golan to go to the polls, it failed. In two of the four villages, no votes were cast and elections did not even take place due to candidate withdrawals. In Buqata, the Israeli government appointed Abbas Abu Awwad<sup>131</sup> as mayor, the only candidate who did not withdraw. Thus, Awwad was appointed simply because, on the eve of the Elections, he was the only remaining candidate. In Masada, the Elections' failure was even more evident. Following a community meeting five days before the Elections, all three mayoral candidates decided to withdraw their candidacy<sup>132</sup>. Given that none of the 528 residents of Masada with Israeli citizenship were willing to serve as mayor, the Israeli government had no alternative but to extend the mandate of incumbent Israeli-sponsored mayor, Yussef Baròn. As stated above, formal elections did take place in the other two Syrian villages; however, voter turnout was extraordinarily low.

The native population's response to the Elections is clearly apparent: it is better to be deprived of the exercise of political rights than to participate in elections that are clearly undemocratic, contrary to the most basic principles of international law and aimed only at legitimizing occupation. Thousands of people protested against the Elections, ballot boxes were deserted and Israeli police fired tear gas and rubber bullets at a peaceful crowd. Is this the kind of democracy that Israel wanted to bring to the Golan?

The Elections show that despite the major repercussions of the Syrian conflict and Israel's attempts to exploit them, the local population of the Golan is still far from accepting the occupation. As reported by Kinan, 'Thanks to the 30 October reaction we have proved to Israel as well as the international community that our Arab-Syrian identity has not faded out at all'<sup>133</sup>.

Israel can continue to pursue its plans to consolidate its presence in the Golan by increasing the number of settlers in the region, trying to brainwash the young Syrian generations and pressing the international community to recognize the Golan as part of Israel, but it will not find support from the native Syrians. The events of 30 October 2018 demonstrate that locals still feel no sense of belonging to Israel, whose policies and institutions continue to be rejected.

# ENDNOTES

1. Including the village of Ghajar, where local elections have taken place regularly since the 1980s, the total number of Syrian inhabitants in the Golan is around 27,000. Majority of Syrians continue to refuse Israeli citizenship. Al-Marsad Arab Human Rights Centre in the Golan Heights (May 2018).
2. Dr. N. Ayoub, *Forgotten Occupation – Life in the Syrian Golan after 50 Years of Israeli Occupation*. Al-Marsad Arab Human Rights Centre in the Golan Heights (March 2018) p. 8, 15-18.
3. ‘In 1970 S’heeta’s population was evacuated, the village was partially destroyed and a military post was built in its place. It was completely destroyed in 1974 after the war and with no compelling military reasons; its population was forcibly transferred to the neighbouring village, Masada’. Marta Bitorsoli et al., *The Syrian Golan: Five Decades of Occupation*. Al- Marsad Arab Human Rights Centre in the Golan Heights (March 2016).
4. T. Maas, *Landmines in the Occupied Golan: Israel’s obligations under International Human Rights and Humanitarian Law*. Al-Marsad Arab Human Rights Centre in the Golan Heights (August 2015).
5. H. Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan*. Al-Marsad Arab Human Rights Centre in the Golan Heights (April 2010).
6. Dr R. Murphy et al., *Changing the landscape: Israel’s gross violation of International Law in the Occupied Syrian Golan*. Al-Marsad Arab Human Rights Centre in the Golan Heights (November 2008).
7. J. Maloney, *The illegality of Israeli Settlements in the occupied Syrian Golan under IHL*. Al-Marsad Arab Human Rights Centre in the Golan Heights (October 2010).
8. Alexandre Newman, *Education Under Occupation: Israeli Educational Policies in the Occupied Syrian Golan in: Golan in: Forgotten Occupation –Life in the Syrian Golan After 50 Years of Israeli Occupation*, pg. 80-87, Al-Marsad Arab Human Rights Centre in Golan Heights (2018).
9. ‘The law, jurisdiction and administration of the State [of Israel] shall apply to the area of the Golan Heights’. Article 1 of the Golan Heights Law (14December 1981).
10. H. Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan*. Al-Marsad Arab Human Rights Centre in the Golan Heights (April 2010) p. 24.
11. Id.
12. The percentage rises to 20 percent if the village of Ghajar is taken into account, most of whose 2,619 inhabitants possess Israeli citizenship.
13. ‘Majority of Syrians continue to refuse Israeli citizenship’. Al-Marsad Arab Human Rights Centre in the Golan Heights (May 2018).
14. ‘The term stateless person means a person who is not considered as a national by any State under the operation of its law’. Article 1 of the Convention relating to the Status of Stateless Persons (28 September 1954).
15. A. Hashmonaim, ‘After 50 years Druze in the Golan were given the right to vote in local elections’ in *Walla News* (06 July 2017), <https://news.walla.co.il/item/3078803>.
16. Although formally established with the enactment of the 1980 ‘Basic Law: Jerusalem capital of Israel’, the annexation of East Jerusalem de facto took place few days after the Arab-Israeli War through the ‘Jerusalem (Enlargement Municipal Area) Proclamation’ adopted by Israeli Interior Minister on 28 June 1967.
17. ‘Shortly thereafter [the 1967 War], Israeli authorities conducted a census throughout the newly acquired areas and granted Israeli identity cards and permanent residency rights to approximately 66,000 East Jerusalemites who were physically present at the time. Those who were not present lost their right to permanent residency in Jerusalem’. D. Jefferis, *Institutionalising Statelessness: The revocation of residency rights of Palestinians in East Jerusalem* (2012) p.8-9.
18. *Fragmented Jerusalem: Municipal Borders, Demographic Politics and Daily Realities in East Jerusalem*. Pax for Peace (April 2018).
19. Prior to 1967, East Jerusalem was under the control of Jordan and its residents were given Jordanian citizenship.
20. East Jerusalemites do still, however, continue to travel with Jordanian passports. Permanent Residency. A temporary Status Set in Stone. *Ir Amim* (May 2012).
21. Id.; ‘Palestinians can still obtain Jordanian passports, valid for two or five years, but only as travel documents, not proof of nationality, and at higher fees than Jordanians’. *Stateless Again*. Human Rights Watch (01 February 2010).
22. The right for Palestinians in East Jerusalem to participate in the PNA elections is established in Article 2 of the Israeli Palestinian Interim Agreement, and regulated in detail in Article 6 of the Annex II of the aforementioned Agreement.
23. Article 4 of Local Authorities (Election and Tenure of Head and Deputy Heads) Law, 7735-1975 (24 July 1975)

24. Theodor Kollek, mayor of Jerusalem from 1965 to 1993, 'in every election since 1969 had won a majority of the Arab votes which, though few in number, contributed to the establishment of his party as the central force in Jerusalem municipal administration'. M. Benvenisti, *City of Stone: The Hidden Story of Jerusalem* (1998) p.111.
25. 'Since 1967, Israel has revoked the permanent residency of some 14,500 Palestinians from East Jerusalem'. East Jerusalem. B'Tselem (11 November 2017); For a detailed study on the policies implemented by Israel to deprive Palestinians Jerusalemites of their permanent residency status. Israel: Jerusalem Palestinians Stripped of Status. Human Rights Watch (08 August 2017).
26. B. Consales et al., *Compendio di Diritto Amministrativo* (2009), p. 341.
27. In this regard, it is undeniable that Israel, from 1967 to this day, has continuously exercised effective control of the Syrian Golan as required by Article 42 of The Hague Convention. Article 42 of the Hague Convention
28. (IV) Respecting the Laws and Customs of War on Land (18 October 1907).
29. 'The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all measure in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country'. Article 43 of the Hague Convention (IV) Respecting the Laws and Customs of War on Land (18 October 1907).
30. 'The occupying power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying power, of the members and property of the occupying forces or administration, and likewise of the establishment and lines of communication used by them'. Article 64(2) of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (12 August 1949).
31. G. Fox, *Transformative Occupation and the Unilateralist impulse*.
32. *International Review of the Red Cross* (March 2012).
33. G. Fassina, *Forgotten Occupation – Life in the Syrian Golan after 50 Years of Israeli Occupation*. Al-Marsad Arab Human Rights Centre in the Golan Heights (March 2018) p. 93.
34. United Nations General Assembly Resolution n. 2625 (24 October 1970); United Nations General Assembly Resolution n. 3314 (14 December 1974); J. Crawford, *Third Report on State Responsibility, A/CN.4/507 and Add. 1–4* (August 2000).
35. 'All Members shall refrain in their international relations from the threat of use of force against the territorial integrity or political independence of any state, or in other manner inconsistent with the Purposes of the United Nations'. Article 2(4) United Nations Charter (26 June 1945).
36. G. Distefano, *Theories on Territorial Sovereignty: a Reappraisal* (January 2010) p.44.
37. 'A peremptory norm of general international law is a norm accepted and recognized by the international community of State as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character'. Article 53 of the Vienna Convention on the Law of Treaties (23 May 1969).
38. None of the current 193 UN Member States has so far recognized Israel's sovereignty over the Golan Heights.
39. United Nations Security Council Resolution n. 497 (17 December 1981).
40. *Id.*
41. 'Everyone has the right to take part in the government of his country, directly or through freely chosen representatives'. Article 21(1) of the Universal Declaration of Human Rights (10 December 1948).
42. 'Every citizen shall have the right and the opportunity [...] (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors'. Article 25 International Covenant on Civil and Political Rights (23 March 1976).
43. <https://golan-marsad.org/majority-of-syrians-continue-to-refuse-israeli-citizenship/> (last visited 08 December 2018).
44. *The Occupied Syrian Golan, An Overview*. Al-Marsad Arab Human Rights Centre in the Golan Heights (2018).
45. [mfa.gov.il/MFA/IsraelExperience/AboutIsrael/Spotlight/Pages/Israel-s%20Chronic%20Water%20Problem.aspx](https://mfa.gov.il/MFA/IsraelExperience/AboutIsrael/Spotlight/Pages/Israel-s%20Chronic%20Water%20Problem.aspx) (last visited 08 December 2018).
46. K. Keary, *Water is Life: A Consideration of the Legality and Consequences of Israeli Exploitation of the Water Resources of the Occupied Syrian Golan*. Al-Marsad Arab Human Rights Centre in the Golan Heights (2013) p. 33.
47. *Id.*
48. K. Keary, *Forgotten Occupation – Life in the Syrian Golan after 50 Year of Israeli Occupation*. Al-Marsad Arab Human Rights Centre in the Golan Heights (March 2018), p. 119.
49. This Military Order gave the Israeli army commander the authority to appoint an

- official in charge of the management of water resources, and forbade any water-related work without the permission of the Israeli authorities.
50. [http://www.hermon.com/mt\\_hermon/](http://www.hermon.com/mt_hermon/) (last visited 03 December 2018).
51. E. Einbar, Israeli Control of the Golan Heights: High Strategic and Moral Ground for Israel. The Begin-Sadat Center for Strategic Studies (September 2011).
52. Golan Heights and South/West Syria. International Crisis Group (September 2018).
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