

Mideast Road Map Hits Israel's Wall

On July 31, Diana Buttu, legal advisor to Palestinian Prime Minister Abu Mazen (Mahmoud Abbas), gave a briefing to a full house at the Palestine Center in Washington, following President George W. Bush's meetings with Abu Mazen and Israeli Prime Minister Ariel Sharon. Ms. Buttu has been advising the Palestinian team on the peace negotiations with Israel since October 2002. Previously she served as legal counsel to the Canadian Department of Justice in Ottawa. Her presentation is excerpted and partly paraphrased here.

"I am going to center my talk today about the Bush-Abu Mazen meeting, and talk about why he went to the United States, and talk about the messages he was carrying to the United States; a little bit about the Sharon meeting, and a couple of trends that I think people should watch out for in the coming months. . . .

"Since the Road Map was issued—the 30th of April until the 8th of July—the statistics I have show Israel has killed 145 Palestinians—six, after all Palestinian factions announced a halt to all violence against Israelis everywhere—bringing the total up to 2,512 Palestinians killed since Sept. 21, 2000. On the very day of the Bush-Abu Mazen meeting, there was another Palestinian killed, which happened to be a 4-year-old child whose head was literally blown off by Israeli soldiers as the child neared a checkpoint close to the security wall."

Prime Minister Abu Mazen came to the United States with "three major messages and one minor message, in the hope that he would be able to get the President's support for the implementation of the Road Map, and put some pressure on Israel to begin the implementation of the Road Map. The three messages, in no particular order, were: 1) with respect to the [Israeli separation] wall; 2) with respect to settlements; 3) with respect to the release of thousands of political prisoners; and 4), a more minor point . . . to secure the release of President Arafat."

In discussing Israel's building the "separation wall" that Abu Mazen has denounced as a "racist wall," Buttu showed the "very map that was shown to President Bush," noting: "Estimates are that 55% of the occupied West Bank would be annexed to Israel, that 91% of the [Israeli] settlements in the West Bank, including all of those in [East Jerusalem] will remain." She stressed that of an estimated 102 Jewish settlements in the West Bank, only about 15 are actually going to be dismantled, "and these 15 settlements only have approximately 7,000 settlers.



Palestinian prime ministerial advisor Diana Buttu.

"In terms of where this wall is going and what it is intended to do, it is very clear it is simply a land grab, and it is designed to consolidate and facilitate settlement construction in the center. . . . In some areas it's a 25-foot-high, concrete structure, with watch towers every 200-300 meters, sensors, electronic sensors, electrified fence, trenches."

'No Palestinian State With This Wall'

"When President Bush saw this, he was very clearly disturbed by this map. Not only by where it is intended to go. The [Palestinian] Prime Minister's message with respect to the wall was that if this wall continues to be built, then your vision, President Bush's vision of two states is going to be impossible. There will not be an independent, viable or sovereign Palestinian state with the current configuration of this wall.

"The Prime Minister's second message was about the settlements themselves [as specified in the Road Map]: 'Government of Israel immediately dismantles settlement outposts erected since March 2001, consistent with the Mitchell Report; Government of Israel freezes all settlement activity including natural growth of settlements.'

"What is it that has actually been done since the Aqaba Summit and the Road Map was unveiled? At the Aqaba Summit, Sharon, in discussing the outposts, was very careful in his wording. He said, 'In regard to the *unauthorized* outposts, I want to reiterate that Israel is a society governed by the rule of law; thus we will immediately begin to remove *unauthorized outposts*.'

"Why focus on the word *unauthorized*? Again, it is an attempt on the part of Sharon to do away with any Israeli obligations and simply try to whittle them down to as little as possible. There is no word 'unauthorized' [in] the text of the Road Map. The word 'unauthorized' does not appear, but, yet, Israel inserts the word 'unauthorized' in order to remove

only those settlement outposts that in its sole discretion it deems to be unauthorized.” As a consequence, Buttu reported, only eight settlements have been dismantled, of which, only one was inhabited. A further 11 went up—a net increase of three settlements since the Aqaba Summit.

“The message Prime Minister Abbas was taking to President Bush was that the settlement freeze has got to come *now*. This is not only because of the wall that is going up—which is meant to facilitate the expansion of settlements—but also because it says so in the Road Map, and it says ‘immediately.’ And if the vision, the end-goal vision that is specified in the Road Map is going to be adhered to, then a settlement freeze has got to come now. . . . Of course, Israel has failed to do that.”

The Political Prisoners

Palestinian prisoners are estimated “in the order of 6-7,000 political prisoners. The vast majority . . . are *people who have never been tried or convicted of any crime*.” According to the statistics at the Ministry of Prisoner Affairs of the Palestinian Authority, of these 6-7,000 political prisoners, only 1,461 have actually been tried and convicted of crimes; of those, only 320 have been convicted of violent crimes. Also, of these 6-7,000, there are “786-1,000 administrative detainees, who are being held without charges, without trial, and even without the reasons for their detention; 351 are children under the age of 18.”

“The Prime Minister was very concerned . . . that if we are going to move forward on this Road Map and begin to get the population to actually *believe in the Road Map*, then there are going to have to be measures taken on the ground in order to demonstrate to the Palestinians that the Road Map is working. . . . So, his message to the President was that these political prisoners have got to be released. These are the people who will be the best advocates for the Road Map. These are the people who—in the case of [Fatah leader] Marwan Barghouti, was the person who was very instrumental in securing the agreement to stop violence against Israelis everywhere, including soldiers. The Prime Minister’s message was, given that approximately 20% of the Palestinian population at one point has been detained or imprisoned in an Israeli jail or detention center, there is no greater symbol of the occupation than the continued detention of political prisoners.”

The fourth message was “attempting to secure the release of President Arafat.

“Now what was the outcome of these messages? [President Bush] was very concerned, and is very concerned, about the messages the Prime Minister carried with him. He is very concerned that Israel has done nothing to implement the Road Map. . . . When he was pressed in terms of providing the Prime Minister with guarantees that the Road Map is going to be implemented, the President indicated that he is very concerned . . . to see the Road Map implemented, but that he

is equally concerned, as I’m sure you all heard, about violence and terrorism. But as a result, he did say that he did recognize the achievements undertaken by the Palestinian Authority. He commended the Palestinian Prime Minister for his actions, and expressed deep concern over the construction of the wall and Israel’s ongoing settlement construction.

“Now juxtapose that to the meeting that Prime Minister Sharon had with President Bush just a few days later . . . particularly, with regard to the wall and the settlements. I’m not as skeptical as many people are that President Bush flip-flopped. . . . I do recognize that he made some statements that weren’t, in fact, in line with statements he had made when the [Palestinian] Prime Minister was around, but . . . I think it is beginning to become clear to this Administration that Israel is not doing what is required of it under the Road Map, and that Israel is becoming the party that is going to be placing obstacles along the way. That said . . . there are two major trends that I would alert you to that I think are causes for some concern. . . .

“The first is that there is a movement away from the actual language of the Road Map . . . [which] says very clearly that all obligations are supposed to be carried out in parallel, unless expressly stated otherwise. The obligations are supposed to be reciprocal measures, but yet what Israel is attempting to do is to *raise the bar*, and that’s why you hear this constant language about ‘dismantling the terrorist infrastructure,’ although the Road Map calls for a ‘rebuilt and refocused’ Palestinian security apparatus before any infrastructure is actually dismantled. What Israel is attempting to do, is to . . . ensure that Palestinian obligations are actually met, but Israel continues to have none. . . . You see the insertion of the word ‘unauthorized’ with the settlement activity; you hear language coming out of the State Department that there will not be a complete freeze on settlement activity, but that there will be a partial freeze.”

The Quartet Is Already Lost

“We have been down this path before. Israeli has all of the power on its side. It’s got the diplomatic power, economic power, and military power . . . and the Palestinians have nothing but documents with a bunch of words on them, and documents with words on them are worth nothing unless there is someone actually willing to enforce the documents.

“What we are falling into is the same trap that was happening under Oslo—movement away from the actual text of the agreements. . . . This is the same trick that [Labor Party Prime Minister Ehud] Barak pulled in 1999, with regard to redeployment [of Israeli military forces]. He said, forget redeployment, we’ll go straight to final status negotiations. This is another trend . . . move away from the language and go straight into something that favors Israel. I see this trend emerging on the ground over there, as well as more and more bilateral relations . . . without the Quartet [U.S.,

Russia, EU, and UN] involved.

“The Quartet is already lost. We don’t hear about it any longer, even though the Road Map was supposed to be put together by the Quartet—which no longer exists. It is just the United States; and what we are seeing on the ground

over there is a movement away from monitoring the specific actions on the ground. In fact, there are very few monitors who are in place there right now. What we are seeing, more and more, is movement to bilateral meetings, bilateral negotiations between the Palestinians and the Israelis with

no third party present. What this means [is] Israel with the economic power, the diplomatic power, and the military power is the more powerful party; and unless there is a third party to balance out the imbalance of power, you are going to see a re-creation of Oslo once again.

“The second trend that I find very alarming . . . is with respect to the settlements themselves. What we have been seeing on the ground is not a freeze of settlement activity. We have clearly been seeing an expansion of settlements. Israeli just announced it is going to expand settlements in the Gaza Strip, even where there are 6,500 settlers who are wreaking havoc on the lives of 1.2 million Palestinians . . . and at the same time, expand settlements in the occupied West Bank.

“In our discussions with the U.S. Administration, [it] has been wavering. [At some points], they are going to clearly push for a complete settlement freeze, and at times we’ve been hearing . . . a partial settlement freeze. Partial settlement freezes will not work. They didn’t work in the past and they will not work in the future. At times when there were partial settlement freezes put into place, some settlements expanded nine times. . . .

“The second issue alarming about the U.S. view on the settlements is the language that was used by President Bush himself in an attempt to link issues of violence and terrorism, to settlements and a freeze on settlement activity. This is a very alarming trend. The settlements are illegal—full stop!—under interna-

Israel’s ‘Security Wall’ Takes Palestinian Land



tional law, *full stop*. There is no linkage with violence and terrorism; they are simply illegal, and are considered to be war crimes under the Rome Statute of the International Criminal Court. But, what we are seeing is that the United States will only begin to enforce a settlement freeze once there is . . . what Israel deems to be a decrease in violence.

“This is very alarming, because between the years 1997 and 2000—and this is from the Israeli Ministry of Foreign Affairs—there wasn’t a single Israeli who died of a suicide bombing in Israel. And yet, during that exact same period, settlements increased [more than] they ever did in the years preceding Oslo, and in the current period now. What is happening is, rather than focusing on the disease, which is Israel’s 36-year colonization and denial of freedom to the Palestinians, it now looks as though this Administration is beginning to link the symptom with the disease; focusing on the symptom of violence, and linking that with the disease that is causing the violence, which is the 36-year military occupation and colonization of the West Bank and Gaza Strip.

“So these are two very alarming trends I caution you to look out for in the coming days. That said, I am not at all pessimistic about what happened between these two meetings. I think that the meeting between the President and Prime Minister Abbas was a very good meeting, there was very good rapport. The President for the first time seems to understand what is happening over there, and is speaking out about the ongoing crisis faced by Palestinian civilians, including that fact that 70% live off less than \$2 per day. So I do think that the President is, for the first time, engaged. Whether that engagement will be sustained, whether it will be the right type of engagement, and whether that engagement will follow through . . . remains to be seen. . . . I am going to be looking to the United States to actually carry out some actions on the ground, because in the end the only way we can truly assess whether the meetings were successful is if we see any movement on the ground.”

Do Not Underestimate the Power of This Wall

In the question and answer session that followed Buttu’s address, she was asked about Sharon’s statements that the Israeli security wall could be “temporary.”

“This is a long-term strategy that Sharon has had, which is to grant the Palestinians autonomy, but never set them free, never let [them] live in peace and security and freedom, in the same way that Israel demands for itself.

“It is certainly not something that I view as temporary. It is something that I think Israel has designed as permanent. The other thing, of course, is that Israel is building double walls in certain areas, so that it traps as many Palestinians as possible. If they are not caught by one wall, they will be caught in the second wall. It seems absurd to me, that it would somehow be a temporary measure rather than a permanent measure, particularly given the billions of dollars that it is

going to end up costing.

“Right now there are 128 kilometers that have been built, and we estimate that it is going to be about 650-plus kilometers by the time it is finally completed, including an eastern segment down the Jordan Valley—which, of course, debunks any security argument that Israel had—and also completely excluding Jerusalem. In Jerusalem there are going to be double walls in which the Palestinian population are going to be confined, and of course, the settler population of East Jerusalem will be given unfettered access. . . .

“Please do not underestimate the power of this wall. I know it looks like a red line to you and it is just harmless on a map. It is the worst thing I have ever seen in my life. You have a girls’ school, ages 1-6; every day, all they look out onto, right now, is a concrete structure fortified with barbed wire on top and with military posts every 200-300 meters; 90% of the girls in that school are experiencing post-traumatic stress syndrome right now, not only because of the wall, but because of the shooting. They hear the bulldozers every day. This is what these little girls have to live with, every single day of their lives. And so, I know that there are a number of issues related to Palestinians that are dear to everybody’s heart, but having lived in these areas and spending time with these kids, I can tell you that, it is really not that harmless red line; it is a monstrosity that is ruining people’s lives.”

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