

Bush Endorsement of Sharon Proposal Undermines Peace and International Law

By Stephen Zunes | April 26, 2004

President George W. Bush's unconditional endorsement of right-wing Israeli prime minister Ariel Sharon's disengagement plan constitutes a shocking reversal of longstanding U.S. Middle East policy and one of the most flagrant challenges to international law and the integrity of the United Nations system ever made by a U.S. president.

By giving unprecedented backing for Israeli plans to annex the majority of the occupied Palestinian territories in the West Bank in order to incorporate illegal Jewish settlements, President Bush has effectively renounced UN Security Council resolutions 242 and 338, which call on Israel—in return for security guarantees from its Arab neighbors—to withdraw from Palestinian territories seized in the June 1967 war. These resolutions were the basis of the Arab-Israeli peace talks commenced by his father in Madrid in 1991.

All previous U.S. administrations of both parties had seen these resolutions as the basis for Arab-Israeli peace. Indeed, these administrations had made Palestinian acceptance of these resolutions a pre-condition for their inclusion in the peace talks; it was only when the Palestine Liberation Organization (PLO) finally agreed to this (and other pre-conditions) in 1988 that the U.S. government was finally willing to talk with the Palestinians. By contrast, not only does the Bush administration not consider Israel's refusal to accept these resolutions a problem, the U.S. government itself no longer accepts these resolutions.

Furthermore, these Israeli settlements violate the Fourth Geneva Convention, which deem it illegal for any country to transfer civilian population onto territories seized by military force. UN Security Council resolutions 446, 452, 465, and 471 call on Israel to remove its colonists from the occupied territories.

President Bush, however, has unilaterally determined that Sharon's Israel, unlike Saddam's Iraq, need not abide by UN Security Council resolutions.

Not surprisingly, UN Secretary General Kofi Annan was highly critical of the U.S. endorsement of Sharon's plan, noting that "final status issues should be determined in negotiations between the parties based on relevant Security Council resolutions." But article 7 of UN Security Council resolution 465 forbids member states from providing any support for Israel's illegal settlements. Bush's endorsement of Sharon's effective annexation of these settlement blocs, then, places the United States—like Iraq under Saddam Hussein—in violation of the will of the UN Security Council.

More than 90% of the colonists in the occupied territories settled there after the passage of the UN Security Council resolutions in the late 1970s recognizing their illegality and demanding their withdrawal. Efforts by the United Nations to enforce these resolutions have been repeatedly blocked by successive U.S. administrations. In addition, through loan guarantees and special aid packages—such as the Wye River Implementation funding—much of their construction has been subsidized by U.S. taxpayers.

In a startling example of chutzpah, President Bush now justifies his effective rejection of UN Security Council resolutions 242 and 338 requiring Israel to eventually return to its internationally recognized boundaries because to do so would be "unrealistic" ... "in light of new realities on the ground, including already existing major Israeli population centers."

Indeed, the only settlements in the West Bank from which Israel would withdraw, according to the U.S.-backed plan, are in the northwestern part of the West Bank that total only 500 people.



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The End of the Roadmap

President Bush's announcement effectively destroys the once highly touted "road map" that the United States drew up with representatives of Russia, the European Union, and the United Nations. This peace plan demanded that any growth in the settlements be frozen and that the remaining outstanding issues, such as borders and the status of Palestinian refugees, be left for negotiations between the two parties.

The European Union announced on Thursday that it "would not recognize any change to the pre-1967 borders other than those arrived by agreement between the parties." French president Jacques Chirac similarly challenged what he considered an unfortunate and dangerous precedent, emphasizing the problems with such unilateral challenges to international law.

This also marks the first time in the history of the peace process that a U.S. president has pre-empted negotiations by announcing support of such a unilateral initiative by one party. In essence, the United States has abandoned advancing the "peace process" in favor of validating a decision by the more powerful party to unilaterally impose its will.

Both Israel and the United States have continued to refuse to even negotiate with Palestine Authority president Yasir Arafat, Palestinian Prime Minister Ahmed Qureia, or any other recognized Palestinian leader.

White House officials emphasized that this was a reward for Israel's announced 2005 withdrawal of settlers from the Gaza Strip and a few isolated settlements in the West Bank, which he called "historic and courageous actions." However, Israel was required by the aforementioned Security Council resolutions to withdraw from those settlements anyway. Furthermore, the Israeli government insists that it will maintain its occupation forces in parts of the Gaza Strip even after the Israeli colonists are repatriated to Israel and that it will continue to control Gaza's international borders as well as its air space and access to the sea.

President Bush also went on record rejecting the right of Palestinian refugees to return to their homes

in what is now Israel. While it had been widely assumed that the Palestinians would be willing to compromise on this area once talks resumed, by effectively settling issues that were up for negotiation, it has pre-empted the major concessions the Palestinians may have made been able to make in return for Israeli concessions. However, the Bush administration has determined that it now has the right to unilaterally give away Palestinian rights and Palestinian land. Having already decided the key issues in the peace process, the Bush administration has left the Palestinians with little over which to negotiate.

On a more practical level, the Palestinian state sought by the Palestine Authority and most Arab states, based on Israeli withdrawal from the territories occupied since 1967, consists of 22% of historic Palestine. Sharon's plan, which would allow Israel to control a full 60% of the Palestinian West Bank, would reduce that figure to barely 12% of historic Palestine, hardly enough to absorb the more than three million Palestinian refugees forced from their homes by advancing Israeli forces in 1947-49.

The pieces of the West Bank that would make up the new Palestinian "state" Sharon and Bush envision would be surrounded by Israel, which would control passage between the Palestinian sectors, its air space, and its water resources. In short, it will be no more a viable independent state than the Bantustans created by apartheid South Africa.

Another problem is that it would make it virtually impossible for any future American president to reverse this decision.

Not that his most likely successor would be inclined to do so, in any case: Immediately after President Bush's announcement, Senator Kerry shocked many of his liberal supporters by applauding the Bush-Sharon effort, calling it "a positive step." The presumed Democratic presidential nominee added that "What's important, obviously, is the security of the state of Israel, and that's what the prime minister and the president, I think, are trying to address."

This is ludicrous, of course.

First of all, these settlements are not even in Israel, they are in occupied Palestinian territory. No government in the world recognizes these illegal settlements as part of Israel (though it appears that could change if Kerry is elected president.)

Secondly, if security for the state of Israel were really Bush's and Kerry's primary concern, they would insist that Israel build its security wall along its internationally recognized border, not on occupied Palestinian land. Furthermore, by sabotaging the peace process through support for Sharon's policies, it will only lead additional numbers of Palestinians to give up on peaceful means of ending the Israeli occupation and resort to violence.

Thirdly, while Israeli security interests are indeed vitally important, there are other issues that are just as important that the Massachusetts senator appears to ignore, such as Palestinian rights and international law. Furthermore, it is naïve to think that Israel will ever be secure as long Sharon continues to deny Palestinians their basic human rights and runs roughshod over basic internationally recognized legal principles. As Kofi Annan observed, "Attempts by either side to achieve political goals or security through measures that injure the other are ultimately bound to fail, even if they seem to produce short-term gains."

As with his support for Bush's invasion of Iraq, Kerry appears to have eagerly embraced the neoconservative doctrine that the United States and its allies can do whatever they desire in advancing their interests, regardless of the United Nations Charter or international law.

An End to Illusions

The shock experienced by the Palestinians is matched only by the dismay of moderate and liberal Israelis, who fear this will only encourage Palestinian extremists. By incorporating these illegal settlements—which the Clinton administration recognized were an "obstacle to peace"—it divides the West Bank in such a way that makes a viable, contiguous Palestinian state impossible. Indeed, just before his assassination, Hamas leader Abdel Aziz Rantisi said

that, by endorsing Sharon's plan, President Bush had "put an end to the illusions" of a peaceful solution.

When asked whether he thought the settlements were an obstacle to peace, President Bush responded by saying that the problem simply was Palestinian terrorism.

The leading Israeli daily *Yediot Ahronot*, the morning following the announcement, carried the headline "Sharon: The Great Achievement" above a photo of the smiling prime minister alongside President Bush. Indeed, the consensus in Israel is that the U.S. endorsement was stronger and more enthusiastic than Israeli rightists had even dared hope for. Deputy Prime Minister Ehud Olmert called it "an amazing victory." Apparently, the Israelis had prepared four separate drafts of their disengagement proposals, but President Bush ended up endorsing the initial version, which was the least favorable to the Palestinians.

It is also being widely interpreted as an effort to short-circuit last fall's Geneva Initiative, a comprehensive peace plan supported by the Palestinian leadership and leading Israeli moderates. In that proposal, the Palestinians agreed that Israel could annex some blocs of settlements, but only along Israel's internationally recognized borders and only in exchange for an equivalent amount of territory currently part of Israel that would be granted to the new Palestinian state.

More fundamentally, Bush's endorsement of an Israeli annexation of land it conquered in the 1967 war is a direct challenge to the United Nations Charter, which forbids any country from expanding its territory through military force. This therefore constitutes nothing less than a renunciation of the post-World War II international system, effectively recognizing the right of conquest.

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