When the Shake-up Comes

By Leslie Cohen

Activist and former advisor to the PLO negotiating team Diana Buttu discusses what she calls the death of Oslo and her hopes for a radical new future

In 2000, Diana Buttu joined the Negotiations Support Unit (NSU) of the Palestinian Liberation Organization (PLO) as a legal advisor, hoping to wrest a fair and final agreement to the Israeli–Palestinian conflict out of a negotiations process gone south. Thirty years old, recently graduated from law school, and hopeful, Buttu worked closely with leaders Yasser Arafat, Mahmoud Abbas, and others to reach that goal.

When Israeli forces reoccupied the West Bank in 2002, Buttu happened to be in Israel conducting house-to-house campaigns to speak about the occupation. She was unceremoniously thrust into the role of media spokesperson, answering phone calls from the BBC and CNN while her colleagues waited out electricity cuts in Ramallah.

Born and raised in Canada, Buttu was labeled the "closest thing to a Palestinian makeover" the resistance movement could boast. She left the PLO in 2005, however, disillusioned by what she has since described as a crippling imbalance between the negotiating parties. In a recent article for *Haaretz,* the 49-year-old disavowed what's left of the Olso process, writing "to demand that Palestinians—living under Israeli military rule—negotiate with their occupier and oppressor is akin to demanding that a hostage negotiate with their hostage taker."

Since leaving the PLO, Buttu has remained active as an analyst, professor, human rights lawyer, and frequent commentator on the conflict. She teaches courses on negotiations, conflict resolution, and human rights law at Harvard University.

Cairo Review Associate Editor Leslie Cohen spoke with Buttu on January 16, 2019.



CR: *Can you tell me about when you first started working at the PLO in the early 2000s? What was your official capacity serving on the Negotiations Support Unit?*

DB: I arrived in the country on the first day of the Second Intifada, so September 29, 2000. At the time, and this is why I was hired, the NSU was looking for lawyers—people who would be able to help with everything from, as they put it, "dotting the i's to crossing the t's on a final agreement." The Camp David negotiations had just fallen apart and for me as somebody who was kind of an outside observer, but also not just an outside observer, I was a little bit shocked when the people who were soon to become my colleagues were telling me that actually there had been progress made at Camp David and that they were continuing with negotiations. Because if you recall this was the time that Prime Minister Ehud Barak came up with the slogan, "the very generous offer that had been rejected."

So I arrived with the belief that there would be continued negotiations that would pick up from the Camp David negotiations, and that although Camp David was not successful there had been some progress made, that there was some room and basis to continue discussions. I was hired as one of five legal advisors—I was the only woman—to work on the various permanent status issues: borders, refugees, security, Jerusalem, settlements, and water. They were very mixed into one another, but I was working on refugees.

CR: *So you were drawing up legal proposals for the negotiating team and the negotiations were sort of stalled but you expected them to pick back up again?*

DB: They were still ongoing. When the Second Intifada started there were still a few negotiation sessions in the beginning phases of October, and then Ehud Barak announced that he was halting negotiations with the Palestinians. I want to say that was October 6, or it may have been a bit later. Negotiations then continued under the radar, vacillating between being sometimes secret and sometimes out in the open.

CR: *What was your relationship like with the other negotiators, as well as the leadership—Mahmoud Abbas or Yasser Arafat? What was the atmosphere like?*

DB: The working relationship—we were five lawyers and probably about twelve main Palestinian political players who were negotiating. The relationship with them was close. In fact, it was oddly close in the sense that they didn't know me from the person down the street, and yet trusted and confided in and I think sometimes valued, other times didn't value, the advice that I and others gave. The five lawyers were people who were like me: diaspora Palestinians. One was Jordanian, not Palestinian, just Jordanian. The rest of us were either born and raised in the West or educated in the West. Sometimes people like Arafat or Abu Mazen [Mahmoud Abbas] would look down on [us], as these naive people who hadn't lived in the Occupied Territories. Or in later years as the faces of legal advisors started to drop off and I was the only one that was consistent, PLO leaders [expressed the

◁ Diana Buttu, June 2018. *Thomas Dallal*

sentiment], "Well you're not even really committed to this because at the end of the day you can up and leave," which was true. The commitment was there but the up-and-leave part was definitely there, as I could have gone back to Canada. So the relationship was close but it wasn't without its problems.

CR: *Did this tendency to question your commitment manifest in the PLO leaders thinking that your proposals weren't tough enough?*

DB: It manifested in two ways. It was either that we were being too hardline—that was the number one thing that we always heard was, "Yes this is great in law but this isn't going to work in reality," so they'd be much more willing to concede, which is always the case, than the lawyers. Or it was the opposite; the PLO leaders would say to us, the legal team, "You don't realize how important Jerusalem is."

For me, big issues that were really important were settlements because that signified what Israel's intentions were toward land and refugees. And yet for the leadership it was more a question of the amount of territory, not necessarily *the* territory. For them it became: "What's the big deal about doing land swaps?" And for me it was, "Well, you are accommodating the settlements, you've just given them the signal that it's okay to build and expand settlements and you've told the world that it's okay to do so."

CR: *Did you feel that there was a difference among the leadership, with some PLO leaders more understanding of your arguments and others trying harder to accommodate the Israelis?*

DB: Definitely. On the understanding side, Yasser Abed Rabbo was somebody who got it. Arafat was a mixed bag, because some days it was one way, some days it was another way—I'm not sure what it depended on. The people on the less understanding side of things were people like Abu Mazen. Actually, I can't really say that. Abu Mazen was a quiet man so he didn't ever really express opinions, it was mostly that you would see in the aftermath of a negotiations session what he had decided. So he would be one who was a little more accommodating [toward the Israelis]. Nabil Shaath was definitely more accommodating.

CR: *When you were advising the negotiators, what were the mistakes being made that were within your team's power? Within the power of the other side? If you had to identify the things that stymied negotiations, what were the internal factors and what were the external factors?*

DB: The best way to answer this I think is by describing a couple of the negotiation sessions. So for one of the negotiation sessions, and this is not an exaggeration, we spent three months, literally three months, negotiating over an agenda, for an upcoming negotiation. And you can imagine the frustration of literally just negotiating what was going to be on the agenda. And that was pointless because when the meeting eventually happens, none of the things that we had discussed or quibbled over back and forth mattered. Zero. People would just talk about whatever they wanted to talk about. So

that was a huge time waste. And now I see that it was done because the Israelis were trying to buy time; they didn't want the information to be leaked when they were trying to pass certain legislation, with coalition problems, and so on. But when you're trying to send the message to the Palestinian side that you're really interested in ending the occupation, holding up the negotiation session for three months over an agenda—that's not going to send the right message.

Another issue; I didn't need a permit to leave the West Bank and go to Israel because I actually have Israeli citizenship. But the Palestinian negotiators all needed permits to be able to go anywhere. And almost all of the negotiations, or 80 percent of the negotiation sessions, were held in places where they needed permits, like Tel Aviv, Jerusalem, close to the Palestinian border. So, for each of those sessions the Palestinian principals—senior people—needed to get permits. And there were more times than I can even remember that we were stopped at a checkpoint and told that the permits were not valid on our way to a negotiation session. It's because in the Israeli bureaucracy, the right hand doesn't know what the left hand is doing. The Palestinian negotiators would be issued permits, but the Israeli soldiers at the checkpoints wouldn't have the correct information about permit types. I think the longest we were held up for was probably about two hours. Again, needless. That was the type of thing that totally frustrated the Palestinian side.

The other mistakes were because so many of these issues are intertwined—borders, settlements, security, and kind of Jerusalem, tend to be one—but instead of being treated as one they were divided up into these very harsh categories, and then there was never a decision made on anything because they all were linked to one another.

CR: *And that would include basically all the final status issues?*

DB: Exactly. Subtract two of them—refugees and water—but even water is somewhat linked. So everybody said: "No we can't make a decision on this issue because that relates to this file." It would be bounced from one ministry to another, so in the end there were no decisions that were ever made—ever—as a result. Those were kind of the internal factors.

The external factors were things that were even more basic, like there was never a reference to international norms or international law. So, in the Oslo Agreements, it says this will lead to the implementation of UN Security Council Resolutions 242 and 338. To the Palestinians that means something, but to the Israelis that means something else. And still to this day, that gap has never been bridged. So that was something that was one of the external factors that was plain silly that, again, could have been addressed but never was.

There's a great saying in Arabic, "*hagmak zalmak*" which means that the person who is the decider, the judge, is also your oppressor, and that was very much the case here. We were never out of a scenario of occupation. Human rights were never put first: there were still deportations happening; home demolitions; there

were still people who were being picked up; and all of that influenced the way that the negotiations were happening. It felt as though, while we were negotiating on one level, there's something totally different happening on another level that was making this situation worse.

CR: *And at this time, were there Americans in the room?*

DB: Never. The Americans were, in the later years of my tenure—2003 onward—doing a lot of subtle diplomacy, but they were never in the room and neither were the Europeans. And that was a big problem. We never heard from the Europeans in terms of what they would stand by and what they wouldn't, so in the mind of the Israelis, it was like, "Well, we'll stand by whatever we agree to; we're the big kids on the school playground and you're the little kids." That was a huge power imbalance that was also external.

Going back to internal [factors], I think one of the big mistakes that both sides made was that the negotiations were behind closed doors, mostly men, in fact entirely men with the exception of a couple of women. On my side, I was the only woman, and on their side, they had one female Israeli general who was there for a short period of time. They never really explained [what was going on] to the public. And things would be said, again on both sides, to the public that didn't exactly match what was happening behind closed doors. For example, on the issue of the right of return, the Palestinian side kept saying, "We fully believe in the right of return, and we're going to demand the right of return," and then behind closed doors, they were talking about limited return. On the Israeli side, they would say things like, "We're never going to evacuate a single settlement," and then behind closed doors they were saying "Well, maybe some of the Jordan Valley ones." When there's so much secrecy, you begin to mistrust the other side and you mistrust your own side in a lot of ways.

CR: *Looking at today when Israel is arguably more hawkish, and people are polarized over this issue, and you have an American administration that's clearly come down on one side—where do we go from here? Is what Oslo tried to accomplish dead? Is it time to renegotiate a different type of agreement?*

DB: Oslo's dead. The problem is that it's one of those things that's been left on life support for some time, but we all know it's dead. I think people are hoping that it's somehow going to get off life support and resume life as normal, but that's definitely not going to happen. The Palestinian side isn't there; the Israeli side isn't there; the international scene isn't there, and I think it's inappropriate now. Perhaps there was a window in which things could have been done, and weren't.

I'll back up for a second. One of the things that I think led to Israel's withdrawal from Lebanon and this [motivation to negotiate at] Oslo was that Israel at a certain point realized it could not continue to rule over the lives of people, and that it could not continue to invest so much military energy into certain areas. So, whether it was southern Lebanon and the movement to pull out

[in 2000] for the self-interested reason that they were losing soldiers, whatever it was, that doesn't exist today in Israel. This is because, today, it's an occupation that is being done remotely. You don't have the day-to-day interaction with Palestinians there once was. It's mostly behind armored glass, or not even! It's very much a technological occupation. It's based on technology, with a lot of the occupation being handed over to either private security contractors or to the Palestinian Authority. So, the scope Israelis once had for seeing Palestinians, for not wanting to rule over Palestinians for the rest of their lives, doesn't exist anymore because there's no imperative for it to exist. The vast majority of Israelis don't go to Ramallah or Nablus. They're not crossing checkpoints.

CR: *They're not exhausting themselves.*

DB: Yes! They're not working at the checkpoints; they're not in the streets of Ramallah; and they're not in Gaza any longer. It's a different reality than it once was. Once you get put behind a wall, it's easy to demonize the people on the other side of the wall. That's just the reality I've lived being here. Now, Israelis have come to a feeling that's like, "Well, this is just the fate that's been handed to us" and when you do that, it removes your agency, it removes [the recognition that] you are the occupier, you do have the ability to end it. So, I think what we're going to continue to see for the foreseeable future until there's a leadership shake-up is occupation by remote control, with Abu Mazen continuing security cooperation and collaboration, because he feels that's his only "in" to being legitimate in the eyes of Israel and the international community. And then I think we're eventually going to see a shake-up, longer term, one that is a much more about anti-colonialism and the struggle for civil rights—not just anti-occupation, but a much larger struggle that encompasses Palestinians across the Green Line and beyond.

CR: *Do you see evidence of this building, this kind of shake-up building in Israel and in Palestine right now?*

DB: Absolutely. On the shake-up side, a group has formed called the One Democratic State Campaign, talking about a holistic approach, a one-state approach that does have people supporting it who are Israelis, who are in the West Bank, the Gaza Strip, Palestinians in Israel, the diaspora as well, and a much bigger picture. And it offers the vision that is much more than just about drawing a line. That's one sign.

The other signs are that, interestingly, public opinion polls, to the extent that you can believe them, are showing among Palestinians in the West Bank and Gaza that one- third support the One Democratic State. You know, not the "Islamic State," not the "get-rid-of-the-Israelis-state," but one single democratic state. And yet, there is not a single political party on either side of the Green Line advocating this. So, there is definitely movement; it's not happening at a pace that is, I think, fast enough, but largely because many people only see the reality that they're living, and the reality that they're living in these little "bantustans," and so that their lives are, oddly, normal. There is something normal about living inside of [a bantustan], because things

inside it work, like you can go to cafes, restaurants, things that work on the inside, but it's the second you have to leave and interact with the outside world that you realize, "Wow, this is so wrong."

CR: *Do you believe that this idea of a single democratic state would somehow square the rights of both Israelis and Palestinians? If we're some distance from that solution, because the "shake-up" isn't here yet, what are you and other activists doing right now that you think is going to be important?*

DB: To the first question (do I believe in the one-state solution), the answer is yes. To the second, there's activism on two levels right now. The first level which I think is probably the most important—the one that I'm involved in the most—is what we would call co-resistance. Co-resistance is Palestinians and anti-Zionist Israelis working together to try to challenge the occupation and bring light about it to others. One group I haven't done a lot of work with but that I respect very much is an organization called Taayyush, which means coexistence, and they have been going into these places that are cut off, trying to help Palestinians and protest with them—whether it's opening up agricultural gates, or bringing them supplies, or trying to prevent Palestinian houses from being demolished. That's the work that I think is important right now, although my work is more on the legal side. It's not just these people coming together, as in the style of the 90s when it was: "Let's just hold hands and sing songs together and get to know one another," or what they called at the time "people-to-people" mechanisms. It's not just: "Oh, I like you and we have this shared future." It's actively working to bring about the shared future.

The second level is one that I haven't been working at as much, but I will, which is trying to educate people more about what a possible future could look like. Oddly, there is a political party here called Yesh Atid (There Is A Future) and they don't present a vision for the future! The component that I think is missing in a lot of this, alongside co-resistance, is trying to explain what we're going to look like afterward, and what is it that we believe in as activists, as people who don't want to see this occupation go on, as people who see that this isn't just a question of occupation, but of the way that Israel's been structured. When I look at seventy years of history, Israel's lacked military rule for maybe nine months. So trying to present a vision of what the future could look like that isn't one of supremacy or Israel being an occupier, but instead where it's recognizing that there are people who are *of* this place. That's work I hope to be doing more of in the coming months.

CR: *To most people we're in a very bleak time. Yet you don't sound pessimistic, you sound like you think that there is still possibility here. Where do you draw that from?*

DB: So, there's short-term and there's long-term. Long-term yes, short-term, very pessimistic. And that short-term pessimism is fueled by my day-to-day interactions here. I live in Haifa, so I'm living in a city that's predominantly Israeli, better than a lot of other cities but still Israeli. And there still is a level of racism that is prevalent here, and I worry

about my son's future, and his day to day, and I worry about the moment that he realizes what's happened here.

Long-term I'm optimistic, only because I think there's so much money and energy that goes into keeping people apart, and there isn't this constant flow of money and energy that can do this. And on a lot of levels, people do want to live in dignity and will continue to struggle for that. One of the things that's the source for that optimism for me is, I look at people who were raised here, people who are my generation and their kids, and there's been so much of an attempt to get rid of Arabic as a language and to get rid of the Palestinian identity among Palestinians inside Israel. And yet, the Palestinian identity is stronger than ever. There's more Arabic being spoken, more books are being written, more poetry. The national identity of Palestinians is much stronger, despite all of the attempts to erase it. The optimistic future for me is that I look at this reality and think, "Wow, if all of that energy and money had gone into positive things, rather than negative, just imagine where we'd be."