

Senator George Mitchell Report Sharm el-Sheikh Fact Finding Committee, Excerpts (8 May 2001)

Mitchell, George J., et al. "Report of the Mitchell Report Sharm el-Sheikh Fact Finding Committee ." 8 May 2001. Israel Ministry of Foreign Affairs, Jerusalem.



(Left to right) Senator George Mitchell, Norwegian Foreign Minister Thorbjørn Jagland, European Foreign Policy Security Chief Javier Solana, Israel Foreign Minister Shimon Peres, Israeli Minister Danny Naveh, and former Turkish President Suleyman Demirel in Jerusalem March 21, 2001. Photo: TimePix/REUTERS/Natalie Behring.

After the failure of tripartite Camp David Summit meetings between President Clinton, Prime Minister Barak ended in July 2000, negotiations continued between Palestinians and Israelis over final status issues --- including settlements, Jerusalem, borders, and refugees. With recriminations exchanged about why the summit failed, tensions in the territories mounted. Finally, at the end of September, they flared into major skirmishes and then prolonged inter-communal conflict. It was termed the al-Aqsa intifada and tenaciously erupted. Three weeks later, representatives of Egypt, Israel, Jordan, the Palestinian Authority, the United States, the United Nations, and the European Union met to try and quell the violence. At the conclusion of the Middle East Peace Summit at Sharm el Sheikh, Egypt, it was decided to establish the Sharm el-Sheikh Fact-Finding Committee to investigate the underlying causes, suggest ways to prevent their recurrence, and offer ways to reduce tensions and build confidence between Palestinians and Israelis. Creating a commission of inquiry to investigate the causes of communal violence in

Palestine had become a routine bureaucratic response to violent civil unrest in Palestine during the British mandate. Such inquiry commissions published their findings in reports in 1921, 1928, 1929, and 1937 essentially coming to the same conclusions; that the two communities feared, disdained, or sought to live away from the others' presence.

At the end of April 2001, with the violence unabated, and after surveying the problems and issues on the ground and interviewing principle leaders, the Mitchell Committee (named after its chairman, former US Senator George J. Mitchell) comprised of US, UN, and European representatives, issued its report. This group of four later came to be known as the "Quartet," which later issued a "Road Map for Peace" in 2003.

The Mitchell report noted that "death and destruction will not bring peace, but will deepen the hatred and harden the resolve on both sides. There is only one way to bring peace, justice and security in the Middle East, and that is through negotiation." While it investigated the causes for the outbreak, it carefully refused to assign any responsibility. In conclusion, the report recommended an end to the violence and a rebuilding of confidence, all with the objective of resuming negotiations. The Mitchell Report remained the Bush administration's outline for going from confrontation to conciliation; it became the central feature of Secretary of State Colin Powell's major speech on the Middle East, delivered at the University of Louisville on November 19, 2001, given on the twenty-fourth anniversary of Egyptian President Anwar Sadat's historic trip to Jerusalem. All in all the second intifadah that erupted in September 2000 spawned a series of multi-lateral proposals, reports and negotiations that eventually endorsed a two-state solution, and negotiations that broached such a possibility.

Ken Stein, June 2002

Introduction



(Left to right) Israeli Prime Minister Benjamin Netanyahu, U.S. Secretary of State Hillary Clinton, PA President Mahmoud Abbas, and US Special Envoy to the Middle East George Mitchell gathering in Sharm el-Sheikh. Photo: PPO/Getty Images.

Despite their long history and close proximity, some Israelis and Palestinians seem not to fully appreciate each other's concerns. Some Israelis appear not to comprehend the limitation and frustration that Palestinians must endure every day as a result of living with the continuing effects of occupation, sustained by the presence of Israeli military forces and settlements in their

midst, or the determination of the Palestinians to achieve independence and genuine self-determination. Some Palestinians appear not to comprehend the extent to which terrorism creates fear among the Israeli people and undermines their belief in the possibility of co-existence, or the determination of the GOI (Government of Israel) to do whatever is necessary to protect its people. Fear, hate, anger, and frustration have risen on both sides. The greatest danger of all is that the culture of peace, nurtured over the past decade is being shattered. In its place there is a growing sense of futility and despair, and a growing resort to violence.

Two proud people share a land and a destiny. Their competing claims and religious differences have led to a grinding, demoralizing, dehumanizing conflict. They can continue in conflict or they can negotiate to find a way to live side-by-side in peace.

So much has been achieved. So much is at risk. If the parties are to succeed in completing their journey to their common destination, agreed commitments must be implemented, international law respected, and human rights protected. We encourage them to return to negotiation, however difficult. It is the only path to peace, justice and security. The relevance and impact of our work, in the end, will be measured by the recommendations we make concerning the following: Ending the Violence, Rebuilding Confidence, and Resuming Negotiations.

What Happened?

We are not a tribunal. We complied with the request that we do not determine the guilt or innocence of individuals or of the parties... In late September 2000, Israeli, Palestinian, and other officials received reports that Member of the Knesset (now Prime Minister) Ariel Sharon was planning a visit to the Haram al-Sharif/Temple Mount in Jerusalem. Mr. Sharon made the visit on September 28... Palestinians saw it as highly provocative to them. On the following day, in the same place, a large number of unarmed Palestinian demonstrators and a large Israeli police contingent confronted each other.

Thus began what has become known as the “Al-Aqsa Intifada” (Al-Aqsa being a mosque at the Haram al-Sharif/Temple Mount). The GOI asserts that the immediate catalyst for the violence was the breakdown of the Camp David negotiations on July 25, 2000 and the “widespread appreciation in the international community of Palestinian responsibility for the impasse.” In this view, Palestinian violence was planned by the PA (Palestine Authority) leadership, and was aimed at “provoking and incurring Palestinian casualties as a means of regaining the diplomatic initiative.”

The Palestinian Liberation Organization (PLO) denies the allegation that the Intifada was planned. It claims, however, that “Camp David represented nothing less than an attempt by Israel to extend the force it exercises on the ground to negotiations.” From the perspective of the PLO, Israel responded to the disturbances with excessive and illegal use of deadly force against demonstrators; behavior which, in the PLO’s view, reflected Israel’s contempt for the lives and safety of Palestinians.

What began as a series of confrontations between Palestinian demonstrators and Israeli security forces, which resulted in the GOI’s initial restrictions of the movement of people and goods in the West Bank and Gaza Strip (closures), has since evolved into a wider array of violent

actions and responses. In their submissions, the parties traded allegations about the motivation and degree of control exercised by the other. However, we were provided with no persuasive evidence that the Sharon visit was anything other than an internal political act; neither were we provided with persuasive evidence that the PA planned the uprising.

Accordingly, we have no basis on which to conclude that there was a deliberate plan by the PA to initiate a campaign of violence at the first opportunity; or to conclude that there was a deliberate plan by the GOI to respond with lethal force. However, there is also no evidence on which to conclude that the PA made a consistent effort to contain the demonstrations and control the violence once it began; or that the GOI made a consistent effort to use non-lethal means to control demonstrations of unarmed Palestinians. Amid rising anger, fear, and mistrust, each side assumed the worst about the other and acted accordingly. The Sharon visit did not cause the “Al-Aqsa Intifada.” But it was poorly timed and the provocative effect should have been foreseen; indeed, it was foreseen by those who urged that the visit be prohibited.

Why did it Happen?

The roots of the current violence extend much deeper than an inconclusive summit conference. Both sides have made clear a profound disillusionment with the behavior of the other in failing to meet the expectations arising from the peace process.

Divergent Expectations: We are struck by the divergent expectations expressed by the parties in relating to the implementation of the Oslo process. Results achieved from this process were unthinkable less than 10 years ago. During the latest round of negotiations, the parties were closer to a permanent settlement than ever before.

Nonetheless, Palestinians and Israelis alike told us that the premise on which the Oslo process is based – that tackling the hard “permanent status” issues be deferred to the end of the process – has gradually come under serious pressure.

The GOI has placed primacy on moving toward a Permanent Status Agreement in a nonviolent atmosphere, consistent with commitments contained in the agreements between the parties.

The PLO view is that delays in the process have been the result of an Israeli attempt to prolong and solidify the occupation... “In sum, Israel’s proposals at Camp David provided for Israel’s annexation of the best Palestinian lands, the perpetuation of Israeli control over East Jerusalem, a continued military presence on Palestinian territory, Israeli control over Palestinian natural resources, airspace and borders, and the return of fewer than 1% of refugees to their homes.”

Both sides see the lack of full compliance with agreements reached since the opening of the peace process as evidence of a lack of good faith. This conclusion led to an erosion of trust even before the permanent status negotiations began. During the last seven months, these views have hardened into divergent realities. Each side views the other as having acted in bad faith; as having turned the optimism of Oslo into suffering and grief of victims and their loved ones. In their statements and actions, each side demonstrates a perspective that fails to recognize any truth in the perspective of the other.

End the Violence

With widespread violence, both sides have resorted to portrayals of each other in hostile stereotypes. This cycle cannot be easily broken. Without considerable determination and readiness to compromise, the rebuilding of trust will be impossible.

Cessation of Violence: Since 1991, the parties have consistently committed themselves, in all their agreements, to the path of nonviolence. To stop the violence now, the PA and GOI need not “reinvent the wheel.” Rather they should take immediate steps to end the violence, reaffirm their mutual commitments, and resume negotiations.

Resumption of Security Cooperation: Palestinian security officials told us that it would take some time for the PA to reassert full control over armed elements nominally under its command and to exert decisive influence over other armed elements operating in Palestinian area. Israeli security officials have not disputed these assertions. What is important is that the PA make an all-out effort to enforce a complete cessation of violence and that it be clearly seen by the GOI as doing so. The GOI must likewise exercise a 100 percent effort to ensure that potential friction points, where Palestinians come into contact with armed Israelis, do not become stages for renewed hostilities.

Rebuild Confidence

The historic handshake between Chairman Arafat and the late Prime Minister Rabin at the White House in September 1993 symbolized the expectation of both parties that the door to the peaceful resolution of differences had been opened. Despite the current violence and mutual loss of trust, both communities have repeatedly expressed a desire for peace. Channeling this desire into substantive progress has proved difficult. The restoration of trust is essential, and the parties should take affirmative steps to this end. Given the high level of hostility and mistrust, the timing and sequence of these steps are obviously crucial. This can be decided only by the parties. We urge them to begin the process of decision immediately.

Terrorism: In September 1999 Sharm el-Sheikh Memorandum, the parties pledged to take action against "any threat or act of terrorism, violence, or incitement." Terrorism involves the deliberate killing and injuring of randomly selected noncombatants for political ends. It seeks to promote a political outcome by spreading terror and demoralization throughout a population. We believe that the PA has a responsibility to help rebuild confidence by making it clear to both communities that terrorism is reprehensible and unacceptable, and by taking all measures to prevent terrorist operations and to punish perpetrators. This effort should include immediate steps to apprehend and incarcerate terrorists operating within the PA's jurisdiction.

Settlements: The GOI also has a responsibility to help rebuild confidence. A cessation of Palestinian-Israeli violence will be particularly hard to sustain unless the GOI freezes all settlement construction activity. Settlement activities must not be allowed to undermine the restoration of calm and the resumption of negotiations. Palestinians contend that there is no distinction between "new" and "expanded" settlements; and that, except for a brief freeze during the tenure of Prime Minister Yitzhak Rabin, there has been a continuing, aggressive effort by Israel to increase the number and size of settlements.

Reducing Tension: We were told by both Palestinians and Israelis that emotions

generated by the many recent deaths and funerals have fueled additional confrontations, and, in effect, maintained the cycle of violence. Both sides must make clear that violent demonstrations will not be tolerated. We can and do urge that both sides exhibit a greater respect for human life when demonstrators confront security personnel.

We are deeply concerned about the public safety implications of exchanges of fire between populated areas. Palestinian gunmen have directed small arms fire at Israeli settlements and at nearby IDF positions from within or adjacent to civilian dwellings in Palestinian areas, thus endangering innocent Israeli and Palestinian civilians alike. We condemn the positioning of gunmen within or near civilian dwellings... We urge that such provocations cease and that the IDF exercise maximum restraint in its responses if they do occur. Inappropriate or excessive uses of force often lead to escalation. On the Palestinian side there are disturbing ambiguities in the basic areas of responsibility and accountability. We urge the PA to take all necessary steps to establish a clear and unchallenged chain of command for armed personnel operating under its authority. Incitement: In their submissions and briefings to the Committee, both sides expressed concerns about hateful language and images emanating from the other... We call on the parties to renew their formal commitments to foster mutual understanding and tolerance and to abstain from incitement and hostile propaganda.

Economic and Social Impact of Violence: Further restrictions on the movement of people and goods have been imposed by Israel on the West Bank and the Gaza Strip. These closures ... have disrupted the lives of hundreds of thousands of Palestinians. Of particular concern to the PA has been the destruction by Israeli security forces and settlers of tens of thousands of olive and fruit trees and other agricultural property. The closures have also had other adverse effects.

We acknowledge Israel's security concerns. We believe, however, that the GOI should lift closures, transfer to the PA all revenues owed, and permit Palestinians who have been employed in Israel to return to their jobs. Closure policies play into the hands of extremists seeking to expand their constituencies and thereby contribute to escalation. The PA should resume cooperation with Israeli security agencies to ensure that Palestinian workers employed within Israel are fully vetted and free of connections to terrorist organizations.

Holy Places: It is particularly regrettable that the places such as the Temple Mount/Haram al-Sharif in Jerusalem, Joseph's Tomb in Nablus, and Rachel's Tomb in Bethlehem have been the scenes of violence, death and injury. These are places of peace, prayer and reflection which must be accessible to all believers. Places deemed holy by Muslims, Jews, and Christians merit respect, protection and preservation.

International Force: One of the most controversial subjects raised during our inquiry was the issue of deploying an international force to the Palestinian areas. The PA is strongly in favor of having such a force to protect Palestinian civilians and their property... The GOI is just as adamantly opposed to an "international protection force," believing it would prove unresponsive to Israeli security concerns and interfere with bilateral negotiations to settle the conflict. We believe that to be effective such a force would need the support of both parties.

Resume Negotiations

Israeli leaders do not wish to be perceived as "rewarding violence." Palestinian leaders do

not wish to be perceived as "rewarding occupation." We appreciate the political constraints on leaders of both sides. Nevertheless, if the cycle of violence is to be broken and the search for peace resumed, there needs to be a new bilateral relationship incorporating both security cooperation and negotiations.

We cannot prescribe to the parties how best to pursue their political objectives. Yet the construction of a new bilateral relationship solidifying and transcending an agreed cessation of violence requires intelligent risk-taking. It requires, in the first instance, that each party again be willing to regard the other as a partner.

To define a starting point is for the parties to decide. Both parties have stated that they remain committed to their mutual agreements and undertakings. It is time to explore further implementation. The parties should declare their intention to meet on this basis, in order to resume full and meaningful negotiations, in the spirit of their undertakings at Sharm el-Sheikh in 1999 and 2000.

Recommendations

The GOI and the PA must act swiftly and decisively to halt the violence. Their immediate objectives then should be to rebuild confidence and resume negotiations.

End the Violence

The GOI and the PA should reaffirm their commitment to existing agreements and undertakings and should immediately implement an unconditional cessation of violence.

The GOI and PA should immediately resume security cooperation.

Effective bilateral cooperation aimed at preventing violence will encourage the resumption of negotiations... We believe that the security cooperation cannot long be sustained if meaningful negotiations are unreasonably deferred, if security measures "on the ground" are seen as hostile, or if steps are taken that are perceived as provocative or as prejudicing the outcome of negotiations.

Rebuild Confidence

The PA and GOI should work together to establish a meaningful "cooling off period" and implement additional confidence building measures.

The PA and GOI should resume their efforts to identify, condemn and discourage incitement in all its forms.

The PA should make clear through concrete action to Palestinians and Israelis alike that terrorism is reprehensible and unacceptable, and that the PA will make a 100 percent effort to prevent terrorist operations and to punish perpetrators. This effort should include immediate steps to apprehend and incarcerate terrorists operating within the PA's jurisdiction.

The GOI should freeze all settlement activity, including the "natural growth" of existing settlements. The kind of security cooperation desired by the GOI cannot for long co-exist with settlement activity.

The GOI should give careful consideration to whether settlements which are focal points

for substantial friction are valuable bargaining chips for future negotiations or provocations likely to preclude the onset of productive talks.

The GOI may wish to make it clear to the PA that a future peace would pose no threat to the territorial contiguity of a Palestinian State to be established in the West Bank and the Gaza Strip.

The IDF should consider withdrawing to positions held before September 28, 2000 which will reduce the number of friction points and the potential for violent confrontations.

The GOI should ensure that the IDF adopt and enforce policies and procedures encouraging non-lethal responses to unarmed demonstrators, with a view to minimizing casualties and friction between the two communities.

The GOI should lift closures, transfer to the PA all tax revenues owed, and permit Palestinians who had been employed in Israel to return to their jobs; and should ensure that security forces and settlers refrain from the destruction of homes and roads, as well as trees and other agricultural property in Palestinian areas. The PA should renew cooperation with Israeli security agencies to ensure, to the maximum extent possible, that Palestinian workers employed within Israel are fully vetted and free of connections to organizations and individuals engaged in terrorism.

The PA should prevent gunmen from using Palestinian populated areas to fire upon Israeli populated areas and IDF positions. This tactic places civilians on both sides at unnecessary risk.

The GOI and IDF should adopt and enforce policies and procedures designed to ensure that the response to any gunfire emanating from Palestinian populated areas minimizes the danger to the lives and property of Palestinian civilians, bearing in mind that it is probably the objective of the gunmen to elicit an excessive IDF response.

Resume Negotiations

We reiterate our belief that a 100 percent effort to stop the violence, an immediate resumption of security cooperation and an exchange of confidence building measures are all important for the resumption of negotiations. Yet none of these steps will long be sustained absent a return to serious negotiations.

It is not within our mandate to prescribe the venue, the basis or the agenda of negotiations. However, in order to provide an effective political context for practical cooperation between the parties, negotiations must not be unreasonably deferred and they must, in our view, manifest a spirit of compromise, reconciliation and partnership, notwithstanding the events of the past seven months.

George J. Mitchell, Chairman
Former member and Majority Leader of the United States Senate

Suleyman Demirel
9th President of the Republic of Turkey

Thorbjoern Jagland
Minister of Foreign Affairs of Norway

Warren B. Rudman
Former Member of the United States Senate

Javier Solana
High European Representative for the Common Foreign and Security Policy, European Union