

The Mitchell Report

(May 4, 2001)

This is the text of the report submitted by the investigatory committee set up to look into the cause of violence that began in mid-2000. It is named after the chairman of the committee, former U.S. Senator George Mitchell. The Israelis and Palestinians were given until May 15 to respond to the report.

INTRODUCTION

On October 17, 2000, at the conclusion of the Middle East Peace Summit at Sharm el-Sheikh, Egypt, the President of the United States spoke on behalf of the participants (the government of Israel, the Palestinian Authority, the governments of Egypt, Jordan, and the United States, the United Nations, and the European Union). Among other things, the President stated that:

The United States will develop with the Israelis and Palestinians, as well as in consultation with the United States Secretary General, a committee of fact-finding on the events of the past several weeks and how to prevent their recurrence...

On November 7, 2000, following consultations with the other participants, the president asked us to serve on what has come to be known as the Sharm el-Sheikh Fact-Finding Committee...

After our first meeting, held before we visited the region, we urged an end to all violence. Our meetings and our observations during our subsequent visits to the region have intensified our convictions in this regard. It will only make them worse. 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.

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 humiliation 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 to do whatever is necessary to protect its people.

Fear, hate, anger, and frustration have risen on both sides. The greatest danger of all 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.

DISCUSSION

The violence has not ended (since the Sharm el-Sheikh summit). It has worsened. Thus the overriding concern of those in the region with whom we spoke is to end the violence and to return to the process of shaping a sustainable peace.

Their concern must be ours. If our report is to have effect, it must deal with the situation that exists, which is different from that envisaged by the summit participants. In this report, we will try to answer the questions assigned to us by the Sharm el-Sheikh summit: What happened? Why did it happen?

In light of the current situation, however, we must elaborate on the third part of our mandate: How can the recurrence of violence be prevented? 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
- 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. Palestinian and U.S. officials urged then Prime Minister Ehud Barak to prohibit the visit. Mr. Barak told us that he believed the visit was intended to be an internal political act directed against him by a political opponent, and he declined to prohibit it.

Mr. Sharon made the visit on September 28 accompanied by over 1,000 Israeli police officers. Although Israelis viewed the visit in an internal political context, 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. According to the U.S. Department of State, "Palestinians held large demonstrations and threw stones at police in the vicinity of the Western Wall. Police used rubber-coated metal bullets and live ammunition to disperse the demonstrators, killing 4 persons and injuring about 200." According to the GOI, 14 policemen were injured.

Similar demonstrations took place over the following several days. 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 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. For Palestinians, the widely seen images of Muhammad al Durra in Gaza on September 30, shot as he huddled behind his father, reinforced that perception.

From the perspective of the GOI, the demonstrations were organized and directed by the Palestinian leadership to create sympathy for their cause around the world by provoking Israeli security forces to fire upon demonstrators, especially young people. For Israelis, the lynching of two military reservists, First Sgt. Vadim Novesche and First Cpl. Yosef Avrahani, in Ramallah on October 12, reflected a deep-seated Palestinian hatred of Israel and Jews.

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 delilberate 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. More significant were the events that followed: The

decision of the Israeli police on September 29 to use lethal means against the Palestinian demonstrators; and the subsequent failure, as noted above, of either party to exercise restraint.

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 Israeli 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.

Divergent Perspectives: 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.

The Palestinian Perspective: For the Palestinian side, “Madrid” and “Oslo” heralded the prospect of a State, and guaranteed an end to the occupation and a resolution of outstanding matters within an agreed time. Palestinians are genuinely angry at the continued growth of settlements and at their daily experiences of humiliation and disruption as a result of Israel’s presence in the Palestinian territories. Palestinians see settlers and settlements in their midst not only as violating the spirit of the Oslo process, but also as application of force in the form of Israel’s overwhelming military superiority.

The PLO also claims that the GOI has failed to comply with other commitments, such as the further withdrawal from the West Bank and the release of Palestinian prisoners. In addition, Palestinians expressed frustration with the impasse over refugees and the deteriorating economic circumstances in the West Bank and Gaza Strip.

The Israeli Perspective: From the GOI perspective, the expansion of settlement activity and the taking of measures to facilitate the convenience and safety of settlers do not prejudice the outcome of permanent status negotiations...

Indeed, Israelis point out that at the Camp David summit and during subsequent talks, the GOI offered to make significant concessions with respect to the settlements in the context of an overall agreement.

Security, however, is the key GOI concern. The GOI maintains that the PLO has breached its solemn commitments by continuing the use of violence in the pursuit of political objectives...

According to the GOI, the Palestinian failure takes on several forms: Institutionalized anti-Israel, anti-Jewish incitement; the release from detention of terrorists; the failure to control illegal weapons; and the actual conduct of violent operations... The GOI maintains that the PLO has significantly violated its renunciation of terrorism and other acts of violence, thereby significantly eroding trust between the parties.

END THE VIOLENCE

For Israelis and Palestinians alike the experience of the past seven months has been intensely *personal*. We were touched by their stories. Israeli and Palestinian families used virtually the same words to describe their grief.

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.

The collapse of the security cooperation in early October reflected the belief by each party that the other had committed itself to a violent course of action. If parties wish to attain the standard of 100 percent effort to prevent violence, the immediate resumption of security cooperation is mandatory.

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.

In its official submissions and briefings, the GOI has accused the PA of supporting terrorism by releasing incarcerated terrorists, by allowing PA security personnel to abet, and in some cases to conduct terrorist operations, and by terminating security cooperation the GOI. The PA vigorously denies the accusations. But Israelis hold the view that the PA's leadership has made no real effort to prevent anti-Israeli terrorism. The belief that is, in and of itself, it is a major obstacle to the rebuilding of confidence.

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.

On each of our two visits to the region, there were Israeli announcements regarding expansion of settlements, and it was almost always the first issue raised by Palestinians with whom we met. The GOI describes its policy as prohibiting new settlements but permitting expansion of existing settlements to accommodate "natural growth." 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.

Actions and Responses: For the first three months of the current uprising, most incidents *did not* involve Palestinian use of firearms and explosives... Altogether, nearly 500 people were killed and over 10,000 injured over the past seven months; the overwhelming majority in both categories were Palestinian.

Israel's characterization of the conflict, as "armed conflict short of war," does not adequately describe the variety of incidents reported since late September 2000. Moreover, by thus defining the conflict, the IDF has suspended its policy of mandating investigations by the Department of Military Police Investigations whenever a Palestinian in the territories dies at the hands of an IDF soldier in an incident not involving terrorism.

Controversy has arisen between the parties over what Israel calls "the targeting of individual enemy combatants." The PLO describes these actions as "extra-judicial" that is "in clear violation of Article 32 of the Fourth Geneva Convention..." The GOI states that, "whatever action Israel has taken has been taken firmly within the bounds of the relevant and accepted principles relating to the conduct of hostilities."

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 take the three forms: Those which restrict movement between the

Palestinian areas and Israel; those which restrict movement within the Palestinian areas; and those which restrict movement from the Palestinian areas to foreign countries. These measures 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 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

Thorbjørn 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

