Report of

The Sharm el-Sheikh Fact-Finding Committee

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Suleyman Demirel
9th President of the Republic of Turkey

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Minister of Foreign Affairs of Norway

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

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Former Member of the United States Senate

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

SHARM EL-SHEIKH
FACT-FINDING COMMITTEE

April 30, 2001

The Honorable George W. Bush
President of the United States
The White House
Washington, DC 20500

Dear Mr. President,

We enclose herewith the report of the Sharm el-Sheikh Fact-Finding Committee.

We sought and received information and advice from a wide range of individuals, organizations, and governments. However, the conclusions and recommendations are ours alone.

We are grateful for the support that you and your administration have provided to the Committee.

Respectfully,

S. Demirel
Suleyman Demirel

Thorbjoern Jagland

Warren B. Rudman

Javier Solana

George J. Mitchell
Chairman

SUMMARY OF RECOMMENDATIONS

The Government of Israel (GOI) and the Palestinian Authority (PA) must act swiftly and decisively to halt the violence. Their immediate objectives then should be to rebuild confidence and resume negotiations.

During this mission our aim has been to fulfill the mandate agreed at Sharm el-Sheikh. We value the support given our work by the participants at the summit, and we commend the parties for their cooperation. Our principal recommendation is that they recommit themselves to the Sharm el-Sheikh spirit and that they implement the decisions made there in 1999 and 2000. We believe that the summit participants will support bold action by the parties to achieve these objectives.

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.

Accordingly, we recommend that steps be taken to:

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.

REBUILD CONFIDENCE

- The PA and GOI should work together to establish a meaningful "cooling off period" and implement additional confidence building measures, some of which were detailed in the October 2000 Sharm el-Sheikh Statement and some of which were offered by the U.S. on January 7, 2001 in Cairo (see Recommendations section for further description).

- 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 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 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 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. We acknowledge the GOI's position that actions of this nature have been taken for security reasons. Nevertheless, the economic effects will persist for years.

- 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 and GOI should consider a joint undertaking to preserve and protect holy places sacred to the traditions of Jews, Muslims, and Christians.

- The GOI and PA should jointly endorse and support the work of Palestinian and Israeli non-governmental organizations involved in cross-community initiatives linking the two peoples.

RESUME NEGOTIATIONS

- In the spirit of the Sharm el-Sheikh agreements and understandings of 1999 and 2000, we recommend that the parties meet to reaffirm their commitment to signed agreements and mutual understandings, and take corresponding action. This should be the basis for resuming full and meaningful negotiations.

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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 Nations Secretary General, a committee of fact-finding on the events of the past several weeks and how to prevent their recurrence. The committee's report will be shared by the U.S. President with the U.N. Secretary General and the parties prior to publication. A final report shall be submitted under the auspices of the U.S. President for publication.[1]

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. In a letter to us on December 6, 2000, the President stated that:

> The purpose of the Summit, and of the agreement that ensued, was to end the violence, to prevent its recurrence, and to find a path back to the peace process. In its actions and mode of operation, therefore, the Committee should be guided by these overriding goals . . . [T]he Committee should strive to steer clear of any step that will intensify mutual blame and finger-pointing between the parties. As I noted in my previous letter, "the Committee should not become a divisive force or a focal point for blame and recrimination but rather should serve to forestall violence and confrontation and provide lessons for the future." This should not be a tribunal whose purpose is to determine the guilt or innocence of individuals or of the parties; rather, it should be a fact-finding committee whose purpose is to determine what happened and how to avoid it recurring in the future.[2]

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[1] A copy of the statement is attached.

[2] Copies of the President's letters are attached.

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. Whatever the source, violence will not solve the problems of the region. 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 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 problems and 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 is that the culture of peace, nurtured over the previous decade, is being shattered. In its place there is a growing sense of futility and despair, and a growing resort to violence.

Political leaders on both sides must act and speak decisively to reverse these dangerous trends; they must rekindle the desire and the drive for peace. That will be difficult. But it can be done and it must be done, for the alternative is unacceptable and should be unthinkable.

Two proud peoples 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.

There is a record of achievement. In 1991 the first peace conference with Israelis and Palestinians took place in Madrid to achieve peace based on UN Security Council Resolutions 242 and 338. In 1993, the Palestine Liberation Organization (PLO) and Israel met in Oslo for

the first face-to-face negotiations; they led to mutual recognition and the Declaration of Principles (signed by the parties in Washington, D.C. on September 13, 1993), which provided a road map to reach the destination agreed in Madrid. Since then, important steps have been taken in Cairo, in Washington, and elsewhere. Last year the parties came very close to a permanent settlement.

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 negotiations, however difficult. It is the only path to peace, justice and security.

DISCUSSION

It is clear from their statements that the participants in the summit of last October hoped and intended that the outbreak of violence, then less than a month old, would soon end. The U.S. President's letters to us, asking that we make recommendations on how to prevent a recurrence of violence, reflect that intention.

Yet the violence has not ended. 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. That is what we were told, and were asked to address, by Israelis and Palestinians alike. It was the message conveyed to us as well by President Mubarak of Egypt, King Abdullah of Jordan, and UN Secretary General Annan.

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 not determine the guilt or innocence of individuals or of the parties. We did not have the power to compel the testimony of witnesses or the production of documents. Most of the information we received came from the parties and, understandably, it largely tended to support their arguments.

In this part of our report, we do not attempt to chronicle all of the events from late September 2000 onward. Rather, we discuss only those that shed light on the underlying causes of violence.

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.[3] 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

[3] When informed of the planned visit, Ambassador Dennis Ross (President Clinton's Middle East Envoy) said that he told Israeli Minister of Interior Shlomo Ben-Ami, "I can think of a lot of bad ideas, but I can't think of a worse one." See Jane Perlez, "US Envoy Recalls the Day Pandora's Box Wouldn't Shut," *The New York Times*, January 29, 2001.

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."[4] According to the GOI, 14 Israeli policemen were injured.[5]

Similar demonstrations took place over the following several days.[6] 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."[7] 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."[8]

The Palestine Liberation Organization (PLO) denies the allegation that the intifada was planned. It claims, however, that "Camp David represented nothing less than an attempt by

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[4] U.S. Department of State, *Country Reports on Human Rights Practices – 2000 (Israel)*, Bureau of Democracy, Human Rights and Labor, February 2001, http://www.state.gov/g/drl/rls/hrrpt/2000/nea/index .

[5] Government of Israel, *First Statement*, 28 December 2000 (hereafter "GOI, *First Statement*"), ¶187. B'Tselem (The Israeli Information Center for Human Rights in the Occupied Territories) reported that 70 police were injured. See *Events on the Temple Mount – 29 September 2000: Interim Report*, http://www.btselem.org/files/site/Violent_Events/ Temple_Mount_2000_eng.as.

[6] Disturbances also occurred within Israel's Arab community, resulting in thirteen deaths. These events do not fall within the mandate of this Committee and are the subject of an official GOI inquiry.

[7] GOI, *First Statement*, ¶118.

[8] Id., ¶110. According to the GOI, the Palestinian Minister of Posts and Telecommunications declared at a rally in Lebanon in March 2001 that the confrontation with Israel had been planned following the Camp David Summit. See Government of Israel, *Second Statement*, 20 March 2001 (hereafter, "GOI, *Second Statement*"), ¶2. The PA provided the Committee a translation of a letter from the Minister, dated March 12, 2001, in which the Minister denied saying that the intifada was planned, and that his statement in Lebanon was misquoted and taken out of context. We were told by an Israeli Defense Force (IDF) intelligence officer that while the declaration itself was not definitive, it represented an "open-source" version of what was known to the IDF through "other means"; knowledge and means not shared by the IDF with the Committee.

Israel to extend the force it exercises on the ground to negotiations,"[9] and that "the failure of the summit, and the attempts to allocate blame on the Palestinian side only added to the tension on the ground ..."[10]

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 the killing of 12-year-old 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 Avrahami, 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 on 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. There have been exchanges of fire between built-up areas, sniping incidents and clashes between Israeli settlers and Palestinians. There have also been terrorist acts and Israeli reactions thereto (characterized by the GOI as counter-terrorism), including killings, further destruction of property and economic measures. Most recently, there have been mortar attacks on Israeli locations and IDF ground incursions into Palestinian areas.

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[9] Palestine Liberation Organization, *Preliminary Submission of the Palestine Liberation Organization to the International Commission of Inquiry*, December 8, 2000, p. 10. Note: submissions to the Committee from the Palestinian side were made by the PLO.

[10] Palestine Liberation Organization, *A Crisis of Faith: Second Submission of the Palestine Liberation Organization to the Sharm El-Sheikh Fact-Finding Committee*, December 30, 2000 (hereafter "PLO, *Second Submission*"), p. 16.

From the Palestinian perspective, the decision of Israel to characterize the current crisis as "an armed conflict short of war"[11] is simply a means "to justify its assassination policy, its collective punishment policy, and its use of lethal force."[12] From the Israeli perspective, "The Palestinian leadership have instigated, orchestrated and directed the violence. It has used, and continues to use, terror and attrition as strategic tools."[13]

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. 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.

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[11] See GOI, *First Statement*, ¶286.
[12] Palestine Liberation Organization, *Third Submission of the Palestine Liberation Organization to the Sharm El-Sheikh Fact-Finding Committee*, April 3, 2001 (hereafter "PLO, *Third Submission*"), p. 51.
[13] GOI, *Second Statement*, ¶4.

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 launched in Madrid in 1991 and then in Oslo in 1993. Each side has accused the other of violating specific undertakings and undermining the spirit of their commitment to resolving their political differences peacefully.

Divergent Expectations: We are struck by the divergent expectations expressed by the parties 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 step-by-step process agreed to by the parties was based on the assumption that each step in the negotiating process would lead to enhanced trust and confidence. To achieve this, each party would have to implement agreed-upon commitments and abstain from actions that would be seen by the other as attempts to abuse the process in order to predetermine the shape of the final outcome. If this requirement is not met, the Oslo road map cannot successfully lead to its agreed destination. Today, each side blames the other for having ignored this fundamental aspect, resulting in a crisis in confidence. This problem became even more pressing with the opening of permanent status talks.

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. "Even if slower than was initially envisaged, there has, since the start of the peace process in Madrid in 1991, been steady progress towards the goal of a Permanent Status

Agreement without the resort to violence on a scale that has characterized recent weeks."[14] The "goal" is the Permanent Status Agreement, the terms of which must be negotiated by 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. Palestinians "believed that the Oslo process would yield an end to Israeli occupation in five years,"[15] the timeframe for the transitional period specified in the Declaration of Principles. Instead there have been, in the PLO's view, repeated Israeli delays culminating in the Camp David summit, where, "Israel proposed to annex about 11.2% of the West Bank (excluding Jerusalem) ..." and offered unacceptable proposals concerning Jerusalem, security and refugees. "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 Israeli 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."[16]

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 the 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 frame. Palestinians are genuinely angry at the continued growth of

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[14] GOI, *First Statement*, ¶19.
[15] PLO, *Third Submission*, p. 25.
[16] Id., pp. 46-50.

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 an application of force in the form of Israel's overwhelming military superiority, which sustains and protects the settlements.

> The Interim Agreement provides that "the two parties view the West Bank and Gaza as a single territorial unit, the integrity and status of which will be preserved during the interim period." Coupled with this, the Interim Agreement's prohibition on taking steps which may prejudice permanent status negotiations denies Israel the right to continue its illegal expansionist settlement policy. In addition to the Interim Agreement, customary international law, including the Fourth Geneva Convention, prohibits Israel (as an occupying power) from establishing settlements in occupied territory pending an end to the conflict.[17]

The PLO alleges that Israeli political leaders "have made no secret of the fact that the Israeli interpretation of Oslo was designed to segregate the Palestinians in non-contiguous enclaves, surrounded by Israeli military-controlled borders, with settlements and settlement roads violating the territories' integrity."[18] According to the PLO, "In the seven years since the [Declaration of Principles], the settler population in the West Bank, excluding East Jerusalem and the Gaza Strip, has doubled to 200,000, and the settler population in East Jerusalem has risen to 170,000. Israel has constructed approximately 30 new settlements, and expanded a number of existing ones to house these new settlers."[19]

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.

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[17] Id., pp. 27-28.
[18] PLO, *Second Submission*, p. 14.
[19] Id., pp. 14-15.

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.

> Israel understands that the Palestinian side objects to the settlements in the West Bank and the Gaza Strip. Without prejudice to the formal status of the settlements, Israel accepts that the settlements are an outstanding issue on which there will have to be agreement as part of any permanent status resolution between the sides. This point was acknowledged and agreed upon in the Declaration of Principles of 13 September 1993 as well as in other agreements between the two sides. There has in fact been a good deal of discussion on the question of settlements between the two sides in the various negotiations toward a permanent status agreement.[20]

Indeed, Israelis point out that at the Camp David summit and during subsequent talks the GOI offered to make significant concessions with respect to 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. "Israel's principal concern in the peace process has been security. This issue is of overriding importance . . . [S]ecurity is not something on which Israel will bargain or compromise. The failure of the Palestinian side to comply with both the letter and spirit of the security provisions in the various agreements has long been a source of disturbance in Israel."[21]

According to the GOI, the Palestinian failure takes 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, ranging from the insertion of riflemen into demonstrations to terrorist attacks on Israeli civilians. The GOI maintains that the

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[20] GOI, *Second Statement*, ¶82.
[21] GOI, *First Statement*, ¶99.

PLO has explicitly violated its renunciation of terrorism and other acts of violence,[22] thereby significantly eroding trust between the parties. The GOI perceives "a thread, implied but nonetheless clear, that runs throughout the Palestinian submissions. It is that Palestinian violence against Israel and Israelis is somehow explicable, understandable, legitimate."[23]

END THE VIOLENCE

For Israelis and Palestinians alike the experience of the past several months has been intensely *personal*. Through relationships of kinship, friendship, religion, community and profession, virtually everyone in both societies has a link to someone who has been killed or seriously injured in the recent violence. We were touched by their stories. During our last visit to the region, we met with the families of Palestinian and Israeli victims. These individual accounts of grief were heart-rending and indescribably sad. Israeli and Palestinian families used virtually the same words to describe their grief.

When the widow of a murdered Israeli physician -- a man of peace whose practice included the treatment of Arab patients -- tells us that it seems that Palestinians are interested in killing Jews for the sake of killing Jews, Palestinians should take notice. When the parents of a Palestinian child killed while in his bed by an errant .50 caliber bullet draw similar conclusions about the respect accorded by Israelis to Palestinian lives, Israelis need to listen. When we see the shattered bodies of children we know it is time for adults to stop the violence.

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

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[22] GOI, *Second Statement*, ¶19, referring to the *Exchange of Notes Between the Prime Minister of Israel and the Chairman of the PLO, 9-10 September 1993.*
[23] Id., ¶21.

Cessation of Violence: Since 1991, the parties have consistently committed themselves, in all their agreements, to the path of nonviolence. They did so most recently in the two Sharm el-Sheikh summits of September 1999 and October 2000. 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 – perhaps several weeks – 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 areas. 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 security cooperation in early October reflected the belief by each party that the other had committed itself to a violent course of action. If the parties wish to attain the standard of 100 percent effort to prevent violence, the immediate resumption of security cooperation is mandatory.

We acknowledge the reluctance of the PA to be seen as facilitating the work of Israeli security services absent an explicit political context (i.e., meaningful negotiations) and under the threat of Israeli settlement expansion. Indeed, security cooperation cannot be sustained without such negotiations and with ongoing actions seen as prejudicing the outcome of negotiations. However, violence is much more likely to continue without security cooperation. Moreover, without effective security cooperation, the parties will continue to regard all acts of violence as officially sanctioned.

In order to overcome the current deadlock, the parties should consider how best to revitalize security cooperation. We commend current efforts to that end. Effective cooperation depends on recreating and sustaining an atmosphere of confidence and good personal relations.

It is for the parties themselves to undertake the main burden of day-to-day cooperation, but they should remain open to engaging the assistance of others in facilitating that work. Such outside assistance should be by mutual consent, should not threaten good bilateral working arrangements, and should not act as a tribunal or interpose between the parties. There was good security cooperation until last year that benefited from the good offices of the U.S. (acknowledged by both sides as useful), and was also supported indirectly by security projects and assistance from the European Union. The role of outside assistance should be that of creating the appropriate framework, sustaining goodwill on both sides, and removing friction where possible. That framework must be seen to be contributing to the safety and welfare of both communities if there is to be acceptance by those communities of these efforts.

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 the September 1999 Sharm el-Sheikh Memorandum, the parties pledged to take action against "any threat or act of terrorism, violence or incitement." Although all three categories of hostilities are reprehensible, it was no accident that "terrorism" was placed at the top of the list.

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. It is immoral and ultimately self-defeating. We condemn it and we urge that the parties coordinate their security efforts to eliminate it.

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 with the GOI. The PA vigorously denies the accusations. But Israelis hold the view that the PA's leadership has made no real effort over the past seven months to prevent anti-Israeli terrorism. The belief is, in and of itself, a major obstacle to the rebuilding of confidence.

We believe that the PA has a responsibility to help rebuild confidence by making 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. The GOI should also give careful consideration to whether settlements that are focal points for substantial friction are valuable bargaining chips for future negotiations or provocations likely to preclude the onset of productive talks.

The issue is, of course, controversial. Many Israelis will regard our recommendation as a statement of the obvious, and will support it. Many will oppose it. But settlement activities must not be allowed to undermine the restoration of calm and the resumption of negotiations.

During the half-century of its existence, Israel has had the strong support of the United States. In international forums, the U.S. has at times cast the only vote on Israel's behalf. Yet, even in such a close relationship there are some differences. Prominent among those differences

is the U.S. Government's long-standing opposition to the GOI's policies and practices regarding settlements. As the then-Secretary of State, James A. Baker, III, commented on May 22, 1991:

> Every time I have gone to Israel in connection with the peace process, on each of my four trips, I have been met with the announcement of new settlement activity. This does violate United States policy. It's the first thing that Arabs -- Arab Governments, the first thing that the Palestinians in the territories -- whose situation is really quite desperate -- the first thing they raise when we talk to them. I don't think there is any bigger obstacle to peace than the settlement activity that continues not only unabated but at an enhanced pace.[24]

The policy described by Secretary Baker, on behalf of the Administration of President George H. W. Bush, has been, in essence, the policy of every American administration over the past quarter century.[25]

Most other countries, including Turkey, Norway, and those of the European Union, have also been critical of Israeli settlement activity, in accordance with their views that such settlements are illegal under international law and not in compliance with previous agreements.

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[24] Testimony before the United States House of Representatives Committee on Appropriations, 102nd Congress, May 22, 1991.

[25] On March 21, 1980, Secretary of State Cyrus Vance, speaking on behalf of the Carter Administration, stated: "U.S. policy toward the establishment of Israeli settlements in the occupied territories is unequivocal and has long been a matter of public record. We consider it to be contrary to international law and an impediment to the successful conclusion of the Middle East peace process."

On September 1, 1982, President Ronald Reagan announced what came to be known as The Reagan Plan for the Middle East, stating that: "[T]he immediate adoption of a settlements freeze by Israel, more than any other action, could create the confidence needed for wider participation in these talks. Further settlement activity is in no way necessary for the security of Israel and only diminishes the confidence of the Arabs that a final outcome can be freely and fairly negotiated."

On December 16, 1996, at a press conference, President Bill Clinton stated: "It just stands to reason that anything that preempts the outcome [of the negotiations]. . .cannot be helpful in making peace. I don't think anything should be done that would be seen as preempting the outcome." Asked if he viewed the settlements as an obstacle to peace, President Clinton replied, "Absolutely. Absolutely."

On April 5, 2001, a U.S. State Department spokesman, speaking for the current administration, stated: "Continuing settlement activity does risk inflaming an already volatile situation in the region"; he described that activity as "provocative."

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. During our last visit, we observed the impact of 6,400 settlers on 140,000 Palestinians in Hebron[26] and 6,500 settlers on over 1,100,000 Palestinians in the Gaza Strip.[27] 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 Yitzak Rabin, there has been a continuing, aggressive effort by Israel to increase the number and size of settlements.

The subject has been widely discussed within Israel. The *Ha'aretz* English Language Edition editorial of April 10, 2001 stated:

> A government which seeks to argue that its goal is to reach a solution to the conflict with the Palestinians through peaceful means, and is trying at this stage to bring an end to the violence and terrorism, must announce an end to construction in the settlements.[28]

The circumstances in the region are much changed from those which existed nearly 20 years ago. Yet, President Reagan's words remain relevant: "The immediate adoption of a settlements freeze by Israel, more than any other action, could create the confidence needed. . . ."

Beyond the obvious confidence-building qualities of a settlement freeze, we note that many of the confrontations during this conflict have occurred at points where Palestinians, settlers, and security forces protecting the settlers, meet. Keeping both the peace and these friction points will be very difficult.

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[26] There are 400 settlers in the "H2" sector of central Hebron, and 6,000 in the Kiryat Arba settlement on the eastern edge of the city. See "An Introduction to the City of Hebron," published by the Temporary International Presence in Hebron, http://www.tiph.org.

[27] Central Intelligence Agency, *The World Factbook 2000*, http://www.cia.gov/cia/publications/factbook/geos/gz.html.

[28] *Ha'aretz*, English Language Edition, April 10, 2001, p. 5.

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. We cannot urge one side or the other to refrain from demonstrations. But 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. In addition, a renewed effort to stop the violence might feature, for a limited time, a "cooling off" period during which public demonstrations at or near friction points will be discouraged in order to break the cycle of violence. To the extent that demonstrations continue, we urge that demonstrators and security personnel keep their distance from one another to reduce the potential for lethal confrontation.

Actions and Responses: Members of the Committee staff witnessed an incident involving stone throwing in Ramallah from the perspectives, on the ground, of both sides. The people confronting one another were mostly young men. The absence of senior leadership on the IDF side was striking. Likewise, the absence of responsible security and other officials counseling restraint on the Palestinian side was obvious.

Concerning such confrontations, the GOI takes the position that "Israel is engaged in an armed conflict short of war. This is not a civilian disturbance or a demonstration or a riot. It is characterized by live-fire attacks on a *significant scale* [emphasis added] . . . [T]he attacks are carried out by a well-armed and organized militia . . ."[29] Yet, the GOI acknowledges that of some 9,000 "attacks" by Palestinians against Israelis, "some 2,700 [about 30 percent] involved the use of automatic weapons, rifles, hand guns, grenades, [and] explosives of other kinds."[30]

Thus, for the first three months of the current uprising, most incidents *did not* involve Palestinian use of firearms and explosives. B'Tselem reported that, "according to IDF figures, 73 percent of the incidents [from September 29 to December 2, 2000] did not include Palestinian gunfire. Despite this, it was in these incidents that most of the Palestinians [were] killed and

[29] GOI, *First Statement*, ¶286.
[30] Id., ¶189.

wounded . . ."[31] Altogether, nearly 500 people were killed and over 10,000 injured over the past seven months; the overwhelming majority in both categories were Palestinian. Many of these deaths were avoidable, as were many Israeli deaths.

Israel's characterization of the conflict, as noted above, is overly broad, for it 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. In the words of the GOI, "Where Israel considers that there is reason to investigate particular incidents, it does so, although, given the circumstances of armed conflict, it does not do so routinely."[32] We believe, however, that by abandoning the blanket "armed conflict short of war" characterization and by re-instituting mandatory military police investigations, the GOI could help mitigate deadly violence and help rebuild mutual confidence. Notwithstanding the danger posed by stone-throwers, an effort should be made to differentiate between terrorism and protests.

Controversy has arisen between the parties over what Israel calls the "targeting of individual enemy combatants."[33] The PLO describes these actions as "extra-judicial executions,"[34] and claims that Israel has engaged in an "assassination policy" that is "in clear violation of Article 32 of the Fourth Geneva Convention… ."[35] 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."[36]

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[31] B'Tselem, *Illusions of Restraint: Human Rights Violations During the Events in the Occupied Territories, 29 September-2 December 2000*, December 2000, p. 4.
[32] GOI, *First Statement*, ¶306. "The stated policy of the IDF is that whenever a Palestinian in the Occupied Territories dies at the hands of a soldier, an investigation is to be made by the Department of Military Police Investigations (MPI), except in cases defined as 'hostile terrorist activity.'" See B'Tselem, *Illusions of Restraint*, p. 24. See also, Alex Fishman, "The Intifada, the IDF and Investigations," *Yediot Aharonot* (in English, Richard Bell Press, 1996, Ltd.), January 19, 2001.
[33] GOI, *Second Statement*, ¶69-80.
[34] PLO, *Third Submission*, p. 69.
[35] Id., p. 60.
[36] GOI, *Second Statement*, ¶78.

With respect to demonstrations, the GOI has acknowledged "that individual instances of excessive response may have occurred. To a soldier or a unit coming under Palestinian attack, the equation is not that of the Israeli army versus some stone throwing Palestinian protesters. It is a personal equation."[37]

We understand this concern, particularly since rocks can maim or even kill. It is no easy matter for a few young soldiers, confronted by large numbers of hostile demonstrators, to make fine legal distinctions on the spot. Still, this "personal equation" must fit within an organizational ethic; in this case, "*The Ethical Code of the Israel Defense Forces*, which states, in part:

> The sanctity of human life in the eyes of the IDF servicemen will find expression in all of their actions, in deliberate and meticulous planning, in safe and intelligent training and in proper execution of their mission. In evaluating the risk to self and others, they will use the appropriate standards and will exercise constant care to limit injury to life to the extent required to accomplish the mission.[38]

Those required to respect the IDF ethical code are largely draftees, as the IDF is a conscript force. Active duty enlisted personnel, noncommissioned officers and junior officers – the categories most likely to be present at friction points – are young, often teenagers. Unless more senior career personnel or reservists are stationed at friction points, no IDF personnel present in these sensitive areas have experience to draw upon from previous violent Israeli-Palestinian confrontations. We think it is essential, especially in the context of restoring confidence by minimizing deadly confrontations, that the IDF deploy more senior, experienced soldiers to these sensitive points.

There were incidents where IDF soldiers have used lethal force, including live ammunition and modified metal-cored rubber rounds, against unarmed demonstrators throwing

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[37] GOI, *First Statement*, ¶305.
[38] Israel Defense Forces, *The Ethical Code of the Israel Defense Forces*, http://www.idf.il/english/doctrine/doctrine.stm.

stones.[39] The IDF should adopt crowd-control tactics that minimize the potential for deaths and casualties, withdrawing metal-cored rubber rounds from general use and using instead rubber baton rounds without metal cores.

We are deeply concerned about the public safety implications of exchanges of fire between populated areas, in particular between Israeli settlements and neighboring Palestinian villages. 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. The IDF often responds to such gunfire with heavy caliber weapons, sometimes resulting in deaths and injuries to innocent Palestinians. An IDF officer told us at the Ministry of Defense on March 23, 2001 that, "When shooting comes from a building we respond, and sometimes there are innocent people in the building." Obviously, innocent people are injured and killed during exchanges of this nature. 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.

We are aware of IDF sensitivities about these subjects. More than once we were asked: "What about Palestinian rules of engagement? What about a Palestinian code of ethics for their military personnel?" These are valid questions.

On the Palestinian side there are disturbing ambiguities in the basic areas of responsibility and accountability. The lack of control exercised by the PA over its own security personnel and armed elements affiliated with the PA leadership is very troubling. 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. We recommend that the PA institute and enforce effective standards of conduct and accountability, both within the uniformed ranks and between the police and the civilian political leadership to which it reports.

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[39] See, e.g., U.S. Department of State, Country Reports on Human Rights Practices, 2000 (Occupied Territories), http://www.state.gov/g/drl/rls/hrrpt/2000/nea/index . See also, B'Tselem, *Illusions of Restraint*, pp. 15-16, reporting on the alleged practice of separating rubber bullets into individual rounds, as opposed to firing them properly in a bound cluster of three. Separation increases range and lethality.

Incitement: In their submissions and briefings to the Committee, both sides expressed concerns about hateful language and images emanating from the other, citing numerous examples of hostile sectarian and ethnic rhetoric in the Palestinian and Israeli media, in school curricula and in statements by religious leaders, politicians and others.

We call on the parties to renew their formal commitments to foster mutual understanding and tolerance and to abstain from incitement and hostile propaganda. We condemn hate language and incitement in all its forms. We suggest that the parties be particularly cautious about using words in a manner that suggests collective responsibility.

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 three forms: those which restrict movement between the Palestinian areas and Israel; those (including curfews) 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; they have increased Palestinian unemployment to an estimated 40 percent, in part by preventing some 140,000 Palestinians from working in Israel; and have stripped away about one-third of the Palestinian gross domestic product. Moreover, the transfer of tax and customs duty revenues owed to the PA by Israel has been suspended, leading to a serious fiscal crisis in the PA.

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 had other adverse effects, such as preventing civilians from access to urgent medical treatment and preventing students from attending school.

The GOI maintains that these measures were taken in order to protect Israeli citizens from terrorism. Palestinians characterize these measures as "collective punishment." The GOI denies the allegation:

> Israel has not taken measures that have had an economic impact simply for the sake of taking such measures or for reasons of harming the Palestinian economy. The measures have been taken for reasons of security. Thus, for example, the closure of the Palestinian territories was taken in order to prevent, or at least minimize the risks of, terrorist attacks. ... The Palestinian leadership has made no attempt to control this activity and bring it to an end.[40]

Moreover, the GOI points out that violence in the last quarter of 2000 cost the Israeli economy $1.2 billion (USD), and that the loss continues at a rate of approximately $150 million (USD) per month.[41]

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 terrorists and terrorist organizations.

International development assistance has from the start been an integral part of the peace process, with an aim to strengthen the socio-economic foundations for peace. This assistance today is more important than ever. We urge the international community to sustain the development agenda of the peace process.

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[40] GOI, *Second Statement*, ¶92.
[41] Id., ¶89.

Holy Places: It is particularly regrettable that 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. Agreements previously reached by the parties regarding holy places must be upheld. The GOI and the PA should create a joint initiative to defuse the sectarian aspect of their political dispute by preserving and protecting such places. Efforts to develop inter-faith dialogue should be encouraged.

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 from the IDF and from settlers. The GOI is just as adamantly opposed to an "international protection force," believing that 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. We note that international forces deployed in this region have been or are in a position to fulfill their mandates and make a positive contribution only when they were deployed with the consent of all of the parties involved.

During our visit to Hebron we were briefed by personnel of the Temporary International Presence in Hebron (TIPH), a presence to which both parties have agreed. The TIPH is charged with observing an explosive situation and writing reports on their observations. If the parties agree, as a confidence-building measure, to draw upon TIPH personnel to help them manage other friction points, we hope that TIPH contributors could accommodate such a request.

Cross-Community Initiatives: Many described to us the near absolute loss of trust. It was all the more inspiring, therefore, to find groups (such as the Parent's Circle and the

Economic Cooperation Foundation) dedicated to cross-community understanding in spite of all that has happened. We commend them and their important work.

Regrettably, most of the work of this nature has stopped during the current conflict. To help rebuild confidence, the GOI and PA should jointly endorse and support the work of Israeli and Palestinian non-governmental organizations (NGOs) already involved in confidence-building through initiatives linking both sides. It is important that the PA and GOI support cross-community organizations and initiatives, including the provision of humanitarian assistance to Palestinian villages by Israeli NGOs. Providing travel permits for participants is essential. Cooperation between the humanitarian organizations and the military/security services of the parties should be encouraged and institutionalized.

Such programs can help build, albeit slowly, constituencies for peace among Palestinians and Israelis and can provide safety nets during times of turbulence. Organizations involved in this work are vital for translating good intentions into positive actions.

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*. Partnership, in turn, requires at this juncture something more than was agreed in the Declaration of Principles and in subsequent agreements. Instead of declaring the peace process to be "dead," the parties should determine how they will conclude

their common journey along their agreed "road map," a journey which began in Madrid and continued – in spite of problems – until very recently.

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.

Neither side will be able to achieve its principal objectives unilaterally or without political risk. We know how hard it is for leaders to act – especially if the action can be characterized by political opponents as a concession – without getting something in return. The PA must – as it has at previous critical junctures – take steps to reassure Israel on security matters. The GOI must – as it has in the past – take steps to reassure the PA on political matters. Israelis and Palestinians should avoid, in their own actions and attitudes, giving extremists, common criminals and revenge seekers the final say in defining their joint future. This will not be easy if deadly incidents occur in spite of effective cooperation. Notwithstanding the daunting difficulties, the very foundation of the trust required to re-establish a functioning partnership consists of each side making such strategic reassurances to the other.

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. What we are asking is not easy. Palestinians and Israelis – not just their leaders, but two publics at large – have lost confidence in one another. We are asking political leaders to do, for the sake of their people, the politically difficult: to lead without knowing how many will follow.

During this mission our aim has been to fulfill the mandate agreed at Sharm el-Sheikh. We value the support given our work by the participants at the summit, and we commend the parties for their cooperation. Our principal recommendation is that they recommit themselves to the Sharm el-Sheikh spirit, and that they implement the decisions made there in 1999 and 2000. We believe that the summit participants will support bold action by the parties to achieve these objectives.

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.

Anything less than a complete effort by both parties to end the violence will render the effort itself ineffective, and will likely be interpreted by the other side as evidence of hostile intent.

- The GOI and PA should immediately resume security cooperation.

Effective bilateral cooperation aimed at preventing violence will encourage the resumption of negotiations. We are particularly concerned that, absent effective, transparent security cooperation, terrorism and other acts of violence will continue and may be seen as officially sanctioned whether they are or not. The parties should consider widening the scope of

security cooperation to reflect the priorities of both communities and to seek acceptance for these efforts from those communities.

We acknowledge the PA's position that security cooperation presents a political difficulty absent a suitable political context, i.e., the relaxation of stringent Israeli security measures combined with ongoing, fruitful negotiations. We also acknowledge the PA's fear that, with security cooperation in hand, the GOI may not be disposed to deal forthrightly with Palestinian political concerns. We believe that 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, some of which were proposed in the October 2000 Sharm el-Sheikh Statement and some of which were offered by the U.S. on January 7, 2001 in Cairo.

- 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 described very recently by the European Union as causing "great concern" and by the U.S. as "provocative."

◊ 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 IDF should:

◊ Re-institute, as a matter of course, military police investigations into Palestinian deaths resulting from IDF actions in the Palestinian territories in incidents not involving terrorism. The IDF should abandon the blanket characterization of the current uprising as "an armed conflict short of war," which fails to discriminate between terrorism and protest.

◊ Adopt tactics of crowd-control that minimize the potential for deaths and casualties, including the withdrawal of metal-cored rubber rounds from general use.

◊ Ensure that experienced, seasoned personnel are present for duty at all times at known friction points.

◊ Ensure that the stated values and standard operating procedures of the IDF effectively instill the duty of caring for Palestinians in the West Bank and Gaza Strip as well as Israelis living there, consistent with *The Ethical Code of The IDF*.

- 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. We acknowledge the GOI's position that actions of this nature have been taken for security reasons. Nevertheless, their economic effects will persist for years.

- 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 gunmen to elicit an excessive IDF response.

- The GOI should take all necessary steps to prevent acts of violence by settlers.

- The parties should abide by the provisions of the Wye River Agreement prohibiting illegal weapons.

- The PA should take all necessary steps to establish a clear and unchallenged chain of command for armed personnel operating under its authority.

- The PA should institute and enforce effective standards of conduct and accountability, both within the uniformed ranks and between the police and the civilian political leadership to which it reports.

- The PA and GOI should consider a joint undertaking to preserve and protect holy places sacred to the traditions of Muslims, Jews, and Christians. An initiative of this nature might help to reverse a disturbing trend: the increasing use of religious themes to encourage and justify violence.

- The GOI and PA should jointly endorse and support the work of Palestinian and Israeli non-governmental organizations (NGOs) involved in cross-community initiatives linking the two peoples. It is important that these activities, including the provision of humanitarian aid to Palestinian villages by Israeli NGOs, receive the full backing of both parties.

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.

- In the spirit of the Sharm el-Sheikh agreements and understandings of 1999 and 2000, we recommend that the parties meet to reaffirm their commitment to signed agreements and mutual understandings, and take corresponding action. This should be the basis for resuming full and meaningful negotiations.

The parties are at a crossroads. If they do not return to the negotiating table, they face the prospect of fighting it out for years on end, with many of their citizens leaving for distant shores to live their lives and raise their children. We pray they make the right choice. That means stopping the violence now. Israelis and Palestinians have to live, work, and prosper together. History and geography have destined them to be neighbors. That cannot be changed. Only when their actions are guided by this awareness will they be able to develop the vision and reality of peace and shared prosperity.

Suleyman Demirel
9th President of the Republic of Turkey

Thorbjoern Jagland
Minister of Foreign Affairs of Norway

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

Warren B. Rudman
Former Member of the United States Senate

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

THE WHITE HOUSE

Office of the Press Secretary
(Sharm el-Sheikh, Egypt)

For Immediate Release October 17, 2000

REMARKS BY THE PRESIDENT AND PRESIDENT HOSNI MUBARAK OF EGYPT IN DELIVERY OF JOINT STATEMENTS AT THE CONCLUSION OF THE MIDDLE EAST PEACE SUMMIT

Jolie Ville Golf Resort
Sharm el-Sheikh, Egypt

1:43 P.M. (L)

PRESIDENT MUBARAK: In the name of God Almighty; to His Excellency, Bill Clinton; His Highness, King Abdullah; Your Majesty, King Hussein; His Excellency, Prime Minister Barak; Mr. Chairman Arafat; U.N. Secretary General Kofi Annan; Mr. Javier Solana, high representative of the European Union: we spent the past two days since we started our summit in constructive discussions and extensive dialogue about all the aspects of the escalating situation in the occupied Palestinian territories -- discussions aimed at restoring the situation back to normal, through withdrawing the occupying forces, lifting the blockade, putting an end to violent acts -- taking measures aiming at restoring trust and confidence to the two Palestinian and Israeli sides, with a view to resuming the peace efforts after the situation is stabilized in the region.

Before I give the floor to His Excellency, President Bill Clinton, the President of the United States of America, in his capacity as the key sponsor of the peace process, to present his report on the outcome of our relentless efforts over the two days, I would like to stress the fact -- I would like to stress a number of key points that we should take into account in the stage to come.

First, the outcome we have reached in this summit may not meet the expectations of all peoples. However, they constitute at the same time a basis on which we can build, if we have good intentions, and if the real desire to achieve peace is there.

Secondly, the most important thing in the vision of all peoples in the days to come is the extent to which the two parties are committed to implement what has been agreed upon precisely, and how far they are willing to push the peace process forward. Hence, the following days will witness redeployment of the Israeli forces, lift the blockade imposed on three million Palestinian people, reopening airports, ports, crossing points, in order to pacify the Palestinian streets and bring matters back to normal.

Number three, our ultimate objective must and will be reaching a just and comprehensive peace. We do appreciate the leading role assumed by the United States of America, the key sponsor of the peace process, and

the sponsorship of Mr. Bill Clinton. And we highly commend the role he assumed, including his strenuous efforts he exerted during this summit, which were crowned in reaching an agreement.

It's my fervent hope that the peace process will go on as planned, and that we avoid having recourse to provocative acts, confrontations. Rather, we have to establish a constructive dialogue in order to settle all the unresolved problems, to arrive at a peace agreement in a context of full respect of religious sanctities, and the right of peoples to live in peace and stability.

And now I give the floor to His Excellency, President Bill Clinton, the President of the United States of America.

PRESIDENT CLINTON: First of all, I want to thank President Mubarak and his able team for making it possible for us to have this meeting that we have held in this magnificent and beautiful place. I especially want to thank President Mubarak for Egypt's consistent and pivotal partnership in the peace process and for playing a critical role in our efforts here. I also want to thank His Majesty King Abdullah for his steadfast leadership for peace, which again was in evidence.

I would like to thank the E.U. High Commissioner Javier Solana, my longtime friend, who worked with me to bring an end to violence in the Balkans, and now is working in the Middle East. And especially I want to thank Secretary General Kofi Annan, who has been here now in the region for more than a week, and who has worked tirelessly to bring an end to violence and to make this meeting possible.

But of course, the greatest credit for the progress we have made today belongs to Prime Minister Barak and Chairman Arafat, who have had to overcome the difficulties of these last several days. And we all recognize that theirs was the primary decision to make.

Our meeting has not been easy because the last two weeks have been so hard. A tragic and terrible confrontation costing many lives and injuries, threatening everything that we have worked to achieve between Israelis and Palestinians and throughout the region and over the past seven years now.

Even as we meet, the situation in the territories remains tense. Yesterday again was violent.

This is a reminder of the urgency of breaking the cycle of violence. I believe we have made real progress today. Repairing the damage will take time and great effort by all of us.

When we leave here today, we will have to work hard to consolidate what we have agreed. Let me summarize what has been agreed so there will be no misunderstanding.

Our primary objective has been to end the current violence so we can begin again to resume our efforts towards peace. The leaders have agreed on three basic objectives and steps to realize them.

First, both sides have agreed to issue public statements unequivocally calling for an end of violence. They also agreed to take immediate, concrete measures to end the current confrontation, eliminate points of friction, ensure an end to violence and incitement, maintain calm, and prevent recurrence of recent events.

To accomplish this, both sides will act immediately to return the situation to that which existed prior to the current crisis, in areas such as restoring law and order, redeployment of forces, eliminating points of friction, enhancing security cooperation, and ending the closure and opening the Gaza airport. The United States will facilitate security cooperation between the parties as needed.

Second, the United States will develop with the Israelis and Palestinians, as well as in consultation with the United Nations Secretary General, a committee of fact-finding on the events of the past several weeks and how to prevent their recurrence. The committee's report will be shared by the U.S. President with the U.N. Secretary General and the parties prior to publication. A final report shall be submitted under the auspices of the U.S. President for publication.

Third, if we are to address the underlying roots of the Israeli-Palestinian conflict, there must be a pathway back to negotiations and a resumption of efforts to reach a permanent status agreement based on the U.N. Security Council Resolutions 242 and 338 and subsequent understandings. Toward this end, the leaders have agreed that the United States would consult with the parties within the next two weeks about how to move forward.

We have made important commitments here today against the backdrop of tragedy and crisis. We should have no illusions about the difficulties ahead.

If we are going to rebuild confidence and trust, we must all do our part, avoiding recrimination and moving forward. I'm counting on each of us to do everything we possibly can in the critical period ahead.

I am sure it will be a disappointment to some of you, but one of the things that all the leaders agreed was that our statement should stand on its own and we should begin by promoting reconciliation and avoiding conflict by forgoing questions today.

Thank you very much.

PRESIDENT MUBARAK: [In Arabic] -- Bill Clinton, for your statement and the speech you just made. And there is no time whatsoever to respond to any media conferences. I declare this summit adjourned.

END 1:55 P.M. (L)

THE WHITE HOUSE

WASHINGTON

November 15, 2000

Dear George:

I want to thank you for agreeing to serve as the chairman of the fact-finding committee agreed to by Prime Minister Barak and Chairman Arafat at the Sharm el-Sheikh summit of October 16-17, 2000. The two leaders requested that I develop with them, as well as in consultation with the United Nations Secretary-General, a committee of fact-finding on the events of the past several weeks and how to prevent their recurrence. Accordingly, I would like to provide you with my thoughts about the Committee's work.

The Sharm el-Sheikh Fact-Finding Committee is being established to provide an objective study of the events since late September involving violence in Jerusalem, the Gaza Strip and the West Bank. The Committee should focus on the problem of violent confrontations between Israelis and Palestinians and the policies and practices of the two sides during the crisis. It should, in particular, provide an assessment of exactly what has happened, why it has happened, and how to prevent its recurrence. The Committee should not become a divisive force or a focal point for blame and recrimination but rather should serve to forestall violence and confrontation and provide lessons for the future.

The methodology of the Committee's work, including how to gather the information necessary to complete its task, will be left to the Committee's judgment. The Committee may, after consultation with the United Nations Secretary-General, appoint experts to assist in its work. The two sides have also confirmed to me their intent to cooperate with the Committee. When the Committee believes it has sufficient information it should prepare a written report, which it is hoped can be completed in the first half of 2001. In accordance with the understandings reached at Sharm el-Sheikh, the report will be shared by the U.S. President with the UN Secretary-General and the two sides before the President makes it public. This will allow the

Committee to examine any additional suggestions before finalizing its report.

The Committee should seek to operate by consensus to the maximum extent possible. This will lend greater authority to its findings and recommendations.

Let me thank you once again for joining in this important undertaking.

Sincerely,

Bill Clinton

The Honorable George Mitchell
Verner, Liipfert, Bernhard,
McPherson & Hand
901 15th Street, N.W.
Suite 700
Washington, D.C. 20005

THE WHITE HOUSE

WASHINGTON

December 6, 2000

Dear George:

I am writing to you and the other distinguished members of the Sharm el-Sheikh Fact-Finding Committee to say how pleased I am that the Committee met on November 26 and 27, 2000 and that it has begun its important work. The Committee wrote to me on November 26th to invite further comments I may have concerning the Committee's methodology of work.

As I indicated in my letter of November 15, 2000, the Committee, which was formed under the auspices of the United States, is based on the understandings reached at the Sharm el-Sheikh Summit. The purpose of the Summit, and of the agreement that ensued, was to end the violence, to prevent its recurrence, and to find a path back to the peace process. In its actions and mode of operation, therefore, the Committee should be guided by these overriding goals. Several points derive from that principle.

First, the Committee should ensure that it is, and is perceived to be, fair and impartial. Specifically, the Committee should operate in a transparent manner, allowing the parties to view material offered by the other party and to comment on one another's presentations. Also, as was agreed at Sharm, both sides should have an opportunity to review the report and give comments to the Committee before it becomes final. Of course, the Committee should be respectful of the laws of both sides.

Second, the Committee should seek to avoid any action that could further inflame the already very tense situation. The fact that the Committee is underway should strengthen implementation of all aspects of the Sharm understandings and help bring calm to the area. In that respect, I believe it is a good idea for the Committee to visit the area soon. At the same time, and while it will be essential to keep the public generally informed of its activities, the Committee should conduct its work in confidence rather than through hearings. Likewise, I believe the Committee should avoid public comment on current events on the ground, on its ongoing work, or on the information it has

received, until it has issued its final report. Finally, if the Committee chooses to retain professionals for assistance, they should conduct their work quietly outside the glare of publicity and should share the results only with the Committee. If these experts conduct individual interviews or gather materials in the region relevant to the Committee's mission, they should do so privately and inform the Committee of their work, which the Committee would bring to the attention of the parties for further comment.

Third, the Committee should strive to steer clear of any step that will intensify mutual blame and finger-pointing between the two parties. As I noted in my previous letter, "the Committee should not become a divisive force or a focal point for blame and recrimination but rather should serve to forestall violence and confrontation and provide lessons for the future." This should not be a tribunal whose purpose is to determine the guilt or innocence of individuals or of the parties; rather, it should be a fact-finding committee whose purpose is to determine what happened and how to avoid it recurring in the future. In this respect, I agree with the approach adopted by the Committee at its initial meeting. The parties should be given an opportunity to express their views in writing and to comment on one another's presentations as a way to give the Committee an overall sense of the issues of primary concern to each.

I realize the Committee's task is a difficult one. The Committee, however, has already demonstrated its professionalism, independence and leadership, and I am confident that when the Committee issues its final report, and thereby brings an end to its work, it will have made an important contribution to the parties in their effort to find a pathway to peace. Please feel free to call upon me again if I can be of further assistance.

Sincerely,

The Honorable George Mitchell
Verner, Liipfert, Bernhard,
McPherson & Hand
901 15th Street, N.W.
Suite 700
Washington, D.C. 20005

SHARM EL-SHEIKH
FACT-FINDING COMMITTEE

May 16, 2001

The Honorable Colin L. Powell
Secretary of State
United States Department of State
2201 C Street, N.W.
Washington, DC 20520

Dear Mr. Secretary:

We enclose herewith the comments of the Government of Israel, the Palestinian Authority, and the Secretary General of the United Nations on our report.

The Government of Israel stated that "the Committee's Report provides a constructive and positive attempt to break the cycle of violence and facilitate a resumption of bilateral negotiations for peace."

The Palestinian Authority stated that "the findings and recommendations of the Report offer Palestinians and Israelis a sensible and coherent foundation for resolving the current crisis and preparing a path to resuming meaningful negotiations."

We are grateful for the generally positive tone of all of the comments, and we are struck by the convergence of the parties' views on our report.

Beyond these general statements, the parties' detailed comments understandably restate many of the arguments previously made to us. In our view this does not detract from the positive nature of their comments. We hope these responses will encourage you to use the report in your continuing and commendable effort to end the escalating violence.

We view that escalation with deep concern. We reiterate our belief that there must be an immediate and unconditional cessation of violence, the rebuilding of confidence, and the resumption of negotiations. We stand ready to assist you in any way you deem appropriate in your ongoing effort to achieve these objectives.

We have honored that part of your mandate that prohibits public release of the report prior to authorization by the President. As you know, however, large portions of

the report have been obtained by the press. Accordingly, we request approval to make the report and the enclosed comments public as soon as possible.

We repeat our previously expressed gratitude to the parties for their cooperation, and to you and the Administration for your support.

With best wishes.

Suleyman Demirel

Thorbjoern Jagland

Warren B. Rudman

Javier Solana

George J. Mitchell
Chairman

THE SECRETARY-GENERAL

14 May 2001

Dear Senator Mitchell,

I am writing to congratulate you and the other members of the Sharm el-Sheikh Fact Finding Committee for having produced such a balanced and fair report, which I endorse. I compliment the Committee for fulfilling so ably the mandate given to it by the Sharm el-Sheikh Understandings of October 2000, and for your efforts to respect and revive the spirit of Sharm el-Sheikh. Your personal efforts, insights and leadership have made this Report a particularly useful contribution to the search for peace in the Middle East.

In my view, the Report provides a crisp and incisive analysis of the causes and dynamics of the current crisis. I share the Committee's emphasis on the catalyzing role played by disappointed expectations, and on the difficulty of controlling the violence in the absence of political progress. I also appreciate the Committee's focus on the negative impact of settlement policy on the prospects for peace and agree on the need for a maximum effort to control violence.

My own view is that it is necessary now to address the core issues discussed in the report - economic, political and security - in parallel, in order to build a bridge back to the negotiating table so that a peace agreement between the parties can at last be reached.

The Hon. Senator George J. Mitchell
Washington, D.C.

I take note that the Committee acknowledges the potential importance of an international presence on the ground, while also highlighting the practical difficulties.

As you have said publicly, and as you experienced in Northern Ireland, it may take months to get the parties to walk steadfastly along the path to reconciliation. I have no doubt, however, that this report will be seen by historians as having made an important contribution to finding a way out of the crisis.

I believe it to be of the utmost importance that the Sharm el-Sheikh participants lend their full support to the Report and work together to help the parties to implement fully its recommendations. I have written to President Bush to make this point. As for the United Nations, both here and in the region, we will seek to ensure the full implementation of the Report, which has the potential, in conjunction with the Jordanian-Egyptian initiative, to serve as an important stepping-stone back to the path of peace.

Yours sincerely,

Kofi A. Annan

Minister in the Prime Minister's Office

שר במשרד ראש הממשלה

משרד ראש הממשלה

May 15, 2001
22 Iyar 5761

Senator George J. Mitchell
Chairman
Sharm el-Sheikh Fact-Finding Committee
Washington, DC

Dear Senator Mitchell,

On behalf of the Government of Israel, I would like to thank you and the members of the Committee for the dedication and care with which you undertook your sensitive task.

Israel appreciates the efforts of the Committee and considers that its Report provides a constructive and positive attempt to break the cycle of violence and facilitate a resumption of direct bilateral negotiations for peace on the basis of reciprocity.

Enclosed please find the comments of the Government of Israel on the Report of the Sharm el-Sheikh Fact-Finding Committee.

Sincerely,

D. Naveh

Dan Naveh

רח' קפלן 3, הקריה, ירושלים 91007 טל: 02-6705357

3 Kaplan St. Hakirya, Jerusalem 91007, Israel. Tel: 972-2-6705357

COMMENT OF THE GOVERNMENT OF ISRAEL ON THE REPORT OF THE SHARM EL-SHEIKH FACT-FINDING COMMITTEE

1. In responding to the request of the Sharm El-Sheikh Fact-Finding Committee for comments on its Report dated April 30, 2001, the Government of Israel wishes to express its sincere appreciation to the distinguished members of the Committee for the evident care with which they have gone about the delicate task of providing an assessment of the events since late September 2000. Israel considers that the Committee's Report provides a constructive and positive attempt to break the cycle of violence and facilitate a resumption of bilateral negotiations for peace.

2. Israel welcomes, in particular, the unqualified call for an unconditional cessation of violence, the establishment of a meaningful cooling off period and the resumption of negotiations.

3. Amongst other elements worthy of note in the Committee's Report are:

* the visit by Mr. Sharon to the Temple Mount did not cause the violence;
* the PA must "make an all-out effort to enforce a complete cessation of violence and be clearly seen by the Government of Israel as doing so";
* both sides must make clear that violent demonstrations will not be tolerated;
* the condemnation of firing by Palestinian gunmen;
* terrorism is condemned. "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 100 per cent 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 immediate resumption of security co-operation is mandatory";
* "The PA should resume co-operation with Israeli security agencies to ensure that Palestinian workers employed within Israel are fully vetted and free of connections to terrorists and terrorist organisations";

* "the PA [should] institute and enforce effective standards of conduct and accountability";
* the call for the preservation and protection of holy places.

4. The written statements to the Committee made by the Government of Israel[1] observed that the outbreak of Palestinian violence was not a spontaneous act but rather reflected a strategic decision on the part of the Palestinian leadership to achieve results through violence that could not be achieved through negotiations - negotiations in which the Palestinian side adopted inflexible and uncompromising positions.

5. Furthermore, Israel's statements noted as the cause of the violence a number of basic and serious respects in which the Palestinians have failed to meet the undertakings that they gave in no less than eleven agreements concluded with Israel since the Oslo peace process began in 1993. The continuing violence is yet further evidence of the failure on the part of the Palestinian side to adopt the measures they committed themselves to in the agreements with Israel.

6. Israel's statements pointed to such aspects of Palestinian activity as the targeting of Israeli civilians both in direct attacks and by indiscriminate bombings; the illegal spread of weapons amongst Palestinians; their use in attacks on Israeli security forces; the failure of the Palestinian Police to restrain such attacks and, indeed, their active involvement in them; the release of terrorist detainees; the continuance of hostile propaganda and incitement to violence, not least that directed at Palestinian children from the earliest age; the involvement of children in episodes of violence, often using them as a

screen for offensive weapon fire from Palestinian snipers sheltering behind them; and the denial of access to, attacks on, and destruction of Jewish Holy Sites. The Palestinian leadership continues to instigate and direct such hostile activities.

7. Israel values the important work of the Committee and its important contribution to the effort to end the violence and rebuild trust between the sides. At the same time, it remains gravely concerned at the continuation, and even escalation, of the conflict. The indiscriminate terror attacks against innocent civilians have intensified. Mortars continue to be fired at civilian communities. A significant indication of this escalation was the recent seizure by the Israel Navy of a vessel carrying large quantities of illegal weapons and ammunition, including Katyusha rockets, anti-aircraft missiles, mortars and mines to the Palestinian Authority, just days following the submission of the Report to the sides.

8. Israel's statements, in reference to the Palestinian violence, provided a detailed description of the life threatening circumstances facing the Israel Defense Forces on a daily basis in the West Bank and the Gaza Strip. This has not been a civilian uprising but rather an ongoing situation in which Israeli forces are coming under intensive live-fire attack. The statements gave full and careful explanations of the methods used by Israel in dealing with such attacks and outbreaks of violence, stressing that the violence was not initiated by Israel and that Israeli actions were exclusively responsive to Palestinian

[1] The texts of the statements of the Government of Israel to the Committee may be found on the website of Israel's Ministry of Foreign Affairs, *www.mfa.gov.il*

attacks. Needless to say, the security measures adopted by Israel would have been unnecessary had the Palestinian violence come to an end. Israeli security personnel have acted, and continue to act, according to the highest ethical standards, military orders and a well defined chain of command, all in the most difficult conditions.

9. Over the recent months Israel has been confronted with Palestinian attempts to achieve political goals through the use of violence and terror. Terror is the very antithesis of the peace process. It indiscriminately targets innocent civilians. The Israeli people who, having gone a long way for the sake of peace have been repaid with terror and violence. The frustration of the Israeli people is understandable.

10. The Committee also suggested corresponding or reciprocal action by Israel pursuant to the cessation of violence. Israel is giving careful and immediate consideration to these matters, some of which have already been proposed by Israel in its statements and even unilaterally implemented. Subject to the principle requirement that the Palestinian Authority first brings all violence to an end followed by a meaningful cooling-off period, Israel is ready to resume negotiations within the framework of the signed agreements between the sides and on the basis of reciprocity. Israel wishes to note that the cessation of violence by the Palestinian side should be accompanied by concrete measures on the ground which are capable of appraisal, such as the prevention of terror activities and the arrest of terrorists. Israel is confident that a clear decision by

the Palestinian leadership in this regard will result in full and effective implementation of such measures on the ground.

11. Israel welcomes the Committee's statement that the parties "should reaffirm their commitment to existing agreements and undertakings and should immediately implement an unconditional cessation of violence". In this light, Israel must recall that the question of the settlements is a matter that, together with, principally, Jerusalem, refugees, and borders, has specifically been agreed by Israel and the Palestinian side as one for treatment in the permanent status negotiations[2]. There is nothing in the bilateral agreements between the two sides that suggests that the question of settlements is to be regarded as one that could be separated from the others and unrelated to the overall solution of those other problems. Indeed, the Committee itself noted that the issue of settlements is one of the core issues to be negotiated between the sides. The outcome of such negotiations, in which each side has legitimate positions and claims, should not be prejudged.

12. On the substance, it must be recalled that it is already part of the policy of the Government of Israel not to establish new settlements. At the same time, the current and everyday needs of the development of such communities must be taken into account.

13. The international community should reject outright any attempt to interpret the Committee's Report as a legitimization of violence and terror. There should

[2] *Declaration of Principles on Interim Self-Government Arrangements, 1993*, at Article V(3).

be clear support for the Committee's call for an "unconditional cessation of violence". As soon as it has become clear that the Palestinian Authority has brought the violence to an end and there has been a meaningful cooling-off period, Israel is ready to resume negotiations. The speed at which negotiations can be resumed is not, however, a matter for Israel alone.

14. Despite the events of the past months, Israel remains committed to peace and is hopeful that positive steps will be taken so that this goal, which has been a central pillar of every Israeli government since its founding fifty-three years ago, can be realized.

15. Israel recalls Chairman Arafat's letter to Prime Minister Rabin of September 9, 1993 in which he stated that:

> "The PLO commits itself to the Middle East peace process, and to a peaceful resolution of the conflict between the two sides and declares that all outstanding issues relating to permanent status will be resolved through negotiations."

The principle of the peaceful settlement of disputes is the cornerstone of the relationship between Israel and the Palestinians. It has been recognized and supported by the international community. Israel calls on the Palestinian side to renew this fundamental commitment, to immediately abandon the path of terror and violence so that the sides may resume negotiations for the benefit of the Israeli and Palestinian people.

16. Israel recognizes the need for a rebuilding of trust and confidence between the two sides following several months of armed hostilities. It is prepared to do its part to contribute to this process and has already adopted unilateral measures to improve the situation. Israel fully supports the Committee's opinion that negotiations should "manifest a spirit of compromise, reconciliation and partnership" and calls on the Palestinian side to act in this spirit. Israel will continue to study the Report closely with a view to assessing how it might assist in opening a pathway back to bilateral negotiations within the framework of the signed agreements.

15 May 2001
22 Iyar 5761

PALESTINIAN NATIONAL AUTHORITY

Ministry of Culture

Minister's Office

السلطة الوطنية الفلسطينية

وزارة الثقافة

مكتب الوزير

15 May 2001

Senator George J. Mitchell
The Sharm El-Sheikh Fact-Finding Committee
Meridian International Center
1624 Crescent Place, NW
Washington D.C. 20009

Dear Senator Mitchell,

We enclose herewith the official response of the Palestine Liberation Organization to the Report of the Sharm El-Sheikh Fact-Finding Committee, dated April 30, 2001. After careful examination of the Committee's Report, we have concluded that the findings and recommendations of the Report offer Palestinians and Israelis a sensible and coherent foundation for resolving the current crisis and preparing a path to resuming meaningful negotiations. The assassination yesterday of five Palestinian policemen highlights the urgency of implementing the Report's recommendations.

We believe that the Report provides a balanced assessment of the facts, and we fully support the immediate implementation of all of the Committee's recommendations as a comprehensive package.

On the 53rd anniversary of the *Nakbah*, marking the beginning of the suffering and exile of the Palestinian people, we view your Report as an essential step for ending not only the current violence, but also the Israeli occupation, with the ultimate goal of a two-state solution based on international law.

We view the Report as the outcome of a broad international effort to assist Palestinians and Israelis in this desperate time, and we are grateful for the seriousness with which the international community has pursued this matter, as it has the Egyptian-Jordanian Initiative. We strongly feel that the Report complements the Initiative, and we request that the United States, the United Nations, and the other member states and organizations present at last October's Sharm El-Sheikh Summit, together with the members of the Sharm El-Sheikh Committee, work with us and our Israeli counterparts to create a mechanism for the timely and complete implementation of your Committee's recommendations.

The circumstances in the Israeli Occupied Palestinian Territories continue to deteriorate, especially as we attempt to engage in serious and fair diplomatic initiatives. It is of the utmost importance that, at this critical juncture, the international community renews its commitment to the Report and provides the full weight of its support to the complete implementation of the Committee's recommendations.

Respectfully,

Y. Abed Rabbo

Yasser Abed Rabbo
Minister of Culture and Information

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Official Response of the Palestine Liberation Organization to the Final Report of the Sharm El Sheikh Fact-Finding Committee

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May 15, 2001

INTRODUCTION

After careful review and analysis of the Final Report ("Report") of the Sharm El-Sheikh Fact Finding Committee ("Committee") submitted April 30, 2001, and in consultation with representatives of Palestinian civil society, the Palestine Liberation Organization ("PLO") is convinced that the Committee's findings and recommendations offer Palestinians and Israelis a sensible and coherent foundation for resolving the current crisis and preparing a path back to meaningful negotiations. Although the Report does not fully address all of the concerns that we have raised with the Committee, we believe that it provides a balanced assessment of the facts, and we fully support the implementation of all of the Committee's recommendations as a comprehensive package.

The following response by the PLO ("Response") will review the key findings of the Committee and identify issues that will require further attention if we are to stabilize the situation on the ground and make concrete progress towards peace. We accept the Report as an attempt to provide a political solution to the crisis, rather than a legal analysis, carefully crafted to provide the parties and the international community with a package of the elements necessary to end the violence resulting from, and associated with, the on-going Israeli military occupation of Palestinian lands.

We are reassured that the Committee's findings appear to be generally consistent with international practice and international law, as well as complementary to the Egyptian-Jordanian Initiative. Still, we feel that the Committee did not adequately address all relevant Palestinian concerns. Nevertheless, as we move towards developing a plan for implementing the Committee's recommendations in their entirety, we hope that all involved parties will support full implementation of the recommendations, as we have, and regard international law as a primary reference point as recommended by the Committee.

The Committee has based its findings on an exhaustive fact-finding effort and has met with Palestinian and Israeli political and civic leaders, as well as numerous experts. The Committee's investigation has taken its members and staff to Palestinian cities and refugee camps throughout the Occupied Palestinian Territories, including East Jerusalem, as well as to the illegal Israeli settlements. The Report's conclusions reflect the thoroughness of the Committee's efforts.

The Report is the outcome of a broad international effort to assist Palestinians and Israelis in a desperate time, and we are grateful for the seriousness with which the international community has pursued this matter. Accordingly, it is of the utmost importance that, at this critical juncture, the international community renews its commitment to the Report and provides the full weight of its support to the complete implementation of the Committee's recommendations.

There is far too much at stake to allow the Committee's findings to become merely an academic exercise. We trust that the participants at the Sharm El-Sheikh Summit in October 2000 who authorized the mandate for the Committee will continue to work with us and our Israeli counterparts to turn this Report into a roadmap leading to meaningful political negotiations whose goal must remain a swift end, not only to the current crisis, but also to Israel's occupation of Palestinian territory.

THE COMMITTEE'S CONCLUSIONS

Characterization of the Conflict

Since the beginning of the Intifada on September 29, 2000, following Ariel Sharon's provocative visit on September 28 to the Haram al-Sharif and the decision the next day by Israeli forces to use lethal force against unarmed Palestinian demonstrators, the government of Israel ("GOI") has unsuccessfully alleged that the Palestinian National Authority ("PNA") has planned, launched and continues to direct the Intifada as a negotiating tactic. The GOI has also tried to inaccurately characterize the conflict as one between two armies "just short of war" and to use such characterizations to justify its excessive and disproportionate response to Palestinian opposition to the occupation. The GOI has also used such arguments in an attempt to justify such blatantly illegal activities as political assassinations. By characterizing the crisis in such a one-sided and self-serving way, Israel sought to avoid any discussion of the true underlying causes of Palestinian frustration.

The GOI has been unable over the course of four months of fact finding to present convincing evidence to the Committee to back up its allegations. The Report, therefore, correctly notes that there is "no basis on which to conclude that there was a deliberate plan by the PA[1] to initiate a campaign of violence..." (Report, page 7)

Furthermore, Israel's entire characterization of the crisis as an "armed conflict short of war" was rejected by the Committee as "not adequately" describing the variety of incidents that have occurred since September 29, 2000. Abandoning such a mischaracterization would allow the GOI to renew 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." (Report, page 19)

Settlements

The findings of the Committee unambiguously reject these Israeli characterizations and have gone to the heart of the current crisis – Israel's on-going occupation as most clearly exemplified by Israel's continuing policy of confiscating Palestinian territory and destroying Palestinian property in order to build and expand illegal settlements and related "bypass" roads.

Contrary to Israeli arguments, the Report points to the connection between Israeli-Palestinian violence and Israel's "settlement construction activity." The Report emphasizes that the international community has universally condemned Israel's

[1] The Report references the Palestinian National Authority as the "Palestinian Authority" or "PA." Whenever this Response refers to the "Palestinian Authority" it is using the Report's own designation. The "Palestinian National Authority" is the same as the "Palestinian Authority."

settlement policy as either the "greatest obstacle to peace" or, just as accurately, as illegal actions under international law and a violation of Palestinian-Israeli agreements. We wholeheartedly concur with the Committee's findings that Israel should cease all of its settlement activity and that Israel should carefully consider dismantling settlements that are particularly provocative flash points. We are also encouraged by a recent Israeli poll indicating that 62% of Israelis favor a settlement freeze as a means of ending the current crisis.[2]

The Report notes that on each of the two major visits to the region by the Committee principals, Israel announced the expansion of settlements. Indeed, upon public disclosure that the Report calls for an end to this illegal activity, the GOI announced its intention to seek an additional U.S. $400 million from the heavily subsidized Israeli budget for continued settlement expansion. According to Israeli press reports, the GOI, on May 13, 2001, reaffirmed a decision to build an eastern "ring road" or bypass road around occupied East Jerusalem that would require Israel to confiscate more Palestinian land and destroy a number of Palestinian homes.[3] While the GOI's contempt for international legality is noteworthy in and of itself, it is even more important to recognize the effect this Israeli contempt has had on Palestinian lives and the inevitable Palestinian response.

Israeli Use of Force

This contempt has extended to the GOI's use of lethal force against Palestinian demonstrators. The Report quotes Israeli government sources as acknowledging that for the "first three months of the current uprising, most incidents *did not* involve Palestinian use of firearms and explosives." (emphasis in the original) (Report, page 18) Yet, despite the fact that the overwhelming majority of demonstrations involved no gunfire whatsoever, it was precisely in these demonstrations that most of the Palestinian civilians were killed and wounded, the Report noted. (Report, page 18-19)

The Committee concludes that Israel must differentiate between terrorism, which it defines as "the deliberate killing and injuring of randomly selected noncombatants for political ends" and protest, in which it includes stone throwing by youths. (Report, page 19) The Committee further criticizes Israel's unwillingness to apply the same code of conduct standards to Palestinians as it applies to Israelis who are in the Occupied Palestinian Territories. (Report, page 30) Finally, the Committee concludes that the Israeli armed forces "should adopt crowd-control tactics that minimize the potential for deaths and casualties, withdrawing metal-cored rubber rounds from general use..." (Report, page 21) The Report is clear that Israel's systematic utilization of deadly force in response to unarmed Palestinian demonstrators must stop.

Collective Punishment

The Report also restates the international community's consensus that Israel's policy of collective punishment must end:

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[2] The poll appeared in the May 3, 2001 edition of Yediot Aharonot, an Israeli daily.
[3] Nadav Shragai, *Cabinet Approval for E. Jerusalem Ring Road*, Ha'aretz, Page 1, May 14, 2001.

> [The Committee] believe[s], 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. (Report, page 23)

End to Incitement

The Committee has also asked the parties "to renew their formal commitments to foster mutual understanding and tolerance and to abstain from incitement and hostile propaganda." (Report, page 22) The Report particularly urges the parties not to use words "in a manner that suggests collective responsibility." (Report, page 22) We agree with the Committee's sentiments. Even as we submit this report, the GOI continues to create a climate of hate against Palestinians in general and against the Palestinian National Authority in particular. Israeli President Moshe Katsav very recently made statements attempting to remove Palestinians from the pale of humanity:

> There is a huge gap between us and our enemies – not just in ability but in morality, culture, sanctity of life, and conscience....[Palestinians] are people who don't belong to our continent, to our world, but actually belong to a different galaxy.[4]

The spiritual leader of Shas, the third largest party in the Israeli Knesset, also recently declared that "it is forbidden to be merciful to [Palestinians]. You must give them missiles, with relish – annihilate them. Evil ones, damnable ones."[5]

Unfortunately, these are not the only statements by highly placed GOI officials or political leaders demonizing the Palestinian people as a whole or arguing that Palestinians are collectively guilty for any act of violence directed at Israel or its occupation.

As the Committee noted, hate speech must be condemned. The statement of the Israeli president and other Israeli officials, particularly in the current volatile situation, helps to create an atmosphere in which Israeli violence against Palestinian civilians and other noncombatants can occur with impunity. We join the Committee in condemning all hate speech and other incitement regardless of the source.

Respect for Holy Places

The Committee also addressed the need to ensure that places deemed holy by Muslims, Jews, and Christians are afforded respect, protection and preservation. The Report recommends the creation of a "joint initiative" to preserve and protect such places. These views are also consistent with Palestinian concerns for allowing full freedom of movement for worshippers of all faiths, particularly with respect to access to the holy sites in Jerusalem by both Christian and Muslim Palestinians living in the Occupied Palestinian Territories.

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[4] Greer Fay Cashman, *Katsav: We'd Never Stoop to Palestinians' Brutality*, Jerusalem Post, A4, May 11, 2001.
[5] Phil Reeves, *God Must Kill "Evil" Arabs, Says Rabbi*, The Independent, April 10, 2001.

Conclusions Form a Comprehensive Package

Perhaps most importantly, the Committee has linked all these elements into a comprehensive package to truly end the crisis and prevent its recurrence. The Report provides a sophisticated analysis of how Israel's occupation, particularly its settlement and lethal force policy, is inextricably tied to Palestinian-Israeli security cooperation, and how security cooperation can only be sustained in the context of meaningful political negotiations:

> We acknowledge the reluctance of the PA to be seen as facilitating the work of Israeli security services absent an explicit political context (i.e., meaningful negotiations) and under the threat of Israeli settlement expansion. Indeed, security cooperation cannot be sustained without such negotiations and with ongoing actions seen as prejudicing the outcome of negotiations. (Report, page 13)

The Committee also makes it clear that neither side has a unique privilege to defy international law or to unilaterally abrogate agreements:

> 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. (Report, page 3)

These findings are entirely consistent with the Palestinian perspective that remains rooted in the applicability of international law and standards to govern Israel's occupation of Palestinian territory as well as to Palestinian responses. The current crisis is the outgrowth of the consequences of Israel's illegal occupation of Palestinian territories, its systematic abuses of international humanitarian law, and its unwillingness to implement those measures agreed upon with the Palestinians over the last seven years designed to mitigate the worst of those consequences.

A resolution to the current crisis requires that this package of recommendations provided by the international community be implemented comprehensively with a view towards implementing U.N. Security Council Resolutions 242 and 338 that require an end to the Israeli occupation. As the Committee recognized, there is a need to have the Israeli government rearticulate its commitment to these principles by "[making…] 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 Gaza Strip." (Report, page 29)

We accept these findings and are committed to working with the international community to prepare a road map for the effective implementation of all the measures recommended in the Report including those to be taken by the PNA to promote security in those areas of the Occupied Territories under its security administration.

THE LEGAL CONTEXT

As noted above, the Committee's findings represent a political document and not a legal judgment. The Report alludes to the international context when it states that "[i]f 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," but fails to explicitly set forth that context. (Report, page 3) The PLO wishes to directly address this deficiency in the Report by providing a record of the internationally accepted legal standards that apply to the Palestinian-Israeli conflict.

The Fourth Geneva Convention

During the June War of 1967, Israeli armed forces occupied the West Bank, including East Jerusalem, and the Gaza Strip, as well as the Syrian Golan Heights and the Egyptian Sinai Peninsula. U.N. Security Council Resolution 242, passed in 1968, restated the inadmissibility of the acquisition of territory by war and applied this international principle specifically to the Israeli occupation of Arab territory. Since then, all serious efforts to end the Israeli-Arab conflict have depended on implementation of this resolution requiring the Israeli withdrawal from Arab territory acquired by force and the subsequent termination of all states of belligerency.

Security Council Resolution 1322, consideration of which forms part of this Committee's mandate, makes explicit reference to several other Security Council resolutions,[6] all of which emphasize the *de jure* applicability of the Fourth Geneva Convention ("Convention") to the Occupied Palestinian Territories, the illegality of Israel's unilateral annexation of Jerusalem and of the steps Israel has taken to change the city's character. The international community, including the five permanent members of the UN Security Council, has repeatedly affirmed that the Convention applies *de jure* to the Occupied Palestinian Territories and the International Court of Justice has noted that the Geneva Conventions are customary international law as well. Israel itself originally recognized the Convention's *de jure* applicability but subsequently reversed itself.

The Committee's recommendations are in line with the Convention, and appear directly linked to the Convention's application. Israel's settlement policy, for example, is "illegal under international law" precisely because of the application of Article 49 of the Convention which prohibits the transfer of an Occupying Power's civilian population into the territory it occupies.

The Committee's recommendation that Israel cease using lethal force against Palestinian civilians and its differentiation between terrorism and legitimate protest is based, in part, on Article 47 of the Convention which affirms "the inviolability of rights" granted to the civilian population that can in no circumstances be suspended or evaded and Article 50 of the Convention which imposes a special burden on the Occupying Power to protect children from the effects of war and accompanying hardships.

The Report's recommendation that Israel lift the closures of Palestinian towns and cities, stop the demolitions of homes and agricultural property including the uprooting of trees, and release Palestinian revenues back to the PNA are consistent with Article 33 of the Convention.

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[6] UN SC 1322 makes explicit reference to Security Council Resolutions 476 (1980), 478 (1980), 672 (1990), 1073 (1996), and all other relevant Security Council resolutions.

The Committee's work itself can provide the basis on which States can fulfill their Article 1 duty under the Convention to take steps to ensure that the GOI complies with all provisions of international humanitarian law.

Human Rights Law

In addition to international humanitarian law, the GOI's conduct in the Occupied Palestinian Territories is also subject to human rights instruments to which Israel is party, as well as customary international human rights rules. While the GOI has in the past denied the applicability of international human rights instruments in the Occupied Palestinian Territories, the various mechanisms created by these instruments have reaffirmed their applicability. These include, *inter alia*, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child. The Committee has acknowledged this applicability in its call for the parties to respect international law and respect human rights.

General rules of international law also apply to the Occupied Palestinian Territories. Most significant in this context is the Palestinian people's right to self-determination, recognized implicitly by the Committee in its call to Israel to make a statement recognizing that the goal of the peace process is to establish a viable and contiguous Palestinian State in the West Bank and Gaza.

ISSUES FOR FURTHER ATTENTION

International Protection Force

We note that the Committee did not oppose an international protection force but felt that such a protection force "would need the support of both parties." (Report, page 24) The Committee does not indicate that an International Protection Force is inadvisable, and consequently, further discussion on this matter is warranted. We believe that such a force remains necessary, particularly in light of the fact that Palestinians continue to be killed by Israeli forces in increasing numbers.

Israel's Continuing Assassination Policy

On May 14, 2001, Israeli forces assassinated five Palestinian policemen near Ramallah. This premeditated killing indicates a new GOI strategy of delegating authority to local Israeli commanders to initiate attacks against Palestinian civilians and PNA officials and police. However, Israel's assassination policy started much earlier, and was openly encouraged by officials of the previous Israeli government.

In light of the open advocacy, and indeed escalation, of Israel's extra-judicial execution or assassination policy, the Committee's failure to adequately address Palestinian concerns is difficult to understand. Articles 27, 32 and 33 of the Convention clearly stipulate that Israel's planned and systematic policy of assassinations, directed against specific Palestinian officials and local leaders, is a grave breach and a war crime. The international community has now made it clear, particularly through the precedents of the International War Crimes Tribunals for the

Former Yugoslavia and Rwanda, that all of those involved in the planning, instigating, ordering, or commission of grave breaches or who otherwise aid and abet in the planning, preparation or execution of grave breaches must be held individually responsible for the crime. This remains true whether those responsible are soldiers, government officials or even heads of state.

Although Israel has not signed or ratified the Protocol Additional to the Geneva Convention of 1977, the Protocol does provide guidance in interpreting international humanitarian law concerning assassination and arguably reflects customary law. Attacks on persons considered activists, or allegedly involved in encouraging resistance to Israel's occupation, clearly contravene Articles 51, 75, and 85 of the Protocol which consider such attacks grave breaches and war crimes.

Implementation of the Committee's Recommendations

The Report's findings fail to address the question of implementation of the recommendations, perhaps wishing to leave the matter to discussion with the parties and the international community. Although there are a number of models that have been utilized by the international community to stop the worst abuses of international law, this Response will be limited to a discussion of the most important elements required for any implementation effort. The international community, however, should discuss the actual models by which these elements are incorporated with the parties at the earliest possible date.

1. Third Party Involvement: Neither party should be permitted to play the role of both judge and jury. A fundamental problem with the implementation of many of the past agreements between the Palestinians and Israelis has been the lack of objective third party involvement. This failure has allowed one side to blame the other for alleged violations without an objective third party voice to determine the veracity of the complaint. It would be extremely counter-productive if implementation of the Committee's findings are not verified and/or enforced by third parties respected and trusted by both Palestinians and Israelis. Such involvement, once agreed to, must be able to make its decisions without possibility of a veto by either party. The Committee recommends that the parties consider requesting the Temporary International Presence in Hebron (TIPH) to expand its efforts in the Occupied Palestinian Territories. However, if this is to be done, TIPH's mandate must be changed to address deficiencies in the ability of the current force to stop abuses of international law.

2. Findings of Fact: Third party involvement could alleviate the possibility of either party drawing negative conclusions on the other's implementation of an existing obligation without sufficient reason. The third party would investigate allegations of non-compliance and issue findings of fact on the allegations.

3. Dispute Resolution Mechanism: In order to address disagreements over implementation of the Report's recommendations, a peaceful and speedy dispute resolution mechanism must be created.

Implementation of Past Agreements

Finally, a number of agreements have been signed between the PLO and Israel governing certain aspects of the relations between them and imposing certain obligations on each. The Committee has recognized that these obligations need to be fulfilled but fails to identify the most important of these unfulfilled obligations:

- Section 2(d) of Article XI of the Interim Agreement calls for Israel to have withdrawn from all of the West Bank, with the exception of Israeli settlements and Israeli military bases. Today, almost three years after the deadline for Israel's third withdrawal, Israeli troops remain in control of 82% of the West Bank.
- Section 1 of Article XVI of the Interim Agreement and Annex VII thereof provides for the release of Palestinian political prisoners as well as the release of political prisoners from Arab countries. The release was to take place in three phases, the last of which was to occur during the permanent status negotiations. Israel has yet to comply with this provision.
- Article X of the Protocol Concerning Redeployment and Security Arrangements annexed to the Interim Agreement require Israel to open a safe passage route connecting the West Bank with the Gaza Strip for "the movement of persons, vehicles and goods." The Interim Agreement provides for the opening of a northern and a southern safe passage route as well as specifying the locations of designated crossing points. These commitments have also not been met.
- Israel has also failed to move forward on the issue of displaced persons (i.e. those who were displaced from their homes in the West Bank and Gaza during or after the 1967 War) by attempting to move the issue to one of the final status issues, in contravention to its obligations under Article XII of the Declaration of Principles and Article XXVII of the Interim Agreement.
- Article 40 of Annex I to the Interim Agreement, which requires Israel to increase the water allocation for Palestinians, has also yet to be fulfilled.

The failure of Israel to take steps to mitigate the consequences of its occupation pursuant to its obligations under these agreements has also been an underlying cause for Palestinian frustration and desperation, and the Committee is correct in noting that the agreements must be implemented if political negotiations are to be meaningful or if security cooperation is to be sustainable.

CONCLUSION

Israel's emphasis on security considerations alone, while taken very seriously by the Palestinians, cannot dictate the course of peace talks or attempts to end the current crisis. The PNA has repeatedly expressed its desire to resume security cooperation with Israel within the context of those elements necessary to make such cooperation sustainable. The Committee has correctly identified that security cooperation is not sustainable without meaningful political negotiations and that such negotiations cannot exist while Israel continues to colonize the territory from which it is ostensibly negotiating a withdrawal.

Most importantly, the Report provides the international community with a package of guidelines on most, if not all, of the elements necessary to create the peaceful conditions that can promote meaningful political negotiations whose goal must remain

the timely end of Israel's occupation of Palestinian territory and a two-state solution based on international law. These elements must be considered and implemented in tandem if any one element is to be successful.

We are also encouraged that the Report complements the recent Egyptian-Jordanian Initiative to end the crisis. Both the Report and the Egyptian-Jordanian Initiative represent a fair basis for resolution of the current crisis. As such, we recommend that the U.N. Security Council adopt both documents as a basis for ending the current crisis and implementing international law, including all applicable U.N. Security Council and General Assembly resolutions.

We accept this Report with the same sense of purpose with which it was written. Indeed, much has been accomplished already in Oslo, Washington, Cairo and elsewhere, but such progress will be lost if the international community does not give the Committee's recommendations the same level of consideration we are willing to provide the Report. This Report will inform Palestinian policy and must equally inform Israeli policy. For this Report to be considered by the GOI with the seriousness it deserves, the international community must also allow the Report to inform individual state policies towards the region.

We would hope that in their response to the Report, all member states and international bodies attending the Sharm El-Sheikh Summit in October 2000, together with the Committee Members, will join us in requesting a meeting at the highest level for all the parties in order to develop a mechanism for the timely implementation of the Committee's recommendations. We believe that this is within the spirit of former President Bill Clinton's October 17, 2000 statement at Sharm El-Sheikh and the logical conclusion to be drawn from the Report.

Too many innocent lives have already been lost or unalterably damaged and there are already too many people mourning in the Occupied Palestinian Territories, as well as in Israel. With that impetus in mind, we consider this Report not an end, but a beginning to a resolution of not only the current crisis, but also the underlying occupation. We are prepared to exert every effort in conjunction with the international community to make certain that the entire package presented in this Report becomes a reality.

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