

Report of the Sharm el-Sheikh Fact-Finding Committee The Mitchell Report

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. 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 fulfil the mandate agreed upon 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 commit themselves to the Sharm el-Sheikh spirit, and that they implement the decisions made there in 1999 and 2000. We believe that the summit 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.
- The GOI and the 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 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 unreasonable 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 coexist with settlement activity described very recently by the European Union as causing "great concern" and by the U.S. as "provocative."

- a. 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.
 - b. 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 dem-

onstrators, with a view to minimizing casualties and friction between the two communities. The IDF should:

- a. 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.
 - b. Adopt tactics of crowd-control that minimize the potential for deaths and casualties, including the withdrawal of metal-cored rubber rounds from general use.
 - c. Ensure that experienced, seasoned personnel are present for duty at all times at known friction points.
 - d. 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 the 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 accountability, both within the uniformed ranks and between the police and the civilian political leadership to which it reports.
 - The PA and Gal 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 Gal and the 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.

Signed:

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