



Israel's Comments on the Mitchell Committee Report - May 15, 2001

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 yours,
Dan Naveh

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 Committees 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 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 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.* 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.

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

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 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