

The Mitchell Commission Report: Many Problems, Few Solutions

by [David Schenker \(/experts/david-schenker\)](/experts/david-schenker)

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ABOUT THE AUTHORS



[David Schenker \(/experts/david-schenker\)](/experts/david-schenker)

David Schenker is the Taube Senior Fellow at The Washington Institute and director of the Program on Arab Politics. He is the former Assistant Secretary of State for Near Eastern Affairs.



Brief Analysis

This morning, the text of the long-awaited Mitchell Commission Report, an account of the past seven months of Israeli-Palestinian violence written by a five-member committee headed by former Senate majority leader George Mitchell, was made publicly available. Conceived as a "committee of fact finding" at the October 17, 2000 Sharm al Shaykh conference, its stated goal was to answer "What happened," "why it happened," and how the "recurrence of violence [could] be prevented."

Context Less than a month after the violence erupted in the West Bank, Gaza, and Israel, President Bill Clinton convened with Middle Eastern leaders for two days in Sharm al Shaykh, Egypt, in a U.S.-sponsored effort to engineer a cessation of Israeli–Palestinian violence.

Despite Clinton's optimistic appraisal that "we made real progress," the results of Sharm were indeterminate. Indeed, Palestine Liberation Organization (PLO) chairman Yasir Arafat and then-Israeli prime minister Ehud Barak did not sign anything and the meeting was punctuated by only a brief statement by Clinton summarizing three steps on which he said the parties had agreed. According to the statement, both sides agreed to issue public statements calling for an end of violence and to take steps to end the confrontations. The parties also confirmed that they would consult with Washington regarding how to move forward with the resumption of final status negotiations. Of these steps, however, the only one to be implemented was one initiated by Mr. Clinton himself — the establishment of a committee that would submit a report "on the auspices of the U.S. president for publication." This committee came to be known as the Mitchell Commission.

What Happened? From the very beginning, the report states objectivity as its goal. Complying with the request in President Clinton's undated letter to Mitchell, the commission does not apportion blame, but rather "provide[s] lessons for the future." As such, what follows is a carefully constructed back-and-forth between the Palestinian and Israeli accounts of how the violence started, taking into account each side's "perspective" to inform a painfully balanced — if not contrived — narrative in which neither side is declared "guilty."

For example, the report conveys that while Israelis perceived Ariel Sharon's September 28, 2000 visit to the Temple

Mount/Haram al-Sharif "in an internal political context," Palestinians saw it "as highly provocative." Likewise, while Israel claimed the violence was "planned by the Palestinian Authority (PA) leadership . . . as a means of regaining the diplomatic initiative," the PLO asserts that Israel responded with "excessive and illegal use of deadly force." In the end, the Mitchell Commission concludes that there was "no deliberate plan" by the PA to initiate violence, and "no deliberate plan" by Israel to respond with lethal force. While the report describes the Sharon visit as "poorly timed," it also maintains that it did not "cause" the violence.

Why Did it Happen? The report's explanations for the violence focus on "divergent expectations" and "divergent perspectives." In terms of expectations, whereas Israel "placed primacy" on conducting negotiations in "a non-violent atmosphere," the PLO saw delays in the process as the result of an Israeli attempt to "prolong and solidify occupation." Moreover, the report adds, Palestinians were dismayed that Israeli proposals at Camp David only allowed for "the return of fewer than 1 percent of refugees to their homes" in Israel.

The commission's comments on "divergent perspectives" mainly touch on issues of perceived "bad faith." For example, the PLO claims that Israel's failure to comply with its commitments to further withdrawals from the West Bank and to release Palestinian prisoners from its jails fostered bad faith. Worse, the report continues, is that Palestinians are "genuinely angry" at the continued growth of Israeli settlements in the West Bank and Gaza. For its part, Israel maintains that the PLO breached its commitments by "continuing to use violence in the pursuit of political objectives." And from the Israeli perspective, contrary to Palestinian claims, settlements "do not prejudice the outcome" of the final status negotiations.

What Next? In contrast to the reportage on what happened during the first seven months of violence, the Mitchell Report recommendations on how to end violence, rebuild confidence, and resume negotiations appear less concerned with avoiding controversy. As a start, the report advocates the U.S. formula first forwarded in October 2000 that the PA "make an all-out effort to enforce a cessation of violence," while at the same time Israel "must" endeavor to ensure that points of "potential friction" between Palestinians and Israelis "do not become stages for renewed hostilities."

After this step, the commission recommends that the PA "make it clear . . . that terrorism is reprehensible and unacceptable" by resuming the fight against terror. In order to sustain a cessation of violence, the Mitchell Report recommends that Israel freeze "all settlement construction activity." The report's definition of settlement activity is provided by Palestinians who contend "there is no distinction between 'new' and 'expanded' settlements."

In addition to calling for a freeze of all settlement construction, the commission, while recognizing Israel's security concerns, recommends that Israel should lift closures on PA areas, allow all Palestinians once employed in Israel to return to their jobs, and remand all revenues owed the PA. The report does not, however, recommend the deployment of the international protection force advocated by the PLO and the PA, because for this force to be effective, it would "need the support of both parties."

Analysis Perhaps not surprisingly, neither Israel nor the Palestinians were entirely pleased with the findings of the Mitchell Commission. Topping the list of disappointments for the Palestinians was the lack of support for an international force; the PLO has been lobbying for months for deployment of an international force to "protect" the Palestinians from Israel. Despite reservations, however, the Palestinian leadership's initial response to the report was positive. The Israeli response has been less clear, for not only was the PA absolved of responsibility for the violence, the commission advocated a unilateral freeze on Israeli settlement building activities. The tenor of the report has highlighted fissures within the Israeli government; whereas Foreign Minister Shimon Peres lauded it as "balanced and fair," Prime Minister Sharon criticized it as "unacceptable."

Of course, the primary significance of the report lies not in its assessment of the past, but rather in its prescriptions

for the future. In this regard, the Mitchell Report falls well short. Indeed, by requesting that the Palestinians fight terrorism, resume security cooperation with Israel, and end incitement, the commission seeks only Palestinian compliance with the Oslo accords — and with other commitments like Arafat's September 9, 1993 letter to then-Prime Minister Yitzhak Rabin in which he "renounce[d] the use of terrorism and other acts of violence."

By contrast, the commission's request that Israel stop settlement building to re-establish confidence goes well beyond commitments stipulated in past agreements. In fact, none of the several hundred pages of the Oslo I & II agreements (nor any of the subsequent Israeli–Palestinian agreements) mention a settlement freeze. By leaving what was meant by "settlements" open to interpretation, the commission encourages the PA to construe the report as calling for the prohibition of Israeli construction in East Jerusalem.

In short, the report could have called on both the Israelis and the Palestinians to observe previously signed agreements or it could have broken new ground and asked the Israelis to not build in territories outside of the areas of the "settlement blocs" — land that Palestinians already acknowledge will become sovereign Israeli territory in the event of a permanent status agreement.

Instead of suggesting a new and creative formula, however, the commission advocates that Israel make new unilateral concessions, in a sense rewarding the PLO for the violence of the past seven months. As such, if the Mitchell Report becomes the framework for the end to violence and the resumption of negotiations, it would affirm the already proven precedent that in Israeli–Palestinian peacemaking, violence pays.

David Schenker is a research fellow at The Washington Institute.

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