

—if private land is confiscated to be handed out to Israeli settlers;
 —if peace agreements are made in the name of rather than with other parties.

—if Israel continues to play with internal vulnerabilities of Arab states, increasing instability and distrust;

—if Israel continues to play with internal vulnerabilities of seeing her role as a regional policeman.

Let there be no mistake. I am not holding the Arabs blameless for the depth and duration of the Arab-Israeli conflict. For too long Arab states thought the monumental injustice perpetrated against the Palestinian people in 1948 was the only reality. For too long many Arabs held that justice would be served in the end, that justice would triumph, and could see only a return to their lands by the refugees as just. After all, we knew the Palestinian Arabs, native to the land as our Arab brothers. We did not know the Jews who had suddenly seized it. What was to happen to them? Arabs didn't care; they cared deeply, though, about the Palestinians. This was unrealistic. Today, we understand that the Palestinian problem must be dealt with in the context of the existence of Israel. Nevertheless, that problem *must* be resolved. We Arabs too have some requirements, but there is no question that we seek, favor, and deeply desire resolution to this disastrous conflict.

It must be noted that the Israeli annexation of Arab Jerusalem and the Golan have both taken place in the aftermath of the Egyptian-Israeli peace treaty. Even Israelis never claimed historic rights to the Golan. Now that they have purported to annex the Golan Heights, can anyone doubt that the next step will be the West Bank? Never mind the concept of autonomy. Never mind the ideas of Palestinian self-rule. It is clear that Israel is intent upon adding this Arab territory to Greater Israel.

It was the inevitability of this result to the Camp David separate peace that led us to remain outside the discussions. We ask for a process of peace, not a process of annexation. Jordan and other Arab governments want a true peace, a peace of compromise, a peace that will allow Arab and Jew and Christian to live side by side in this region so important to all three faiths and the many peoples who embrace them. We seek a peace that will not force us to divert our meager resources to a constant cycle of arming to deter others and defend ourselves, a peace that will allow us to develop our land, our people, and our society both economically and spiritually, not bury the people in the land with continuing bitterness and hatred.

And what are the essentials of such a peace? Clearly, the modalities must be negotiated, but several prerequisites are manifestly central to bring about a peace that can endure. Happily, the prerequisites are few. Sadly, they are more elusive today than they were when President Sadat traveled to Jerusalem.

First, it is clear that the Palestinians must be allowed to freely exercise their national right of self-determination. The whole world, including

United States, and implicitly even Israel, has recognized that the Palestinian problem is at the core of the continuing Middle East tragedy. Put another way, there will never be a true peace in the region until the first requirement is met.

The second requirement is Israeli withdrawal from territories occupied in the 1967 War. Indeed, these two requirements may be viewed as related. We understand that timing can be important, that security measures (such as arms or forces, limitations, observers, and the like) may be an integral part of any agreement. Issues such as security measures, juridical status, corridors of transit and communication, representation, foreign nationals, and so forth are important and are proper subjects of negotiation. Moreover, it is clear that in some cases security requirements may dictate minor modifications to specific lines previously disputed. Yet, such exchanges must result from negotiations aimed at *mutual* security and based on the two principles we have identified, not as a result of force or threat. . . .

The United States has important, some would say, vital—interests in the Middle East. It is also true that we have critical interests in the West, not least with the United States. Much of our tradition is shared, from our great monotheistic traditions to our prolonged and close association with Western Europe. We have resources of faith as well as of minerals; America has resources of science and technology as well as capital. The world is interdependent, and those Arabs who ignore or denigrate our interdependence with the West, like their counterparts here, are out of step with more than their compatriots—they are out of step with reality itself.

Thus, when some Arabs say that American or Western interests are at risk in the continued failure to achieve a settlement, what they are really saying is that world interests, our interests as well as yours, are at stake. A future that condemns us to pervert the nature and value of our relationship into that of a gunrunner's, that forces America's friends to confront and even do violence to other friends, that perpetuates poverty and ignorance and narrowly limits the resources to overcome these common enemies—this is not a hopeful destiny, this is not a humane destiny, this is not an acceptable destiny. . . .

The Kahan Commission: Report (February 7, 1983)*

Before we discuss the essence of the problem of the indirect responsibility of Israel, or of those who operated at its behest, we perceive it to be neces-

*Excerpts from the report of the Kahan Commission to investigate the massacre at the Sabra and Shatila refugee camps, which was signed by Chairman Yitzhak Kahan and members Aharon Barak and Yona Efrat.

sary to deal with objections that have been voiced on various occasions, according to which if Israel's direct responsibility for the atrocities is negated—i.e., if it is determined that the blood of those killed was not shed by I.D.F. [Israel Defense Force] soldiers and forces, or that others operating at the behest of the state were not parties to the atrocities—then there is no place for further discussion of the problem of indirect responsibility. The argument is that no responsibility should be laid on Israel for deeds perpetrated outside of its borders by members of the Christian community against Palestinians in that same country, or against Muslims located within the area of the camps. A certain echo of this approach may be found in statements made in the Cabinet meeting of 9.19.82, and in statements released to the public by various sources.

We cannot accept this position. If it indeed becomes clear that those who decided on the entry of the Phalangists into the camps should have foreseen—from the information at their disposal and from things which were common knowledge—that there was danger of a massacre, and no steps were taken which might have prevented this danger or at least greatly reduced the possibility that deeds of this type might be done, then those who made the decisions and those who implemented them are indirectly responsible for what ultimately occurred, even if they did not intend this to happen and merely disregarded the anticipated danger. A similar indirect responsibility also falls on those who knew of the decision: it was their duty, by virtue of their position and their office, to warn of the danger, and they did not fulfill this duty. It is also not possible to absolve of such indirect responsibility those persons who, when they received the first reports of what was happening in the camps, did not rush to prevent the continuation of the Phalangists' actions and did not do everything within their power to stop them.

... We would like to note here that we will not enter at all into the question of indirect responsibility of other elements besides the State of Israel. One might argue that such indirect responsibility falls, *inter alia*, on the Lebanese Army, or on the Lebanese government to whose orders this army was subject, since despite Major General Drori's urgings in his talks with the heads of the Lebanese Army, they did not grant Israel's request to enter the camps before the Phalangists or instead of the Phalangists, until 9.19.82. It should also be noted that in meetings with U.S. representatives during the critical days, Israel's spokesmen repeatedly requested that the U.S. use its influence to get the Lebanese Army to fulfill the function of maintaining public peace and order in West Beirut, but it does not seem that these requests had any result. One might also make charges concerning the hasty evacuation of the multi-national force by the countries whose troops were in place until after the evacuation of the terrorists.

... As has already been said above, the decision to enter West Beirut

was adopted in conversations held between the Prime Minister and the Defense Minister on the night between 14–15 September 1982. No charge may be made against this decision for having been adopted by these two alone without convening a Cabinet session. On that same night, an extraordinary emergency situation was created which justified immediate and concerted action to prevent a situation which appeared undesirable and even dangerous from Israel's perspective. There is great sense in the supposition that had I.D.F. troops not entered West Beirut, a situation of total chaos and battles between various combat forces would have developed, and the number of victims among the civilian population would have been far greater than it ultimately was. The Israeli military force was the only real force nearby which could take control over West Beirut so as to maintain the peace and prevent a resumption of hostile actions between various militias and communities. The Lebanese Army could have performed a function in the refugee camps, but it did not then have the power to enforce order in all of West Beirut. Under these circumstances it could be assumed that were I.D.F. forces not to enter West Beirut, various atrocities would be perpetrated there in the absence of any real authority; and it may be that world public opinion might then have placed responsibility on Israel for having refrained from action.

The demand made in Israel to have the Phalangists take part in the fighting was a general and understandable one; and political, and to some extent military, reasons existed for such participation. The general question of relations with the Phalangists and cooperation with them is a saliently political one, regarding which there may be legitimate differences of opinion and outlook. We do not find it justified to assert that the decision on this participation was unwarranted or that it should not have been made.

It is a different question whether the decision to have the Phalangists enter the camps was justified in the circumstances that were created.

In our view, everyone who had anything to do with events in Lebanon should have felt apprehension about a massacre in the camps, if armed Phalangist forces were to be moved into them without the I.D.F. exercising concrete and effective supervision and scrutiny of them. All those concerned were well aware that combat morality among the various combatant groups in Lebanon differs from the norm in the I.D.F., that the combatants in Lebanon belittle the value of human life far beyond what is necessary and accepted in wars between civilized peoples, and that various atrocities against the noncombatant population had been widespread in Lebanon since 1975. It was well known that the Phalangists harbor deep enmity for the Palestinians, viewing them as the source of all the troubles that afflicted Lebanon during the years of the civil war.

The decision on the entry of the Phalangists into the refugee camps was taken on Wednesday (9.15.82) in the morning. The Prime Minister was not

then informed of the decision. The Prime Minister heard about the decision, together with all the other ministers, in the course of a report made by the Chief of Staff at the Cabinet session on Thursday (9.16.82) when the Phalangists were already in the camps. Thereafter, no report was made to the Prime Minister regarding the excesses of the Phalangists in the camps, and the Prime Minister learned about the events in the camps from a BBC broadcast on Saturday (9.18.82). With regard to the following recommendations concerning a group of men who hold senior positions in the Government and the Israel Defense Forces, we have taken into account [the fact] that each one of these men has to his credit [the performance of] many public or military services rendered with sacrifice and devotion on behalf of the State of Israel. If nevertheless we have reached the conclusion that it is incumbent upon us to recommend certain measures against some of these men, it is out of the recognition that the gravity of the matter and its implications for the underpinnings of public morality in the State of Israel call for such measures.

*The Prime Minister, the Foreign Minister, and
the Head of the Mossad*

We have heretofore established the facts and conclusions with regard to the responsibility of the Prime Minister, the Foreign Minister, and the head of the Mossad. In view of what we have determined with regard to the extent of the responsibility of each of them, we are of the opinion that it is sufficient to determine responsibility and there is no need for any further recommendations.

The Minister of Defense, Mr. Ariel Sharon

We have found, as has been detailed in this report, that the Minister of Defense bears personal responsibility. In our opinion, it is fitting that the Minister of Defense draw the appropriate personal conclusions arising out of the defects revealed with regard to the manner in which he discharged the duties of his office—and if necessary, that the Prime Minister consider whether he should exercise his authority under Section 21-A(a) of the Basic Law of the Government, according to which “the Prime Minister may, after informing the Cabinet of his intention to do so, remove a minister from office.”

The Chief of Staff, Lt.-Gen. Rafael Eitan

We have arrived at grave conclusions with regard to the acts and omissions of the Chief of Staff, Lt.-Gen. Rafael Eitan. The Chief of Staff is about to complete his term of service in April, 1983. Taking into account the fact that an extension of his term is not under consideration, there is no [practi-

cal] significance to a recommendation with regard to his continuing in office as Chief of Staff, and therefore we have resolved that it is sufficient to determine responsibility without making any further recommendation.

Closing Remarks

In the witnesses' testimony and in various documents, stress is laid on the difference between the usual battle ethics of the I.D.F. and the battle ethics of the bloody clashes and combat actions among the various ethnic groups, militias, and fighting forces in Lebanon. The difference is considerable. In the war the I.D.F. waged in Lebanon, many civilians were injured and much loss of life was caused, despite the effort the I.D.F. and its soldiers made not to harm civilians. On more than one occasion, this effort caused I.D.F. troops additional casualties. During the months of the war, I.D.F. soldiers witnessed many sights of killing, destruction, and ruin. From their reactions (about which we have heard) to acts of brutality against civilians, it would appear that despite the terrible sights and experiences of the war and despite the soldier's obligation to behave as a fighter with a certain degree of callousness, I.D.F. soldiers did not lose their sensitivity to atrocities that were perpetrated on noncombatants either out of cruelty or to give vent to vengeful feelings. It is regrettable that the reaction by I.D.F. soldiers to such deeds was not always forceful enough to bring a halt to the despicable acts. It seems to us that the I.D.F. should continue to foster the consciousness of basic moral obligations which must be kept even in war conditions, without prejudicing the I.D.F.'s combat ability. The circumstances of combat require the combatants to be tough—which means to give priority to sticking to the objective and being willing to make sacrifices—in order to attain the objectives assigned to them, even under the most difficult conditions. But the end never justifies the means, and basic ethical and human values must be maintained in the use of arms.

Among the responses to the commission from the public, there were those who expressed dissatisfaction with the holding of an inquiry on a subject not directly related to Israel's responsibility. The argument was advanced that in previous instances of massacre in Lebanon, when the lives of many more people were taken than those of the victims who fell in Sabra and Shatilla, world opinion was not shocked and no inquiry commissions were established. We cannot justify this approach to the issue of holding an inquiry, and not only for the formal reason that it was not we who decided to hold the inquiry, but rather the Israeli Government resolved thereon. The main purpose of the inquiry was to bring to light all the important facts relating to the perpetration of the atrocities; it therefore has importance from the perspective of Israel's moral fortitude and its functioning as a democratic state that scrupulously maintains the fundamental principles of the civilized world.