

The Israel-Hezbollah War And The Winograd Committee

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1. INTRODUCTION¹

On July 12, 2006, the Hezbollah terrorist organization attacked two Israeli Defense Forces' armored Hummer jeeps patrolling along the border with gunfire and explosives, in the midst of massive shelling attacks on Israel's north. Three soldiers were killed in the attack and two were taken hostage. Hezbollah leader Sheikh Hassan Nasrallah said: "No military operation will return the Israeli captured soldiers... The prisoners will not be returned except through one way: indirect negotiations and a trade of prisoners".² Later that day, four IDF soldiers were killed when their tank hit a mine some six kilometers inside Lebanese territory.

The Israeli Defence Forces (IDF) began heavy artillery and tank fire. Israel Air Force jets struck roads, bridges and Hezbollah guerrilla positions in southern Lebanon. The air raids were intended to block any escape route for the guerrillas who may be taking the captured IDF soldiers to areas further removed from the border in order to prevent an Israeli rescue mission. But this was too late. The information about the kidnapping had arrived considerable time after fact, when the abductors were well inside Lebanon. The destructive airstrike could not halt the abductors. It only fueled the escalation.

Prime Minister Ehud Olmert convened the government on Wednesday night, June 12, 2006 to decide Israel's reaction. The government agreed that the attack had created a completely new situation on the northern border, and that Israel must take steps that will "exact a price",³

1 All websites were accessed on June 9, 2008.

2 "Hizbollah leader calls for prisoner exchange", *Albawaba.com – Middle East news information* (July 12, 2006), <http://www.albawaba.com/en/countries/Palestine/200711>.

3 Steven Gutkin, "Crisis allows Israel to pursue goals", *msnbc.com* (July 13, 2006), <http://www.msnbc.msn.com/id/13847803/>.

and restore its deterrence. Olmert rejected Hezbollah's demand that Israel redeem the kidnapped soldiers' freedom by releasing Lebanese and Palestinian terrorists jailed in Israel.

That night, Israel responded by bombarding bridges in central Lebanon and attacking Hezbollah positions along the border. The Hezbollah did not blink and retaliated on July 13, 2006 with Katyusha rockets across northern Israel. One person was killed and dozens were wounded. In Nahariya, a woman died when a rocket struck her home. Another 29 people were injured, including a number of children. Most of the casualties were lightly wounded; one person sustained serious wounds. At least eleven people were wounded when another barrage of Katyusha rockets fired from Lebanon struck the northern town of Safed.

The Israeli-Hezbollah War ended on August 14, 2006 when the UN Security Council Resolution (no. 1701) entered into force.⁴ In the 34 days of fighting, 153 Israelis were killed.⁵ Thirty six of them were civilians, killed as a result of the rockets campaign. 119 of them were soldiers, killed in Israel and in Lebanon. 3,970 rockets were fired on Israel,⁶ an average of 120 rockets a day. Many of those rockets hit buildings, caused damage and cost lives. About 2,000 people were injured; many of them suffered shock and anxieties. The estimated damage was more than five billion shekels. On the Lebanese side the figures are contested. The Hezbollah claims that he had suffered about 250 casualties.⁷ Israel has estimated its forces killed 600 Hezbollah fighters.⁸ A UN official estimated the deaths at 500;⁹ Lebanese officials had also estimated that up to 500 fighters were killed and another 1,500 injured.¹⁰ According to the Report of the Commission of Inquiry on Lebanon pursuant to Human Rights

4 Security Council SC/8808, "Security council calls for end to hostilities between Hizbollah, Israel, Unanimously adopting resolution no. 1701 (2006)", <http://www.un.org/News/Press/docs/2006/sc8808.doc.htm> .

5 "155 Victims of war in the northern war", *Ynet* (August 14, 2006), <http://www.ynet.co.il/articles/0,7340,L-3288289,00.html> (Hebrew).

6 Sharon Rofe-Ofir and Hanan Grinberg, "Rear-area headquarters: Returning to normal in all the northern settlements", *Ynet* (August 14, 2006), <http://www.ynet.co.il/articles/0,7340,L-3291201,00.html> (Hebrew).

7 "Army chief says Israel may have to confront Hezbollah attempts to re-arm", *International Herald Tribune* (February 21, 2007), <http://www.ihf.com/articles/ap/2007/02/21/africa/ME-GEN-Israel-Hezbollah.php> .

8 *Ibid.*

9 Patrick Bishop, "Peacekeeping force won't disarm Hizbollah", *Telegraph* (August 22, 2006), <http://www.telegraph.co.uk/news/1526970/Peacekeeping-force-won%27t-disarm-Hizbollah.html> .

10 Con Coughlin, "Teheran fund pays war compensation to Hizbollah families", *Telegraph* (August 4, 2006), <http://www.telegraph.co.uk/news/1525593/Teheran-fund-pays-war-compensation-to-Hizbollah-families.html> .

Council resolution S-2/1, 1,191 Lebanese citizens were killed during the war and 4,409 citizens were injured.¹¹

During the war, voices of protest were heard in Israel, mainly from reserve service soldiers,¹² and journalists. Distinguished writers such as A.B. Yehoshua, Amos Oz and David Grossman, who had later bereaved his own son, called for the government to avoid the expansion of the military operations and move from the martial arena to the political arena.¹³ After the war, thousands of people have criticized the government decisions, demanded the establishment of a national inquiry committee to investigate the war events and, called for the resignation of the war architects: Prime Minister Ehud Olmert, Minister of Defence Amir Peretz, and Chief of Staff Dan Halutz.¹⁴

This article criticizes the establishment of the committee and the results it reached, arguing that it was a “sold game”: The person under investigation should never be allowed to nominate his judges. This is mockery of justice, and travesty of social responsibility.

2. THE WINOGRAD COMMITTEE—BACKGROUND, MANDATE AND SCOPE OF OPERATION

Soon after the battles were over, Minister of Defence Peretz had established a military review committee led by former Chief of Staff, Amnon Lipkin Shahak. This initiative was immediately criticized by the media and by army officials. On August 22, 2006, only five days after the committee was appointed, it ceased to exist. A few more military and governmental review committees were established during the first weeks after the war, but they had all collapsed. The public and the media called to nominate a state committee of inquiry.

On September 17, 2006, the government had decided, according to article 8a(a) of the *Government Law, 2001*, to appoint a governmental committee of inquiry. The committee had the same mandate as a state

11 Report of the Commission of Inquiry on Lebanon pursuant to Human Rights Council resolution S-2/1 (November 23, 2006), <http://www.cggil.org/publicdocs/20061205HRC.pdf>, p. 3.

12 Oren Reiss, “Reserve soldiers reveal: this is how IDF had abandoned us”, *Ynet* (August 8, 2006), <http://www.ynet.co.il/articles/0,7340,L-3287879,00.html> (Hebrew); “Reserve soldier reports from Lebanon: The naked truth about the war”, *Scoop* (August 16, 2006), <http://www.skoop.co.il/article.html?id=3365> (Hebrew).

13 Gil Horev and Maya Bengal, “‘Peace Now’ is back on the streets”, *NRG* (August 10, 2006), <http://www.nrg.co.il/online/1/ART1/463/422.html> (Hebrew).

14 Hadas Sheffer, “Thousands demonstrated in the city circus: ‘Olmert, Go Home’”, *NRG* (September 10, 2006), <http://www.nrg.co.il/online/1/ART1/476/523.html> (Hebrew).

committee of inquiry would have, with two notable differences: Its members were not appointed by the Supreme Court, and the committee's recommendations, especially with respect to resignations, did not possess the same legal weight. The committee had the capacity to operate autonomously and independently, the authority to subpoena witnesses, the power to recommend prosecution of any Israeli public official whom it finds was involved with willful or negligent criminal behavior, and to make recommendations that will resonate in the public domain in Israel.¹⁵ On September 18, 2006 Israel's Legal Advisor to the Government Menachem Mazuz stated that while the committee may make its recommendations public, it cannot recommend to the authority who appointed it, PM Ehud Olmert, to step down.¹⁶

The committee's scope of operation was to thoroughly investigate the deployment and the proceeding of the political echelon as well as the defense system concerning the gamut aspects of the northern battle which has commenced in July 12, 2006.¹⁷ Retired judge, Dr. Eliyahu Winograd, was appointed to chair the committee. Nahum Admoni, former head of the Israeli Mossad (the Israeli CIA), was due to chair the committee. Admoni had recommended that a retired judge will do so and asked to resign from the committee.¹⁸ Given that the committee will also inquire into the security establishment's role, Admoni and Judge Winograd agreed that a reserve major-general would join the committee in place of the former.¹⁹ Other members of the committee were Professor Ruth Gavizon, a leading figure in the field of constitutional law and a human rights activist; Professor Yehezkel Dror, Israel Prize laureate for his studies on policy making and public administration; Major General (retired) Menachem Einan and Major General (retired) Dr. Haim Nadel.²⁰

15 David Bedein, "Israel Forms Panel to Examine 'Ill Preparedness' Will American Citizens who Witnessed Security Briefings from Israeli Officials be Called upon to Testify", *Israel Resource Review* (September 16, 2006), <http://israelbehindtheneews.com/Archives/Sep-16-06.htm>.

16 Yuval Yoaz, "Mazuz: soon I will decide if Olmert will be investigated", *Walla News* (September 20, 2006), <http://news.walla.co.il/?w=/1/978184> (Hebrew).

17 The commission of inquiry into the events of military engagement in Lebanon 2006 – Winograd Committee, *Letter of Appointment* (September 17, 2006), <http://www.vaadatwino.org.il/nomination.html> (Hebrew).

18 Israeli Ministry of Foreign Affairs, "Establishment of the Winograd Committee" (September 14, 2006), <http://www.mfa.gov.il/MFA/Government/Communiques/2006/Establishment%20of%20the%20Winograd%20Committee%2014-Sep-2006>.

19 *Ibid.*

20 *Ibid.*

The decision to appoint the committee was rightly criticized. The Movement for Quality Government in Israel²¹ and the “Ometz” (Courage in Hebrew) Association²² had petitioned the High Court of Justice arguing that this was just another measure in Olmert’s continued retreat and delay battle, calling on Judge Winograd to decline the appointment, stating that only a state commission headed by a judge appointed by the Supreme Court was the answer. Those motions were denied.²³ In addition, MK Zehava Galon of Meretz (Civil Rights Party) petitioned the High Court of Justice to instruct the committee to hold public hearings and to publish its protocols after each session. The ruling was given after the commission had completed hearing testimonies behind closed doors. The High Court of Justice’s decision, written by President Dorit Beinisch, held that the Winograd Commission had a duty to expose its proceedings, and the evidences which were presented to its members, as long as publicity would not harm Israel’s national security interests.²⁴ As a result of this ruling, it was decided by the committee to establish a website in which protocols will be published.²⁵ Of the 75 witnesses who appeared before the committee, only thirty testimonials were published, mainly those of governmental officials and executives.²⁶

21 The mission of the Movement for Quality Government in Israel is to promote good government for the people of Israel. The organization is dedicated to the proposition that democracy must be actively nurtured, never more so than in a young country like Israel. Over the years, the MQG has established itself as the nation’s preeminent citizen watchdog organization and peerless advocate for public accountability and the rule of law. See the Movement Website - <http://www.mqg.org.il/English/Whoweare/tabid/175/Default.aspx>.

22 Ometz is an Israeli NGO that operates to strengthen the moral-ethical values of the governmental systems in Israel, to pursue constitutional equality for all and to eagerly guard human rights and basic freedoms in all aspects of life. See the NGO website - <http://ometz-il.org/About.htm>

23 Aluf Ben and Yuval Yoaz, “Winograd will chair the inquiry commission of the Lebanon war”, *Haaretz* (September 12, 2006), <http://www.haaretz.co.il/hasite/spages/761407.html> (Hebrew); H CJ 6728, 7607/ 06 “Ometz” Association and The Movement for Quality Government in Israel v. Israel’s Prime Minister” (November 30, 2006), <http://elyon1.court.gov.il/Files/06/280/067/p19/06067280.p19.HTM> (Hebrew).

24 H CJ 258/07 *MK Galon v. The Commission of Inquiry into the Events of Military Engagement in Lebanon 2006* (February 6, 2007), <http://elyon1.court.gov.il/Files/07/580n05/07002580.n05.HTM> (Hebrew).

25 A press release (February 12, 2007), <http://www.vaadatwino.org.il/press.html#null> (Hebrew).

26 <http://www.vaadatwino.org.il/statements.html> (Hebrew).

3. WINOGRAD INTERIM REPORT

The much expected Winograd Interim Report was published on April 30, 2007 and caused immediate turmoil. The Report contended that the decision-making process leading to opening the war was flawed, with serious and dangerous deficiencies:²⁷

- a. The decision to respond with an immediate, intensive military strike was not based on a detailed, comprehensive and authorized military plan, nor based on careful study of the complex characteristics of the Lebanon arena. A meticulous examination of these characteristics would have revealed the following: the ability to achieve military gains having significant political-international weight was limited; an Israeli military strike would inevitably lead to rockets fired on the north of Israel; the effective military response to such rocket attacks was an extensive and prolonged ground operation to capture the areas from which the rockets were fired - which would have entailed a high "cost". Such operation did not enjoy broad support. These difficulties were not explicitly raised with the political leaders before it was decided to strike Lebanon from the air.
- b. Consequently, in deciding to go to war, the government did not consider the whole range of options in response to the abduction. This failure reflected weakness in strategic thinking, which undercut the response to the violent event.
- c. The support in the cabinet for this move was gained, in part, through ambiguity in the presentation of goals and modes of operation, so that ministers with different or even contradictory attitudes could support it. The ministers voted for a vague decision, without understanding and knowing its nature and implications. They authorized commencement of a military campaign without considering how it will be possible to end it.
- d. Some of the declared goals of the war were not clear and in part were not achievable by the authorized modes of military action.
- e. The IDF did not exhibit creativity in proposing alternative action possibilities, did not alert the political decision-makers to the discrepancy between its own scenarios and the authorized modes

²⁷ Raphael Cohen-Almagor, *Israeli Politics – May 2007*, http://almagor.blogspot.com/2007_05_13_archive.html.

of action, and did not demand - as was necessary under its own plans - early mobilization of the reserves so they could be equipped and trained in case it was decided to launch a ground operation.

- f. Even after these facts became known to the political leaders, they failed to adapt the military mode of operation and its goals to the reality on the ground. On the contrary, declared goals were too ambitious, and it was publicly stated that fighting would continue till they were achieved. But the authorized military operations did not enable their achievement.

The Winograd Committee concluded that the primary responsibility for these serious failings rested with Prime Minister Olmert, Minister of Defense Peretz and Chief of Staff, Dan Halutz. They singled out these three because it was likely that had any of them acted more prudently - the decisions in the relevant period and the ways they were made, as well as the outcome of the war would have been significantly more positive for Israel. Nevertheless, the Interim Report stopped short of personal recommendations regarding the failed trio.

The Prime Minister “bears supreme and comprehensive responsibility for the decisions of ‘his’ government and the operations of the army.”²⁸ Olmert also came under criticism for rushed actions at the outset of the war, and for failing to consult with either military or non-military experts. “The prime minister made up his mind hastily, despite the fact that no detailed military plan was submitted to him and without asking for one,” the Report said.²⁹ “He made his decision without systematic consultation with others, especially outside the IDF, despite not having experience in external-political and military affairs.”³⁰ Olmert was also criticized for failing to “adapt his plans once it became clear that the assumptions and expectations of Israel’s actions were not realistic and were not materializing”.³¹ “All of these,” the Report said, “add up to a serious failure in exercising judgment, responsibility and prudence.”³²

28 The Interim Winograd Report (April 2007), Section 99, pp. 129-130, <http://www.vaadatwino.org.il/pdf/???%20????.pdf> (Hebrew).

29 The Interim Winograd Report (April 2007), Section 135, p. 135, <http://www.vaadatwino.org.il/pdf/???%20????.pdf> (Hebrew).

30 The Interim Winograd Report (April 2007), Section 121, p. 133, <http://www.vaadatwino.org.il/pdf/???%20????.pdf> (Hebrew).

31 The Interim Winograd Report (April 2007), Section 128, p. 134, <http://www.vaadatwino.org.il/pdf/???%20????.pdf> (Hebrew).

32 The Interim Winograd Report (April 2007), Section 135, p. 136, <http://www.vaadatwino.org.il/pdf/???%20????.pdf> (Hebrew).

The findings leveled heavy criticism at Defense Minister Amir Peretz for being unaware of the state of the Israel Defense Forces, even though he should have been. Peretz “did not have knowledge or experience in military, political or governmental matters. He also did not have good knowledge of the basic principles of using military force to achieve political goals.”³³ Despite these deficiencies, the Report stated, “He made his decisions during this period without systemic consultations with experienced political and professional experts, including outside the security establishment.”³⁴ In fact, the Committee found, “his serving as minister of defense during the war impaired Israel’s ability to respond well to its challenges.”³⁵

Chief of Staff Dan Halutz bore more blame, since Olmert and Peretz were inexperienced in military matters. Halutz reacted impulsively to the kidnapping of the two reserve soldiers. He was criticized for entering the war “unprepared,”³⁶ and for failing to inform the cabinet of the true state of the IDF ahead of the ground operation. According to the Winograd findings, the army and its chief of staff “were not prepared for the event of the abduction despite recurring alerts.”³⁷ The Committee also found that Halutz had failed to “present to the political leaders the internal debates within the IDF concerning the convergence between the stated goals and the authorized modes of actions.”³⁸ Winograd said that Halutz displayed lack of professionalism and lack of judgment. Winograd added that, despite his lack of experience, Olmert did not request help, or question the plan put to him. Peretz also came under similar criticism for not inspecting the war plan with sufficient care.

The Interim Report had criticized the entire government, by saying that the cabinet voted to go to war without understanding the implications of the decision: “The government did not consider the whole range of options, including that of continuing the policy of ‘containment’, or combining political and diplomatic moves with military strikes below the

33 The Interim Winograd Report (April 2007), Section 139, p. 136, <http://www.vaadatwino.org.il/pdf/???%20?????.pdf> (Hebrew).

34 The Interim Winograd Report (April 2007), Section 158, p. 140, <http://www.vaadatwino.org.il/pdf/???%20?????.pdf> (Hebrew).

35 The Interim Winograd Report (April 2007), Section 161, p. 140, <http://www.vaadatwino.org.il/pdf/???%20?????.pdf> (Hebrew).

36 The Interim Winograd Report (April 2007), Section 174, p. 142, <http://www.vaadatwino.org.il/pdf/???%20?????.pdf> (Hebrew).

37 The Interim Winograd Report (April 2007), Section 16, p. 116, <http://www.vaadatwino.org.il/pdf/???%20?????.pdf> (Hebrew).

38 The Interim Winograd Report (April 2007), Section 188, p. 143, <http://www.vaadatwino.org.il/pdf/???%20?????.pdf> (Hebrew).

‘escalation level’, or military preparations without immediate military action - so as to maintain for Israel the full range of responses to the abduction.”³⁹ In one crucial meeting that lasted two and a half hours, without substantive deliberation, and without examining different alternatives for action, the government had authorized a wide military campaign, this without knowing how this campaign might progress, without inquiring what would be its aims, without probing the implications for Israeli society.⁴⁰

4. THE WINOGRAD COMMITTEE AND ITS FINAL REPORT

The shift from the yishuv to the sovereign state of Israel was manifested by the concept of *mamlakhtiut* (statehood), meaning legitimate state public authority. The concept was contrasted with *yishuviut* (**inhabitation**) and *tnuatiut* (party-affiliated goals). It accentuated the need to ascribe state activities with unitary character, divorced from partisan political considerations. This need was of paramount importance in the spheres of public administration and services and in state security.⁴¹ The salt of the earth people are *mamlakhtim*. They are part of the establishment. They are conformist. They know what is expected of them, and they deliver the goods. This was also the case with the Winograd Committee.

Eliyahu Winograd is a well-respected judge who sat on many national committees. He is very experienced, and he knows what is expected of him. Ruth Gavison is a leading figure in the field of constitutional law and human rights. She also sat on numerous committees. Like her colleague Winograd, her eye is always open to the government. She is part and parcel of the establishment, and likes to remain active in these influential circles. The two army generals, Haim Nadel and Menachem Einan, are highly respected officers who were there to investigate the army’s conduct. They also are very *mamlakhtim*; always have been. The wild card was Yehezkiel Dror, Israel foremost scholar on public administration. He usually has an uncompromising voice of conscience, and he

39 The Interim Winograd Report (April 2007), pp. 123-125, <http://www.vaadatwino.org.il/pdf/???%20????.pdf> (Hebrew).

40 Raphael Cohen-Almagor, *Israeli Politics – May 2007*, http://almagor.blogspot.com/2007_05_13_archive.html

41 See Raphael Cohen-Almagor, “Cultural Pluralism and the Israeli Nation-Building Ideology”, *International Journal of Middle East Studies*, Vol. 27 (1995), pp. 461-484.

never cared too much about being *mamlakhti*. Thus, his nomination was quite a surprise.⁴²

The criticisms against the establishment of the committee, that it was wrong for the Prime Minister to be able to choose the people who will investigate his actions, proved to be justified. In this respect, the Report, which was published on January 30, 2008 was not surprising. Still, it is interesting how the distinguished committee members were able to take Olmert off the hook. Members of the committee have stated that the manner in which the ground operation was conducted gives rise to extremely grave questions. They have also stated that a profound change is necessary in the patterns of action of the government and military echelons and that a determined and ongoing effort will be needed to bring about change in the modes of action of the governmental-military system.

The members of the committee explained that they did not wish to include in the Final Report personal conclusions and recommendations. They believed that the primary need for improvements applied to the structural and systemic malfunctioning revealed in the war on all levels. Nonetheless, they stressed, the fact they refrained from imposing personal responsibility did not imply that no such responsibility existed. They did not wish to impose different standards of responsibility on the political and the military echelons, or to persons of different ranks within them. When they imposed responsibility on a system, an echelon or a unit, they did not imply that the responsibility was only or mainly of those who headed it at the time of the war. Often, such responsibility stemmed from a variety of factors outside the control of those at the head. In addition, a significant part of the responsibility for the failures and flaws they have found was with those who had been in charge of preparedness and readiness in the years before the war.

As said, one government meeting preceded the decision to bomb targets in Beirut. The government had no idea that by this they forced the region into war. This is quite disturbing: No checks and balances. No monitoring mechanisms.⁴³ In sum:

- One of its greatest failures, a subject that has also occupied a great deal of time in the Winograd Committee's probe of the war, is the fact that the IDF did not put an end to the short range-rocket

42 Raphael Cohen-Almagor, *Israeli Politics – February 2008*, http://almagor.blogspot.com/2008_02_17_archive.html#5373587414013533739

43 English Summary of the Winograd Commission Report, *The New York Times* (January 30, 2008), <http://www.nytimes.com/2008/01/30/world/middleeast/31winograd-web.html?pagewanted=print>

attacks. An analysis of testimonies and investigation reports suggest that while the Air Force and the intelligence branches focused on Hezbollah's arsenal of medium and long-range rockets, dealing with Katyushas was neglected. The medium-range Fajr rockets in the Hezbollah arsenal, and the longer range, Iranian-made Zilzal rockets, were under careful IDF study since its withdrawal from southern Lebanon in May 2000. This careful preparation resulted in the success of what the IDF had called "the Fajr night," the 34 minutes during the first night of the war during which the Air Force struck dozens of homes of Hezbollah activists where the rockets were hidden and eliminated that threat.⁴⁴

- The committee found serious failings and shortcomings in the decision-making processes and staff-work in the political and the military echelons and their interface.
- The committee found serious failings and flaws in the quality of preparedness, decision-making and performance in the IDF high command, especially in the Army.
- The committee found serious failings and flaws in the lack of strategic thinking and planning, in both the political and the military echelons.
- The committee found severe failings and flaws in the defense of the civilian population and in coping with its being attacked by rockets.
- These weaknesses resulted in part from inadequacies of preparedness and strategic and operative planning which go back long before 2006.⁴⁵

However, the committee stopped short of telling Olmert he had to take responsibility and resign. Olmert behaved irresponsibly when he appointed Amir Peretz to be Minister of Defense. He did this out of partisan political considerations, knowing full well that Peretz was unqualified for this heavy responsibility. By this Olmert abandoned security considerations, and drove Israel's enemy to try the inexperienced trio (Olmert, Peretz and Halutz). The government had knowingly decided to

44 Raphael Cohen-Almagor, *Israeli Politics – February 2008*, http://almagor.blogspot.com/2008_02_17_archive.html#5373587414013533739

45 Raphael Cohen-Almagor, *Israeli Politics – February 2008*, http://almagor.blogspot.com/2008_02_17_archive.html#5373587414013533739

subject one million people to continuous rocket attack, without providing them with adequate shelters and defense.

Much of the public discussion between the Interim Report and the Final Report revolved around the question why Olmert authorized a wide-scale ground operation after the UN declared a ceasefire. To recall, on Friday, August 11, 2006 the UN Security Council passed a ceasefire resolution (no. 1701) that was supposed to enter into force on Monday, August 14, 2006. Yet Olmert decided on Friday to launch ground operation. His critiques saw this as yet another spin, willing to sacrifice life of soldiers just to save his face. Olmert explained to the committee that he believed there might be a vacuum between the ceasefire declaration and the actual bolstering of UN Interim Force in Lebanon (UNIFIL) peacekeepers, and therefore that Israeli positions would be taken by the Hezbollah militia. As such, Olmert believed he had no other choice but to approve the ground assault.⁴⁶ The Committee accepted his reasoning that the altered ceasefire terms were disappointing to Israel and therefore left no choice to Olmert, by his own judgment, but to approve the ground assault, partly in order to improve the ceasefire terms.

Yossi Verter concluded that “The bottom line of the complete Winograd Report is that there is no bottom line.”⁴⁷ In another political culture, he wrote, anyone else would have resigned long ago, after the partial report, but not Olmert. He viewed the Final Report as an opportunity to turn over a new leaf.⁴⁸

5. INTERNAL POLITICS

Both Chief of Staff Halutz and Minister of Defense Peretz had resigned from office before the Interim Report was published. Halutz succumb to public pressure whereas Peretz lost the internal Labor elections for the party leadership to his arch-rival Ehud Barak. Immediately afterwards, Peretz resigned office and Barak, the most decorated soldier in the history of the IDF, took over. Therefore, the main protest was directed towards PM Olmert. On May 3, 2007, three days after the release of the Interim Report, the Knesset held special session to debate the Report’s findings. Opposition leader Benjamin Netanyahu called for Olmert to

46 David Makovsky, “Winograd Part II: Implications for U.S. – Israeli Relations”, *Policy Watch/ Peace Watch*, The Washington Institute for Near East Policy (February 01, 2008), <http://www.washingtoninstitute.org/templateC05.php?CID=2714>

47 Yossi Verter, “Over to you, Ehud!”, *Haaretz* (February 01, 2008), <http://www.haaretz.com/hasen/spages/949739.html>

48 *Ibid.*

resign, but Kadima's MPs supported Olmert and a vote of no-confidence was not held.⁴⁹ Olmert himself had promised he would act upon the committee's Final Report. Later that day, tens of thousands of protesters had gathered at Tel Aviv's main city square, calling upon Olmert and his government to resign.⁵⁰ *De facto*, not only that Olmert did not leave his position, but Barak's nomination as defense minister, in June 2007, had strengthened the government's stability and enabled the continuance of its tenure. Avigdor Yitzhaki was the only Kadima member who tried to evoke an internal rebellion inside Kadima, calling upon his friends to dismiss Olmert from his position.⁵¹ His failure had led Yitzhaki to resign his position as the coalition chair, after the Interim Report in May 2007⁵² and from the Knesset on February 7, 2008.⁵³

After the Final Report's publication, reserve officers' organization and bereaved families who called upon Olmert's resignation reduced the intensity of their protest because of the implicit and ambiguous conclusions of the Report.⁵⁴ Prime Minister Olmert felt great relief, that he was exonerated. He described the Report as "Lifting the moral stigma from me".⁵⁵ His close colleagues said he was "moved to tears" after reading the Report sections that dealt with the ground operation.⁵⁶ He had no intention of resigning.

Soon after he was elected as chair of the Labor party, Ehud Barak said that he would quit the government if Olmert did not resign following

49 BBC News, "Olmert survives war report debate" (May 03, 2007), http://news.bbc.co.uk/2/hi/middle_east/6618193.stm

50 BBC News, "Israelis call on Olmert to resign" (May 03, 2007), http://news.bbc.co.uk/2/hi/middle_east/6621337.stm ; Observer reporter Online, "Protesters call on Israel's Olmert to quit over Lebanon war failures" (May 04, 2007), http://www.observer-reporter.com/OR/Story/05_04_ISRAEL_WAR_INQUIRY_10

51 Atila Somfalvi, "Kadima MK Itzhaky quits Knesset over war report", *Ynet* (January 31, 2008), <http://www.ynetnews.com/articles/0,7340,L-3501043,00.html>

52 Mazal Mualem, "Yitzhaki quits as coalition chair after ultimatum to Olmert", *Haaretz* (May 02, 2007), <http://haaretz.com/hasen/spages/855056.html>

53 Atila Somfalvi, "Kadima MK Itzhaky quits Knesset over war report", *Ynet* (January 31, 2008), <http://www.ynetnews.com/articles/0,7340,L-3501043,00.html>

54 Yuval Azoulay, "bereaved parents call on PM to resign in 'alternative Winograd Report'" (January 23, 2008), <http://www.haaretz.com/hasen/spages/947470.html>; Lili Galili, Barak Ravid, Mazal Mualem and Yuval Azoulay, "Reservists freeze campaign against PM of war report", *Haaretz* (January 28, 2008), <http://www.haaretz.com/hasen/spages/948898.html> ;

55 Amos Harel, Yuval Azoulay, Lili Galili and Barak Ravid, "PM: Winograd Report 'lifts moral stigma' from me", *Haaretz* (January 31, 2008), <http://www.haaretz.com/hasen/spages/949764.html>.

56 Amos Harel, Yuval Azoulay, Lili Galili and Barak Ravid, "PM: Winograd Report 'lifts moral stigma' from me", *Haaretz* (January 31, 2008), <http://www.haaretz.com/hasen/spages/949764.html>.

the release of the final conclusions of the Winograd Commission. Alas, after the final report was released, Minister of Defense Barak did not fulfill his promise, claiming the Report was not as grave as it was expected to be. His justification for staying in the government was the heavy responsibility he took upon himself facing the great challenges ahead, namely the Iranian, Hezbollah and Palestinian threats. Barak's advisors concluded that resigning from the government would be irresponsible given that the Defense Minister was the only one who could - and must - correct the inadequacies cited by the Winograd Report. Some of Barak's colleagues were not convinced: Ophir Pines-Paz who had resigned his office as the Culture, Science and Sports minister shortly after the war on October 30, 2006;⁵⁷ Eitan Cabel, Secretary General of the Labor Party who had resigned office as a Minister without Portfolio, immediately after the Interim Report was released, on May 1, 2007, calling upon PM Olmert to do the same;⁵⁸ Shelly Yachimovich and Danny Yatom demanded that the Labor Party pull out of the coalition. But on the other hand, other Labor members, ministers in the Olmert government, argued against leaving the coalition. Barak remained in office.⁵⁹

Opposition leader, Benjamin Netanyahu, called Olmert an unfit leader and an incompetent PM. Netanyahu said that Israel's citizens were demanding a new and worthy leader, who will be elected into office.⁶⁰

The Winograd Report did not cause a dramatic change in public opinion regarding Prime Minister Ehud Olmert. According to a public opinion poll conducted on January 31, 2008, not only the political leadership but also the public remained indifferent to the Report. Haaretz-Dialog survey found that most of the public believed Olmert should resign following the Report. But compared to the public's feelings after the release of the Interim Report nine months earlier, support for Olmert had increased.⁶¹ After the Interim Report 68% of the public believed that Olmert should resign his office; while nine months later, with the release

57 Attila Somfalvi, "Pines-Pas resigns from government", *Ynet* (October 30, 2006), <http://www.ynetnews.com/articles/0,7340,L-3321526,00.html>.

58 Mazal Mualem, "Minister Cabel quits gov't, calls on Olmert to follow his example", *Ynet* (May 1, 2007), <http://www.haaretz.com/hasen/spages/854476.html>

59 Haaretz Service, "Calls said growing within Labor for Barak to quit Olmert's coalition", *Haaretz* (January 31, 2008), <http://www.haaretz.com/hasen/spages/950035.html>; Mazal Mualem and Yossi Verter, "Senior Labor Party sources: Barak is expected to stay in office", *Haaretz* (February 1, 2008), <http://www.haaretz.com/hasen/spages/950290.html>

60 Mazal Mualem, "Opposition leader Netanyahu: Olmert is incompetent, unfit to lead", *Haaretz* (February 1, 2008), <http://www.haaretz.com/hasen/spages/950047.html>.

61 Yossi Verter, "Haaretz-Dialog poll: Third of public calls for Olmert to stay", *Haaretz* (February 1, 2008), <http://www.haaretz.com/hasen/spages/950230.html>

of the Final Report, only 53% of the public thought Olmert should resign.⁶² The survey also showed that after the Final Report, only 14% of the public thought that Olmert was responsible for the war outcomes whereas the parallel figures after the Interim Report showed that 36% of the public saw Olmert as the main responsible person for the war outcomes.⁶³

On February 4, 2008, the Knesset convened for a special session, dedicated to Winograd's Final Report. The session included Olmert's speech as a response to the Report conclusions. Olmert said he "carries the full responsibilities for the failures" of the war, although he defended the decision to go to war against Hezbollah.⁶⁴ He said, "The unequivocal opinion of the defense establishment before the Second Lebanon War was that in the case of an abduction attempt or rocket attacks, Israel must respond harshly in the entire area in a disproportionate fashion," in order to deal with the Hezbollah threat.⁶⁵

Olmert reminded the plenum of the support that the war initially garnered from the entire political spectrum, the media and the public. He criticized opposition leader and Likud Chairman Benjamin Netanyahu for calling upon him to resign, saying that Netanyahu was a major supporter of the war effort.⁶⁶

Netanyahu responded that the "Second Lebanon War was a failure... The prime minister is evading responsibility. It won't help to put the responsibility on the people, the opposition, on me personally. We all supported the war, and even today we wouldn't take it back... But we didn't support the failed management of the war."⁶⁷ Meretz MK Zehava Galon addressed Olmert, saying that he should be denounced on the "public pillory."⁶⁸ "You won your war of survival, but the state of Israel lost. A state is not a survival plan, and therefore you must resign. . . . You are not fit to move the state in the direction of a peace process. The peace

62 Yossi Verter, "Decrease in the demand for Olmert's resignation", *Haaretz* (February 1, 2008), <http://www.haaretz.co.il/hasite/spages/950343.html> (Hebrew); See also the Survey full results (in Hebrew) - <http://www.haaretz.co.il/hasite/images/printed/P010208/a.a.0102.1.1.9.jpg>

63 <http://www.haaretz.co.il/hasite/images/printed/P010208/a.a.0102.1.1.9.jpg>

64 Shahar Ilan, "In symbolic vote, Knesset okays MP's post-Winograd speech", *Haaretz* (February 4, 2008), <http://www.haaretz.com/hasen/spages/951073.html>.

65 *Ibid.*

66 Shahar Ilan, "PM to Appear before Knesset session devoted to Winograd", *Haaretz* (January 31, 2008), <http://www.haaretz.com/hasen/spages/950062.html>; Shahar Ilan, "In symbolic vote, Knesset okays MP's post-Winograd speech", *Haaretz* (February 4, 2008), <http://www.haaretz.com/hasen/spages/951073.html>

67 Shahar Ilan, "In symbolic vote, Knesset okays MP's post-Winograd speech", *Haaretz* (February 4, 2008), <http://www.haaretz.com/hasen/spages/951073.html>

68 *Ibid*

camp is not a sanctuary state. Peace must not become the last refuge of the villainous and corrupt.”⁶⁹ Labor MK Eitan Cabel had criticized the PM “I was a minister in the government and participated in the decision-making process. . . I have no expectations of you. . . to get up and leave. Regrettably, I have no expectation that you will set a personal example.”⁷⁰

During the session, bereaved parents started a commotion and shouted at Olmert. “You are not my prime minister. I relinquish my citizenship!” shouted Elipaz Baloha, who lost his son during the Israel-Hezbollah War. Baloha was subsequently removed from the Knesset and the other bereaved parents followed him in solidarity.⁷¹ MKs Uri Ariel and Arieh Eldad of the National Union Party had also left the hall, after a failed attempt to rally other MKs to join them and leave the plenum.⁷²

Nevertheless, the Knesset approved in a majority of 59 versus 53 Olmert’s speech in a symbolic vote. Six Coalition members voted against the statement; four Arab MKs as well as former Defense Minister Amir Peretz did not attend the special session.⁷³

6. INTERNATIONAL IMPLICATIONS

Talkbacks in the Arab nations started referring in a positive manner to the appointment of a Winograd-like committee in Lebanon to investigate the Israel-Hezbollah War, and in Egypt to investigate the failing economics. But the Arab leaders do not want to appoint a committee that threatens their thrones. Hassan Nasrallah, leader and General Secretary of the Hezbollah, was quick to endorse the Winograd Report, viewing its conclusions as evidence that his organization had won the war. Nawaf Musawi, head of international relations for Hezbollah, called the war a “divine victory” against Israel. He added that “no one will take us lightly from now on, especially since we have only gained strength of late.”⁷⁴ The Winograd Report had political implications in Lebanon as, according to Musawi, the Report contradicted Beirut officials who claimed that the

69 *Ibid*

70 Shahar Ilan, “In symbolic vote, Knesset okays MP’s post-Winograd speech”, *Haaretz* (February 4, 2008), <http://www.haaretz.com/hasen/spages/951073.html>

71 Mel Frykberg, “Olmert’s career barely surviving”, *Middle East Times* (February 11, 2008), http://www.metimes.com/International/2008/02/11/olmerts_career_barely_surviving/6233/

72 Shahar Ilan, “In symbolic vote, Knesset okays MP’s post-Winograd speech”, *Haaretz* (February 4, 2008), <http://www.haaretz.com/hasen/spages/951073.html>

73 *Ibid*

74 “Hezbollah hails Winograd Report”, *Gulf News* (May 1, 2007), <http://archive.gulfnews.com/articles/07/05/01/10122160.html>

war had hurt Lebanon and was not won by Hezbollah.⁷⁵ The further implications are the weakening of Israel in the eyes of its enemies, as its heavy army was unable to win against the Hezbollah militias.⁷⁶

The Final Report also focused on the U.S.-Israel relationships. The committee analysis showed that changing signals from Washington officials regarding the terms of the ceasefire agreement, during Friday August 11, 2006 were at the center of Olmert's controversial decision to launch a ground assault.⁷⁷ According to the Report, the U.S. allowed the reversal of cautiously negotiated terms, between a draft that the Assistant Secretary of State - David Welch, sent to Israeli authorities on August 10, 2006, to a new draft sent by the Undersecretary of State for Political Affairs – Nicholas Burns, late on that same day. The Committee reported that the latter draft included no enforcement for a weapons embargo on Hezbollah, and it did not mention the condition according to which embargo violations would be sanctioned by chapter 7 (the use of force authorization) of the UN Charter.⁷⁸ Later, Israeli government officials argued that they had no idea the United States would allow carefully negotiated terms to be suddenly reversed.

7. CONCLUSIONS

The Israeli government responded hastily and without much thinking to the Hezbollah attack. Rushing into action without proper examination is irresponsible. Responsible government is required to ponder the consequences of its decisions. The government of Israel should have announced immediately after the kidnapping of the two soldiers that it regards the Hezbollah attack as a severe breach of international law, and that it will respond in the time and manner it sees fit, reassuring the Hezbollah as well as the citizens of Israel that such attack will not pass unnoticed. The way to respond to guerilla warfare is by guerilla warfare. The IDF has several elite platoons that are suitable for the job. There is no need to rush into action and to escalate tensed situations into unnecessary wars. Israel did not retrieve the kidnapped soldiers. Its massive

75 *Ibid.*

76 Guy Bechor, "An Arab Winograd Committee", *Gplanet* (May 3, 2007), http://www.gplanet.co.il/prodetailsamewin.asp?pro_id=346 (Hebrew)

77 Winograd Final Report, January 2008, p. 533-534, <http://www.vaadatwino.org.il/pdf/???%20???.pdf> (Hebrew)

78 David Makovsky, "Winograd Part II: Implications for U.S. – Israeli Relations", *Policy Watch/ Peace Watch*, The Washington Institute for Near East Policy (February 1, 2008), <http://www.washingtoninstitute.org/templateC05.php?CID=2714>

attack on Lebanon brought about large-scale retaliation that subjected more than million people to continuous rocket attacks, that resulted in hundred of thousands of refugees, and hundreds of people killed or maimed. If at all, the war strengthened the Hezbollah in Lebanon, and weakened the Israeli deterrence. As long as the person who is responsible for this major error of judgment resides in the Prime Minister house, there will be no quiet in the region as Israel's enemies know what most Israeli citizens have realized: Olmert is unfit for the job. Israel should declare elections, the sooner the better.