



Gaza: Nobody needed to die

Israel is currently engaged in its third military offensive on Gaza since 2008, ostensibly to bring a halt to rocket and mortar fire out of Gaza into Israel.

There was no need for this offensive – or for the previous two offensives – for Israel to achieve that objective. Nobody, neither Israeli nor Palestinian, needed to die in order to bring a halt to rocket and mortar fire out of Gaza. All Israel needed to do was to stick to agreements it made with Hamas. But it didn't.

Hamas willing to do a deal

Since September 2005, when Israel withdrew its settlers and ground troops from Gaza, Hamas has been willing to abstain from rocket and mortar fire out of Gaza, and to exert pressure on other Palestinian groups to do likewise, providing Israel

- (a) ceased its repeated military incursions into Gaza to kill Palestinians, and
- (b) ended its economic blockade of Gaza.

The economic blockade is contrary to international law, specifically Article 33 of the Fourth Geneva Convention, which forbids collective punishment of people under occupation, but the international community has stood idly by for years while Israel has callously maintained this blockade and brought untold misery to the people of Gaza.

Here's what Chris Gunness of the UN Relief and Works Agency told the BBC Today programme on 17 July 2014 about its effects:

“95% of the water is undrinkable. You turn on a tap in Gaza and salt water comes out of it. Millions of litres of raw sewage flow into the sea from Gaza every single day. We have a situation where the number of people coming to UNRWA for food assistance – it was 80,000 in 2000, it is now 800,000, that is, more than half of the people of Gaza have been made aid dependent as a result of man made policies.”

Man made in Israel, he might have added, and implemented with cold deliberation. Remember, according to a Wikileaks cable from the US embassy in Tel Aviv on 20 October 2008, Israeli officials had made it clear to the US “on multiple occasions” that “as part of their overall embargo plan against Gaza” Israel intended “to keep the Gazan economy functioning at the lowest level possible consistent with avoiding a humanitarian crisis” [\[1\]](#).

Israel failed to honour obligations

There is no doubt that, if it had wished to do so, Israel could have achieved a peaceful modus vivendi with Hamas on the above basis at any time since September 2005. The fact that such a modus vivendi was not arrived at and maintained is entirely Israel's fault. Egypt brokered arrangements along these lines on two occasions but while Hamas honoured its obligations under them on each occasion, Israel did not:

(1) In June 2008, Egypt brokered a deal which provided for the end of hostilities and for Israel to end its blockade. Hamas fulfilled its obligations under the deal and ceased firing out of Gaza for four and a half months. But Israel did not ease its blockade and, on the evening of 4 November 2008, it made a military incursion into Gaza, for the first time since the ceasefire began in June, and killed 7 members of Hamas. That was the end of the deal.

(2) Israel's second military offensive against Gaza in November 2012 (Operation Pillar of Cloud) was ended with a deal in which Israel promised to cease military incursions into Gaza and end its blockade of Gaza. It did neither. By contrast, Hamas maintained a ceasefire for over 18 months.

2008 Israel-Hamas ceasefire

In June 2008, Egypt brokered a deal between Israel and Hamas which provided for an immediate cessation of hostilities on both sides and Israeli steps towards ending its blockade. The text of the deal is not in the public domain but, according to the International Crisis Group, it provided for

“immediate cessation of hostile activities; a limited increase in the amount of goods entering Gaza after three days; and, after ten days, the crossings to be open for all products except materials used in the manufacture of projectiles and explosives” (*Briefing: Round Two in Gaza*, 11 September 2008 [\[2\]](#))

Hamas fulfilled its obligations under this agreement to the letter and, as a result, southern Israel was almost entirely free from firing out of Gaza for four and a half months. As a “partner for peace”, Hamas could not be faulted – they made a deal with Israel and stuck to it.

It is true that the ceasefire was not perfect: despite being restrained by Hamas, there was occasional firing by other Palestinian groups, but this declined over time and in October only 1 rocket and 1 mortar was fired out of Gaza, compared with 153 rockets and 241 mortars in the first 18 days of June before the ceasefire.

However, Israel did not fulfil its obligations under the agreement: it did not ease its economic blockade, let alone lift it, and on the evening of 4 November 2008 (when the world was watching the election of Barack Obama) it made a military incursion into Gaza, for the first time since the ceasefire began in June, and killed 7 members of Hamas.

That was a death blow to the ceasefire deal – Israel had now broken both of its obligations under it and in retaliation Hamas resumed rocket and mortar fire out of Gaza.

A few weeks later, on 27 December 2008, Israel launched its first offensive major offensive against Gaza, Operation Cast Lead, during which it killed 1400 Palestinians, including 400 women and children. 9 Israeli military personnel were killed during its ground invasion of Gaza. But that didn't bring a permanent halt to firing out of Gaza.

Had Israel stuck to the ceasefire, there could have been peace across the border to this day without any of these, or any other, people dying.

(Israel embarked on Operation Cast Lead, even though it knew that Hamas was willing to reinstate the ceasefire. According to Ynet News [\[3\]](#), the head of Shin Bet, Yuval Diskin, told a meeting of Israeli ministers on 21 December 2008 that Hamas was “interested in maintaining the truce”.

He continued: “It seeks to improve its conditions – a removal of the blockade, receiving a commitment from Israel that it won't attack and extending the lull to the Judea and Samaria area.”

So, a week before Operation Cast Lead was launched, the opportunity still existed to restore the calm that existed before 4 November, but Israel didn't pursue it. It preferred military action, which was predictably less effective than the earlier ceasefire in preventing firing out of Gaza.)

When Operation Cast Lead was launched, no resident of Israel had been killed by rocket and mortar fire out of Gaza for over six months. 4 were killed during it.

(For more information, see Sadaka Paper: *The Israel-Hamas ceasefire of 19 June 2008 to 4 Nov 2008: The peaceful alternative to Operation Cast Lead that Israel rejected* [\[4\]](#))

Operation Pillar of Cloud

On 14 November 2012, Israel broke an informal ceasefire to launch Operation Pillar of Cloud, its second major military offensive against Gaza, ostensibly to end rocket and mortar fire out of Gaza. The offensive began with the extrajudicial killing of Ahmed Jaabari, the commander of the military wing of Hamas, whom Israel knew to be a key player in ongoing negotiations to achieve long-term ceasefire arrangements like those of June 2008 [\[5\]](#). During the offensive, Israel killed another 170 Palestinians in Gaza, including 50 women and children.

When Operation Pillar of Cloud was launched, no resident of Israel had been killed by rocket and mortar fire out of Gaza for over a year. 6 were killed during it.

The November 2012 deal

The offensive ended on 21 November 2012 with a deal brokered by Egypt (see *Understanding Regarding Ceasefire in Gaza Strip* [\[6\]](#)). This offered another opportunity for Israel to arrive at a modus vivendi with Hamas and establish and maintain peace across the border.

It specified that “Israel shall stop all hostilities on the Gaza Strip land, sea and air including incursions and targeting of individuals” and that “all Palestinian factions shall stop all hostilities from the Gaza Strip against Israel, including rocket attacks, and attacks along the border”.

In addition, the deal provided for the ending of Israel's economic blockade of Gaza: “opening the crossings and facilitating the movement of people and transfer of goods, and refraining from restricting residents free movement, and targeting residents in border areas”.

Israel fails to honour its obligations

On the basis of this, Palestinians had a right to expect that Israel would take steps to ease the economic blockade and would eventually lift it completely. Israel did not honour that commitment.

Nor did Israel honour its commitment to “stop all hostilities inside Gaza by land, sea and air”. For example, according to B'Tselem [\[7\]](#), from 21 November 2012 until end of March 2014, 20 Palestinians were killed by Israeli military action inside Gaza (and many more have been killed since then). Moreover, some of these were targeted assassinations and others were killed in the Israeli-defined buffer zone near the border. Both of these practices were forbidden in the deal.

The deal appeared to have the support of the US, since Secretary of State Hillary Clinton stood beside the Egyptian Foreign Minister, Mohamad Amr, when he announced it. But the US, and the EU, stood idly by while Israel ignored the agreement and the people of Gaza continued to live in misery, which has been made more acute following the change of regime in Egypt in July 2013, when the tunnels under the border between Egypt and Gaza were closed.

By contrast, Hamas honoured its commitment to stop all hostilities from the Gaza Strip against Israel and fired no rockets or mortars out of Gaza from 21 November 2012 to 1 July 2014 (see Israeli Intelligence and Terrorism Information Center report [\[8\]](#)). Despite being restrained by Hamas, other Palestinian groups did fire out of Gaza in that period, but at a low level apart from in March and June 2014 (ibid [\[9\]](#) and [\[10\]](#)). Generally speaking, these firings were in response to Israeli military incursions into Gaza in breach of the November 2012 agreement.

So, Israel failed to implement the deal it agreed to in November 2012. Had it done so, a peaceful modus vivendi could have been reached with Hamas. Instead, Israel has launched a third military offensive against Gaza since 2008 (Operation Protective Edge). At the time of writing, it has killed over 1,000 Palestinians, including at least 350 women and children.

When Operation Protective Edge was launched, no resident of Israel had been killed by rocket and mortar fire out of Gaza since the last major military offensive in November 2012. At the time of writing, 3 have been killed during Operation Protective Edge.

Why has Israel always chosen military options?

Why has Israel persistently chosen the military options to prevent rocket and mortar out of Gaza when the indications are that this objective could have been more effectively achieved by an agreement with Hamas, without any blood being spilt?

The answer seems to be that Israel is opposed in principle to maintaining a long term agreement with Hamas, because that would be tantamount to recognising it as the legitimate ruler of Gaza.

Tzipi Livni stated this very clearly in December 2008, when she was Israel's Foreign Minister and had recently been elected leader of Kadima. Speaking at Tel Aviv University, she said that an extended truce or long term calm with Hamas "harms the Israel strategic goal, empowers Hamas, and gives the impression that Israel recognizes the movement" [\[11\]](#). This seems to be an attempt to justify Israel breaking its ceasefire agreement with Hamas a month earlier.

She returned to this theme at a press conference on 31 December 2008, a few days after Operation Cast Lead began, telling the world that attempts by Hamas to gain legitimacy must be resisted:

"But there is one thing that the world needs to understand: Hamas wants to gain legitimacy from the international community. Hamas wants to show that there is a place which is called the Gaza Strip, that this kind of an organization - an extremist Islamic organization that acts by terrorism and which is a designated terrorist organization - can rule. And to make it seem a legitimate regime.

"So they want the crossings to be opened, not only for the sake of the population, but because this symbolically is how they can show that the Gaza Strip has become a kind of a small state, which is controlled by them. This is something that nobody can afford, neither Israel, nor the pragmatic leadership, nor the legitimate Palestinian leadership or government, nor any part of the moderate Arab world."

(A transcript of this press conference is available on the website of the Israeli Ministry of Foreign Affairs [\[12\]](#)).

So, according to Tzipi Livni, making long term arrangements with Hamas about, for example, a long term ceasefire or the opening of border crossings, bolsters the legitimacy of Hamas as the ruler of Gaza – and Israel is opposed to that in principle, even though previous ceasefire arrangements greatly reduced the possibility of Israeli residents being killed by rocket and mortar fire out of Gaza.

International enforcement mechanism necessary

Clearly, an agreement to bring an end to Israel's current murderous offensive must contain the same ingredients as the November 2012 agreement – an end to Israel's military incursions into Gaza and the lifting of its blockade.

But without an international enforcement mechanism, past experience suggests that Israel will not implement an agreement along these lines but will carry on as it did after the November 2012 agreement, making military incursions into Gaza at will and maintaining its blockade.

If an agreement is to be implemented, there needs to be an international force along the border to monitor the ceasefire and to investigate alleged breaches of it and some international body must be given the task of monitoring the lifting of the blockade.

Israel will, of course, resist international involvement of this kind, which will restrict its freedom of action in respect of Gaza. It remains to be seen whether the international community, in particular, the US and the EU, will insist that Israel implement any agreement that is reached.

The Agreement on Movement and Access

History does not give grounds for hope that the US/EU will insist.

In November 2005, Israel signed the Agreement on Movement and Access. This specified arrangements that were supposed to operate to maintain and develop the economic life of Gaza, in the wake of the Israeli "disengagement" in September 2005, and to pave the way for the creation of a viable Palestinian state in the West Bank and Gaza.

The Agreement was drawn up by the US and sponsored by the Quartet (US, EU, Russia and the UN Secretary-General). Condoleezza Rice (US Secretary of State) and Javier Solana (EU High Representative for the Common Foreign and Security Policy) launched the Agreement at a press conference in Jerusalem on 15 November 2005. At the launch, Condoleezza Rice declared:

"This agreement is intended to give the Palestinian people freedom to move, to trade, to live ordinary lives.

"First, for the first time since 1967, Palestinians will gain control over entry and exit from their territory. This will be through an international crossing at Rafah, whose target opening date is November 25th.

"Second, Israel and the Palestinians will upgrade and expand other crossings for people and cargo between Israel, Gaza and the West Bank. This is especially important now because Israel has committed itself to allow the urgent export of this season's agricultural produce from Gaza.

"Third, Palestinians will be able to move between Gaza and the West Bank; specifically, bus convoys are to begin about a month from now and truck convoys are to start a month after that.

“Fourth, the parties will reduce obstacles to movement within the West Bank. It has been agreed that by the end of the year the United States and Israel will complete work to lift these obstacles and develop a plan to reduce them.

“Fifth, construction of a Palestinian seaport can begin. The Rafah model will provide a basis for planned operations.

“Sixth, the parties agree on the importance of the airport. Israel recognizes that the Palestinian Authority will want to resume construction on the airport. I am encouraging Israel to consider allowing construction to resume as this agreement is successfully implemented -- construction that could, for instance, be limited to non-aviation elements.” [\[13\]](#).

This is what the US and the EU promised the people of Gaza in November 2005. Nearly, a decade later none of it has been delivered. For most of that time, Gaza has been subject to a brutal economic blockade by Israel and the US/EU, the sponsors of the agreement, have stood idly by and let it happen.

What is more, in that time, with little or no condemnation from the US/EU, Israel has killed over 4,000 Palestinians by military action in Gaza and that figure is rising remorselessly as Operation Protective Edge continues.

In the same period, 24 residents of Israel have been killed by rocket and mortar fire out of Gaza, 13 of them during the three major Israeli military offensives against Gaza.

**David Morrison
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