

## Talking Points #63

### The Gaza Crisis: December 2008

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*The death toll in Gaza continues to rise. The carnage is everywhere – city streets, a mosque, hospitals, police stations, a jail, a university bus stop, a plastics factory, a television station. It seems impossible, unacceptable, to step back to analyze the situation while bodies remain buried under the rubble, while parents continue to search for their missing children, while doctors continue to labor to stitch burned and broken bodies back together without sufficient medicine or equipment. The hospitals are running short even of electricity—the Israeli blockade has denied them fuel to run the generators. It is an ironic twist on the legacy of Israel's involvement in an earlier massacre – in the Sabra and Shatila camps, in Lebanon back in 1982, it was the Israeli soldiers who lit the flairs, lighting the night sky so their Lebanese allies could continue to kill.*

*But if we are serious about ending this carnage, this time, we have no choice but to try to analyze, try to figure out what caused this most recent massacre, how to stop it, and then how to continue our work to end the occupation, end Israel's apartheid policies, and change U.S. policy to one of justice and equality for all.*

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- The Israeli airstrikes represent serious violations of international law – including the Geneva Conventions and a range of international humanitarian law.
- The U.S. is complicit in the Israeli violations – directly and indirectly.
- The timing of the air strikes has far more to do with U.S. and Israeli politics than with protecting Israeli civilians.
- This serious escalation will push back any chance of serious negotiations between the parties that might have been part of the Obama administration's plans.
- There is much work to be done.

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## **Violations of International Law**

The Israeli airstrikes on the Gaza Strip violate important tenants of international humanitarian law, including violations of the Geneva Conventions. The violations include both obligations of an Occupying Power to protect an Occupied Population, and the broader requirements of the laws of war that prohibit specific acts. The violations start with collective punishment – the entire 1.5 million people who live in the Gaza Strip are being punished for the actions of a few militants.

Israel’s claim that it is “responding to” or “retaliating for” Palestinian rocket attacks is spurious. The rocket fire as currently used is indeed illegal – Palestinians, like any people living under a hostile military occupation, have the right to resist, including the use of military force against the occupation. But that right does not include targeting civilians. The rockets used so far are unable to be aimed with any specificity, so they are in fact aimed at the civilians who live in the Israeli cities and towns, and so are illegal. The rocket fire against civilians should be ended – as many Palestinians believe, because it does not help end the occupation, but also because it is illegal under international law. However, that rocket fire, illegal or not, does not give Israel the right to punish the entire population for those actions. Such vengeance is the very essence of “**collective punishment**” and is therefore unequivocally prohibited by the Geneva conventions.

Another Israeli violation involves **targeting civilians**. This violation involves three aspects. First, Israel claims the airstrikes were targeted directly at “ Hamas-controlled” security-related institutions. Since the majority Hamas party controls the government in Gaza, virtually all the police departments and other security-related sites were hit. Those police and security agencies are civilian targets – not military. They are run by the Hamas-led government in Gaza, an institution completely separate from Gaza’s military wing that has carried out some (though by no means the majority) of the rocket attacks. Second, some of the attacks directly struck incontestably civilian targets: a plastics factory, a local television broadcasting center. And third, the incredibly crowded conditions in Gaza, one of the most densely populated sites in the world, mean that civilian casualties on a huge scale were an inevitable and predictable result. Such targeting of civilian areas is illegal.

The U.S. is also directly complicit in the violations of the Geneva Convention inherent in Israel’s blockade of the Gaza Strip. Israel’s actions – keeping Gazans locked in the Strip; closing the border crossings to almost all fuel, food, equipment and other basic humanitarian goods; preventing UN and other international human rights monitors and journalists from entering, and more – have all been backed and supported by the U.S. and others in the international community. The resulting humanitarian crisis – reaching catastrophic proportions even before the current air attacks – is partly the responsibility of the United States.

Still another violation involves the **disproportionate nature of the military attack**. The airstrikes have killed at least 270 people so far, injured more than 1,000, many of them seriously, and many remain buried under the rubble so the death toll will likely rise. This

catastrophic impact was known and inevitable, and far outweighs any claim of self-defense or protection of Israeli civilians. (It should be noted that this escalation has not made Israelis safer; to the contrary, the one Israeli killed by a Palestinian rocket attack on Saturday after the Israeli assault began, was the first such casualty in more than a year.)

Key human rights officials, particular the UN's Special Rapporteur for Human Rights in the Occupied Territories, Professor Richard Falk, as well as Father Miguel d'Escoto, President of the General Assembly, have issued powerful statements identifying Israeli violations of international law as well as the UN's obligations to protect the Palestinian population. (Statements attached.) But so far there has been no operative response from the UN Security Council. The Council statement, issued 28 December, was completely insufficient, essentially equating the culpability of the Occupying Power and of the occupied population for the violence that has so devastated Gaza. And the statement makes no reference to violations of international law inherent in the Israeli assaults, or in the siege of Gaza that has so drastically punished the entire population. There is a clear need for the General Assembly to step in to reclaim the UN's role of protecting the world's people, certainly including the Palestinians, and not just responding to the demands of the world's powerful.

### **U.S. Complicity**

The United States remains directly complicit in Israeli violations of both U.S. domestic and international law through its continual provision of military aid. The current round of airstrikes have been carried out largely with F-16 bombers and Apache attack helicopters, both provided to Israel through U.S. military aid grants of about \$3 billion in U.S. taxpayer money sent to Israel every year. Between 2001 and 2006, Washington transferred to Israel more than \$200 million worth of spare parts for its fleet of F-16's. Just last year, the U.S. signed a \$1.3 billion contract with the Raytheon Corporation to provide Israel with thousands of TOW, Hellfire, and "bunker buster" missiles. In short, Israel's lethal attack today on the Gaza Strip could not have happened without the active military support of the United States.

Israel's attack violated U.S. law – specifically the Arms Export Control Act, which prohibits U.S. arms from being used for any purpose beyond a very narrowly-defined set of circumstances: use inside a country's borders for self-defense purposes. The Gaza assault did not meet those criteria. Certainly targeting police stations (even Israel did not claim Gazan police forces were responsible for the rockets) and television broadcast centers do not qualify as self-defense. And because the U.S. government has confirmed it was fully aware of Israeli plans for the attack before it occurred, the U.S. remains complicit in the violations. Further, the well-known history of Israeli violations of international law (detailed above) means U.S. government officials were aware of those violations, provided the arms to Israel anyway, and therefore remain complicit in the Israeli crimes.

The U.S. is also indirectly complicit through its protection of Israel in the United Nations. Its actions, including the use and threat of use of the U.S. veto in the Security Council and the reliance on raw power to pressure diplomats and governments to soften their criticism of Israel, all serve to protect Israel and keep it from being held accountable by the international community.

### **Timing of Israel's Attack on Gaza**

The Israeli decision to launch the attacks on Gaza was a political, not security, decision. Just a day or two before the airstrikes, it was Israel that rejected Hamas's diplomatic initiative aimed at extending the six-month-long ceasefire that had frayed but largely stayed together since June, and that expired 26 December. Hamas officials, working through Egyptian mediators, had urged Israel to lift the siege of Gaza as the basis for continuing an extended ceasefire. Israel, including Foreign Minister Tsipi Livni, of the "centrist" (in the Israeli context) Kadima Party, rejected the proposal. Livni, who went to Egypt but refused to seriously consider the Hamas offer, is running in a tight race for prime minister; her top opponent is the further-right Benyamin Netanyahu of the officially hawkish Likud party, who has campaigned against Livni and the Kadima government for their alleged "soft" approach to the Palestinians. With elections looming in February, no candidate can afford to appear anything but super-militaristic.

Further, it is certain that the Israeli government was eager to move militarily while Bush was still in office. The *Washington Post* quoted a Bush administration official saying that Israel struck in Gaza "because they want it to be over before the next administration comes in. They can't predict how the next administration will handle it. And this is not the way they want to start with the new administration." The Israeli officials may or may not be right about President Obama's likelihood of responding differently than Bush on this issue – but it does point to a clear obligation on those of us in this country who voted for Obama with hope, to do all that's necessary to press him to make good on the "change" he promised that gave rise to that hope.

### **Obama and Future Options**

The escalation in Gaza will make it virtually impossible for any serious Israeli-Palestinian negotiations aimed at ending the occupation. It remains uncertain whether sponsorship of an immediate new round of bilateral negotiations was in fact on Barack Obama's initial post-inauguration agenda anyway. But the current crisis means that any negotiations, whether ostensibly Israeli-Palestinian alone or officially involving the U.S.-controlled so-called "Quartet," will be able to go beyond a return to the pre-airstrike crisis period. That earlier political crisis, still far from solved, was characterized by expanding settlements, the apartheid Wall and crippling checkpoints crippling movement, commerce, and ordinary life across the West Bank, and a virtually impenetrable siege of Gaza that even before the current military assault, had created a humanitarian catastrophe.

## **So What do We Do?**

The immediate answer is everything: write letters to Congress members and the State Department, demonstrate at the White House and the Israeli Embassy, write letters to the editor and op-eds for every news outlet we can find, call radio talk shows, protest the U.S. representatives at the UN and their protection of Israeli crimes. We need to engage with the Obama transition process and plan now for how we will keep the pressure on to really *change* U.S. policy in the Middle East. We should all join the global movement of outrage and solidarity with Gaza. There are a host of on-line petitions already – we should sign them all. The U.S. Campaign to End Israeli Occupation is compiling action calls on our website – [www.endtheoccupation.org](http://www.endtheoccupation.org). We have to do all of that.

But then we can't stop with emergency mobilizations. We still have to build our movement for BDS – boycott, divestment and sanctions, to build a global campaign of non-violent economic pressure to force Israel to comply with international law. We have to challenge U.S. military aid that scaffolds Israel's military aggression, and U.S. political and diplomatic support that prevents the UN and the international community from holding Israel accountable for its violations. We have to do serious education and advocacy work, learning from other movements that have come before about being brave enough to call something what it is: Israeli policies are apartheid policies, and must be challenged on that basis.

We have a lot of work to do.

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