

## Report

# Israel's Aggression against Gaza: Implications and Analysis

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Israel's Operation Protective Edge was launched on July 8, 2014 with extensive air raids and artillery strikes on the Gaza Strip [Reuters]

## Abstract

The current Israeli aggression against the Gaza Strip calls to question three fundamental principles related to the establishment of the state of Israel. Has the Zionist project failed the Jewish people by its inability to create a safe homeland and unite them around one religious and political goal? Second, has Israel's focus on a military solutions and the use of massive force against the indigenous population backfired and garnered more sympathy for the Palestinians contrary to the Zionist narrative and its objectives. Third, has the Gaza aggression exposed the shallowness of the Israeli military deterrence, and its ability to conclude and finish any war according to its own terms?

## Introduction

According to the writings of Theodor Harzel, a Jewish state is necessary to rescue the world Jewry from pogroms and the hate fervor that befallen their communities in Europe and around the world. (1) In the first Zionist conference in Basel Switzerland, many Jewish leaders envisioned the creation of a safe haven for the world Jewry to put an end to their sufferings and misery. (2) Zionism placed the world Jewry in a cultural war and gave them the task of a achieving a refuge by any means. Thus, since its creation in 1948, Israel has been constrained by political Zionism and to fulfil that declared a socioeconomic war against the natives who did not flee their homes, and a military one against those who stayed around the borders. The Israeli government began depriving the indigenous people of their resources, imposing restrictions on their movements, and

preventing them from freely participating in their local economy. Israel pursued these policies to force the locals to immigrate and secure a safe haven for the Jewish population in their places. But Israel's policies of collective punishment have backfired and resulted in more wars locally, and regionally.

The Israeli strategy of collective punishment and the excessive use of force against the Palestinians, which Israeli leaders have encouraged and supported, introduced a counter narrative to the Zionists project. The use of force, embarrassed many of Israel's allies, created dissent among its hard core supporters and paved the ground for many global institutions and people to question its true objectives, claims, sincerity and vision vis-à-vis.

Israel's total reliance on force as the only policy with the Palestinians exposed its military deterrence and demoralized its narrative and constrained its maneuverability at the United Nations and at many other international and legal forums. Israel's resort to the constant use of violence reveals the ineptness of the use of force as the only strategy in the 21st century. The legal, political, and ethical challenges facing Israel today demonstrate the rejection of the world to Israel's conduct and behavior.

### **Israel's Right to Self-Defense**

Israel like all other states in the international community reserves the right to self-defence against any outside aggression to its existence, sovereignty, and resources. Meanwhile, Israel as a member of the United Nations (UN) is obliged to abide by all resolutions, understandings, agreements, customs and traditions. In fact when Israel was voted into the global organization on May 11, 1949, resolution 273 stated unequivocally that Israel has agreed to honor all UN resolutions. (3)

This understanding by Israel raises many questions today regarding the right of self-defense and regarding the objectives of Zionism and its definition of a safe homeland for the Jewish people. The Zionist ultimate objective has been to prevent the possibility of creating a Palestinian state or behave in a way that will be conducive to achieving that. But, seven decades after the Zionist dream was achieved through creating the state of Israel, Zionism is suffering from a huge setback; Israel is neither safe, nor the Palestinians have disappeared. On the contrary, Israel finds itself compelled to negotiate with the Palestinians for the creation of a Palestinian state and discovers that its narrative about self-defense and "Palestine is a home for a people without a land" is more questioned than ever. (4) Thus treating the Palestinians solely as terrorists and justifying their killing as self-defense is being scrutinized by the majority of the world.

For instance, Article 51 of the UN charter states clearly: "Nothing shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations." (5) However, Israel's right to self-defense against Palestinian civilians under its occupation, has been questioned by many legal and political experts and has been rebuffed by the International Court of Justice (ICJ) in its advisory opinion on the question of the Wall which Israel has erected in the Occupied Palestinian Territories. The court insisted that Israel cannot invoke the right to self-defense in territories it exercises full control over.

Israel's aggression against the Gaza strip lacks any legal justification and falls under Israel's strategy of using disproportionate and excessive force against civilians. This Israeli strategy has been used since the creation of the state. Ariel Sharon was dispatched by David Ben-Gurion to West Bank village of Qibya in 1953. Sharon went to the village with two military units: a paratrooper company and unit 101. (6) The Israeli forces destroyed homes, schools, and religious places and killed more than sixty civilians. The Israeli massacre was condemned by many European, American, UN officials, but no real sanctions took place to deter Israel from committing the same acts in the future. Qibya like many other massacres have been justified and explained by Israel as self-defense and have been used in conformity with Ben-Gurionism: a doctrine named after Israel's first prime minister David Ben-Gurion, who called for inflicting severe damage and casualties as a response to any Arab attack against Israel. (7)

Six decades later, Israel resorted to the same tactics in Gaza and in Lebanon and elsewhere. In 2006, Israel destroyed the Dahiya neighborhood in Beirut and threatened that more to follow if attacked. Gadi Esienkott head of the Northern Command in the Israeli military establishment declared that " what happened in the Dahiya quarter in Beirut in 2006, "will happen in every village from which Israel is fired on..... we will apply disproportionate force on it and cause great damage and destruction there. From our standpoint, these are not civilian villages, they are military bases... this not a recommendation. This is a plan and it has been approved." (8)

But the Dahiya Doctrine violates two key principles of International Humanitarian law (IHL); the principle of Disproportionality and the principle of Distinction. Both principles are enshrined in the Fourth Geneva Conventions and their additional protocols of 1977. The principles have stated unequivocally that civilians must be protected all the times. The principle of proportionality considers it a war crime to intentionally attack a military objective in the knowledge that the anticipated military target would harm civilians. According to Protocol 1, article 50(3) the presence within civilian population of

individuals who do not come within the definition of civilians, "...does not deprive the population of its civilian character." (9)

According to this Protocol, it is illegal for Israel to bomb homes, schools, mosques, churches, bridges, hospitals, or industrial facilities which are all protected by the Fourth Geneva Conventions and the huge convention for the Protection of Cultural Property in times of war. Therefore, Israel's attacks against the city of Shujaaiyah, or the Khuza'a neighborhood and its attacks against The United National Relief and Work Agency in the Near East (UNRWA) facilities are all illegal and Israel must be held accountable for its actions.

On many occasions, Israel claims that Hamas uses civilians as human shield, and it uses civil facilities to hide weapons and other materials. But, the New York Times has stated on July 23, 2014 that "there is no evidence that Hamas and other militants force have asked civilians to stay in areas that are under attack." (10) Also Jeremy Brown of the British Broadcasting Company (BBC) has concurred with the Times' assessment in Gaza. In addition, Amnesty International reported that there is no evidence "at this point that Palestinian civilians have been intentionally used by Hamas or other Palestinian armed factions as shields in the Gaza Strip in this current conflict." (11)

Israeli officials insist that when their forces target any site, they do that with proportionality and insist that they do not target civilians or habitat. The Goldstone report and many other have contradicted that. Amnesty International, Human Rights Watch, UNRWA, and several other UN offices, grassroots organizations, local human rights organizations and journalists can testify to the contrary. The tension between the Israeli narrative and other narratives has caused many calls for criminal investigations against Israeli leaders and ushered in many global campaigns of divestments, boycott, and de-legitimization. Many universities, workers unions, companies, churches, hedge funds, food stores, have launched a divestment and boycott movements against Israeli institutions and settlements to compel the Israeli government to change its behavior.

This moral and ethical uproar has exposed the Israeli and Zionist narratives about the true intentions of Israel. The dissent among Israel's hard core supports in the US and the EU is unprecedented. Several newspapers have rejected running advertisements for many influential Jewish leaders in their newspapers. A case in point is the rejection of the London Times to run an ad by Elie Wiesel, a Noble Laureate, in its pages (12) and the refusal of the Guardian to run an ad for Allen Dershowitz, a Harvard lawyer, and astonish supporter of Israel in the US. (13) Wiesel's snub from the London Times was followed by a hasher and more genuine one. Almost four hundred Holocaust survivors



placed an ad in the New York Times condemning Israel's military campaign in Gaza and stating unequivocally that Wiesel does not speak on their behalf or represent them. (14)

The refusal by two major British newspapers to run these ads signals a new shift in Western media and the ad by the holocaust survivors signals a rift in the Jewish community and who truly represents its views. Two or three decades earlier western media would have never second guessed the Jewish or the Israeli narrative vis-à-vis a conflict with the Arabs or the Palestinians, but now a noticeable trend is taking place around the globe.

The British media was not alone in its rejection of the Israeli conduct against the Palestinians. European governments and politicians have raised doubts about the excessive use of force that Israel has used. A case in point is the Spanish government which halted all weapons sales to Israel during the war and threatened that it will not send any more weapons if Israel continues to use that against civilians. (15) The same is true for Great Britain, which threatened that it will suspend twelve licenses of arms sales to Israel. David Cameron suffered politically for his public support to Israel. The resignation of Sayeed Warsi, the deputy foreign minister, shocked the government and sent a clear signal to Cameron that supporting Israel's aggression against Gaza will not go unanswered. Many in the British Parliament have signaled their displeasure with the government and registered their opposition to its policies. Israel's behavior in Gaza has never faced such an opposition from all sectors in Europe and elsewhere. Many in the international community have questioned the essence, the morality and the ethics of the Israeli action in Palestine. The war the Israel has lost over and over is the public relations war. In the last three wars, against the Palestinians in Gaza, Israel was unable to convince the majority of Gazans to overthrow Hamas, or convince the average Israeli that it was winning the war or the peace for that matter.

### **Israel: a Narrative Threatened**

The current Israeli aggression against the Gaza Strip has raised many questions about the ability of Israel to survive as a legitimate member of the international community. Israel's war against Gaza and its justifications of killing civilians have transformed the Palestinian Israeli conflict to a war of a computer and a camera. Israel could not stop an avalanche of photos streaming from Gaza to social, written and visual media. The International media was very well represented in Gaza and was carrying live pictures of children with amputated legs and arms, women soaked in their own blood, civilians trapped under rubbles for days and weeks, and mosques and homes reduced to dust. Israeli damage control units could do very little to justify or explain such mayhem especially in the presence of so many unbiased professional media in Gaza.

Therefore, the outrage and the condemnations of Israeli actions were heard loud and clear by many around the world. Even the traditionally sympathetic media found itself on the defensive in many occasions. A case in point is what happened with NBC after it removed a seasoned and a very well accomplished journalist, Ayman Mohiedyin, from the Gaza Strip after he reported on the killing of four boys while playing on the beach. NBC, pulled Ayman to prevent American audience from watching live the abhorrent pictures and scenes that streamed from the Strip, but Ayman was sent back after many global citizens voiced their concerns about NBC's actions. A decade or two earlier, NBC would not have listened to anyone and would have to stand by its decision vis-à-vis Israel. (16)

Harsh condemnations have been echoed from around the world chastising this attack and calling for the punishment of Israeli political and military leaders. The uproar against Israel was heard from foes and allies alike. Global demonstrations, removing Israeli products from the shelves of many European stores, resignation of politicians, refusal to run ads by some newspapers, reinstatements of journalists after being withdrawn by their networks under heavy pressure from global citizens, and strong condemnations by United Nations and diplomats from the around.

For instance, the Obama administration was very harsh with Israel after the Shujaiyah massacre. Valerie Jarret, Senior Advisor to the president said "You can't condone the killing of all these innocent children." (17) American UN Ambassador, Samantha Power called the Rafah strike "horrifying." (18) Other State Department statements called the killing of civilians "disgraceful." (19) In addition, a clear tension between the Obama Administration and Israel surfaced when the White House signaled its intentions not to ship arms to Israel during the Gaza war and the president was surprised to know that the Pentagon was shipping arms to Israel without their permission. Furthermore, at least two very tense phone conversations took place between president Obama and Prime Minister Benjamin Netanyahu.

The United Nations added its voice to the many that condemned Israel and deplored its actions against the Palestinians in Gaza. Ban Ki Moon called the shelling of UNRWA facilities as a "moral outrage and a criminal act." (20) In addition, UN Higher Commissioner for Human Rights Navi Pillay expressed alarm at the possible international human rights law violations as a result of the Israeli military operation in Gaza. Pillay warned Israel that its military actions in Gaza may be "war crimes." (21) She maintained that Israel has attacked homes, schools, hospitals, and U.N. premises in apparent violation of the Geneva Conventions." (22) Pillay added "that we have received deeply

disturbing reports that many of the civilians casualties, including of children, occurred as a result of strikes on homes." This according to Pillay "raises serious doubt about whether the Israeli strikes have been in accordance with international humanitarian law and international human rights law." (23) Indeed the Human Rights Council in Geneva voted with a clear majority to establish an independent team to investigate possible human rights violations and war crimes against civilians.

In addition, several Latin American countries have recalled their Ambassadors to Israel. El Salvador, Peru, Brazil, Ecuador, and Chile, severely criticized Israel for its conduct during the conflict. For instance, Chile's foreign minister stated that "it observes with great concern and discouragement that the military operations- which at this point appear to be collective punishment to the Palestinian civilian population in Gaza-don't respect fundamental norms of international humanitarian law." (24) In addition, Brazil's president, Dilma Rouseff said "Brazil was the first country to recognize Israel. Brazil is a friend of Israel, but there is a massacre ongoing in the Gaza Strip." (25)

Israeli actions in the occupied Palestinian Territories for the last five decades and its current aggression against Gaza have embarrassed Israel's allies in many Western democracies. Many Western European countries have compromised their democracies vying to protect Israeli leaders from standing before European courts. The separation of powers is a key cardinal of Western democracies and the executive branch must not interfere in the function of the courts, but many have done to protect Israeli leaders.

For instance, the case of Tzipi Livini, Israel's justice minister and its current chief negotiator with the Palestinians, stands as a reminder of how Western politicians risk their democracies to bail out Israeli politicians after a warrant of arrest was issued on her behalf. According to the Guardian "The British government has granted temporary diplomatic immunity to a prominent Israeli politician ahead of a visit to the UK this week to protect her against arrest and potential prosecution for alleged breaches of international law." (26) This case and many similar others reflect the burden that Israel has become to many Western nations due to its insistence on defining everything along security and military parameters. Israel's military obsession caused more than fourteen wars and compromised many Western interests in the last seven decades in the Middle East. The United States and several European countries find themselves on the defensive in the Middle East due to Israeli policies. The constant military conflicts between Israel and its neighbours have compromised Israel's deterrence and narrative.



## The Mirage of Israel's Deterrence

The recent Israeli aggression against the Gaza Strip presents Zionism with one of the most critical challenges it has ever faced; Israel's ability to start and end a war at will and based on its own terms. Most Israeli opinion polls show that the majority of Israelis believe that Israel did not win the war against Gaza. (27) Furthermore, many in Israel fear that violence will erupt anytime soon. This kind of insecurity has several implications on Israel's domestic politics and on Zionism at large as a concept and as an ideology.

Israel has been accustomed to fighting its neighbors on their territory, register a quick victory and bring the Americans and the West to twist the arms of its opponents to crown its military victory with a diplomatic one. This aggression is different, the war lasted fifty one days and Israel was unable to claim any victory. Hamas and the other Palestinian factions kept firing at Israeli cities with the same intensity from day one until the last minute of the war. In addition, the Palestinian factions met the expectations of their base, while the Israeli political and military establishments failed their constituencies.

Israel went to Gaza to eliminate Hamas' ability to fire at Israel, destroy the tunnels and secure its southern borders. But, after fifty one days, Hamas continued to fire rockets throughout the war, improved the range of its missiles, prevented Israel from fully occupying the strip or even entertaining the idea, prevented the killing of any of its leaders and most importantly adapted to Israel's war technics: Hamas destroyed many tanks, killed 67 soldiers, led some offensive operations inside and outside Gaza during the war and has been strengthened as an organization locally, regionally and globally.

Furthermore, Hamas deterred Israel from fully attacking the Gaza Strip by deploying hit and run tactics; it was successful in constraining the Israeli military from penetrating deep into Gaza and dealt a severe blow to Israel's military image around the world. Shelling Ben-Gurion airport and forcing flight cancellations is a game changer in the Israeli Palestinian conflict. This was a psychological victory for all Palestinian factions domestically and abroad. The Palestinian factions dragged Israel into several neighborhoods and gained the initiative on more than one front especially along the Gaza Israeli borders. These are not small accomplishments and Hamas will build on them in the near future and will not hesitate to go through another round anytime soon.

Hamas gained the upper hand in this conflict because of counter intelligence as Israel knew very little about the tunnels and their organisation. In addition, Hamas maintained a good cohesion among its members, and was able to mobilize at will and absorb all Israeli hits to the last minute. The organization grew steadily both in number and

effectiveness. Hamas was able to inflict casualties, take hostages and go behind the lines of the Israeli military establishment to attack and gather information and use all these tactics to improve its operational style and prepare for future conflict.

The Steadfastness of the Palestinian factions and the failure of Western technology in the form of the Iron Dom will be the talk of many defense analysts and policy experts for years to come and it will make many Israeli citizens question the rationale behind investing enormous resources in the defense sector at the expense of the socioeconomic one especially after the Dom's failure in intercepting all the missiles. The Israeli aggression against Gaza will open many domestic and international debates regarding Israel's military readiness to handling serious threats and protecting Western interests in the Middle East. In addition, the aggression will shed many lights on the fallacy of legal arguments that Israel continues to use to justify its harm of civilians.

## **Conclusion**

The recent Israeli aggression against the Gaza Strip reflects the profound transformation taking place in the international political system. The near total absence of the United States from the Middle East in general and its timid appearance in negotiating a ceasefire between Israel and the Palestinian factions in particular, singles the creation of a new political vacuum in the region. This void will most likely lead to more wars and conflicts in the region and the world at large. Many rising powers such as India, China, Brazil, South Africa, Turkey, the Russian Federation, Malaysia and few others are watching the recent development between Israel and the Palestinians carefully in order to redefine the emerging new political system and to prepare for a new balance of power in the region and the world.

Hamas and the other Palestinian factions have redefined the moment for the West and the rest in the Middle East. They punctured Israeli deterrence like never before, raised questions about the superiority of Western technology, and challenged the ethics and the morality of the UN and many other legal and humanitarian Western institutions. The double standers and the inability of the West to question its own ethics when dealing with the developing nations compromises the dominance of their narrative and invites rising powers to cite their violations as justifications for their own violations. The claim that Israel has the right to defend itself, against a people it occupies, without qualifying that right to reflect the reality of the occupation, encourages Russia to bomb the Chechens, the China to bomb the Tibet, India to bomb Kashmir, and excuses Radovan Karadzic and Ratko Mladic from the war crimes they have committed against Bosnia Herzegovina. All the aforementioned countries have territorial conflicts with indigenous groups and have engaged in human rights violation against them. Witnessing American

and European double standards, many of these states use such cases to justify their attacks against all minorities in their own countries.

The Palestinian steadfastness in the Gaza strip will introduce new dictums and new parameters to the Israeli Palestinian conflict. The Palestine Liberation Organization (P.L.O) will no longer be able to dominate the debate and vouch for negotiations as the only approach to solving the conflict for a long time. If the international community does not step in and solve the conflict, the PLO will lose most of its steam and legitimacy and will fail to convince the Palestinians and the moderate force that its approach is more fruitful than that of the resistance.

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### Endnotes

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