

Not Eyeless in Gaza

by Michael Curtis



Ismail Haniyeh and Yahya Sinwar

It's still the same old story, a fight for semantic glory. This time the fight is to define "proportionate." More familiar is the buzzword "disproportionate," frequently and automatically uttered in meetings of United Nations bodies and by the majority of the "international community" when referring to the actions of the State of Israel and its citizens. Once again in recent weeks the UN Security Council in this fashion condemned the killing by Israeli forces of civilians during protests at the border fence between Israel and the Gaza Strip on March 30, 2018 and April 6-20, 2018, that had erupted in violence.

On May 15, 2018 the proposal in the UNSC condemned the "excessive use of force against unarmed civilians" after

Israeli forces had clashed with Palestinian protestors in the Gaza Strip. The protestors, trying to breach the Israeli fence on the dividing line between the Gaza Strip and Israel, burned tires, used fire bombs and stones. Israeli forces responding to the provocation killed 62 and injured more than a thousand. No Israelis were killed. International criticism focused on Israel's "disproportionate use of military force."

All democratic nations and some of the moderate Arab nations accept the reality that Israel, like every other state, has a right to defend its borders. Even the UN Security Council acknowledges this, even if begrudgingly, but always limits it to a more "proportionate response." The international pronouncement is always for Israel to refrain from "excessive use of force," to respect the principle of proportionality in its use of force when defending its security interests. The mild admonition to Palestinians, especially to Hamas, is "avoid provocation."

The missing factor is that the "principle of proportionality" is never defined. Does it mean that the same number of Israelis and Palestinians must be killed to ensure equality? The essential reality is that there is no cycle of violence in the Gaza Strip or anywhere in the area in relations between Israel and Palestinians. The Palestinian-Israeli conflict is one in which for 70 years Israel has defended itself against threats to its existence or against challenges to its sovereignty as the Hamas organized protests showed in March and April 2018.

A continuing part of that threat has come from inhabitants in the Gaza Strip where two million live in an area of 141 square miles, one of the most densely populated places in the world, where 65% are in poverty 44% are unemployed, and most young people don't work. Hamas may, in part, be concerned to alleviate those poor conditions, but its main objectives are to continue the struggle against Israel, by terror, explosives, tunnels, rockets, and destroying the border fence,

and also to seize leadership of the whole Palestinian movement from its rival Fatah and its leader Mahmoud Abbas.

The Gaza Strip has always been a troubled area. Hamas has added to the problem by its corruption and incompetence, and rivalry with Fatah. In its three wars against Israel it has been guilty of war crimes by using civilian facilities, schools, hospitals, and mosques, for military purposes, firing rockets on Israeli territory, and building tunnels to infiltrate into Israel. Its rivalry with Fatah and the PLO has led Abbas to impose sanctions, and to cut supplies of medicine and payment for Gaza's electricity.

Disagreements exist on the nature of a boycott or controls by Israel of Gaza, but Israel now allows a number of Gazans to enter the country to work, as well as allowing 800 trucks of supplies to enter every day. By contrast, Hamas has not only not renounced violence, but also has refused to allow Israeli trucks with medical supplies from entering its space.

Four things were left unsaid by many in the "international community" concerned with Gaza. The first is the refusal of Hamas to abide by international agreements. The Peace Treaty of March 26, 1979 between Israel and Egypt agreed on the recognized international boundaries between the two countries, "without prejudice to the issue of the status of the Gaza Strip." The Oslo Accords II, signed first at Teba on September 24, 1995, and then again on September 28, 2018 in Washington, D.C. by Israel Prime Minister Yitzhak Rabin and PLO Chairman Yasser Arafat. aimed to set up a "Palestinian interim self-government authority" for the Palestinian people in the West Bank and the Gaza Strip. Hamas still struggles with Fatah over control of that self government authority,

A second fact is that at least 50, of the 62 Palestinians killed were not "civilians," but were members of Hamas, and another three belonged to Islamic Jihad, all terrorists who were instructed to bring a knife, dagger, or gun to the anti-

Israeli demonstrations. Although Israel in 2005 withdrew all civilian settlements and all its military forces from the Gaza Strip, violence, especially after the emergence of Hamas, continued. To contain this, Israel built fences, physical barriers, one inside Gaza and the other along the Israeli line. For security reasons, Israel controls air and sea approaches, and imposed a blockade, by sea as well as by land.

The third issue is that the protests that began in March 2018 were supposedly based on the March of Return, the right for Palestinian refugees to return to the homes and villages which they left , or in Palestinian language were “forcibly expelled by Zionist militias” in 1948. About this reasons for this departure, there will always be dispute, but the key meaningful present issue is that at most 30,000 of the original estimated 700,000 who left their homes in 1948, as result of the invasion by five Arab armies immediately Israel was created, are still alive. It is doubtful that international law would recognize grandchildren and great-grandchildren of those who left as genuine refugees.

Above all, and the fourth issue, the real purpose of the March has been made amply clear in the past and now by recent statements of Hamas leaders, Yahya Sinwar, now political leader of Hamas, founder and leader of the terrorist Izzedine al-Qassam Brigades in Gaza, and Ismail Haniyeh, former political head, and since May 2017 in charge of the Hamas political bureau since May 2017. The contribution of Sinwar, on the U.S. terrorist list since 2015, is that Hamas does not discuss recognizing Israel, it discussses wiping it out. “We will take down the border, and tear the hearts from their bodies.”

Haniyeh is no Mother Theresa, He calls for ending the Oslo Accords, for the Intifada to bring about a general “confrontation” with the “occupation” and for there to be no abandonment of Al-Quds, the mosque on the Temple Mount. The blessed Intifada will continue until the “holy city” is

liberated, which implies the elimination of Israel. Not surprisingly he was named by the U.S. State Department as "Specially Designated Global Terrorist" on January 31, 2018.

The troublesome Gaza issue been aggravated and made disproportionate, instead of helped, by international organizations, particularly the UN Human Rights Council , UNHRC. In March 2016 Michael Lynk, Canadian professor of law, was appointed by it to be special rapporteur on the situation of human rights in Palestinian territories, a position held earlier by Richard Falk whose reports were criticised as biased and disproportionate with its focus on Isrsael. The disproportion continues with Professor Lynk who cannot be regarded as a neutral political figure. In 1989 he worked in Palestinian refugee camps. On September 14, 2001 he blamed "global inequalities" for 9/1. He also blamed it on Western disregard for the international rule of law, but later disavowed this by saying his views were misrepresented.

Lynk in 2013 called for Israel to be brought before the International Court of Justice. He sees the Israeli "occupation" as a legal oxymoron, an unlawful occupation without end. On current events he said that the "blatant excessive use of force by Israel against Gaza, an eye for an eyelash," must end. In a statement on October 26, 2017, he indicated that increased pressure on Israel would lead to a sea change in the attitude of Israeli citizens, and the Israeli government.

Lynk's advice is unsound and counterproductive. He should be calling on Hamas to end its objective of destroying Israel, and as a start to stop displaying flags with swastikas at its demonstrations. He should define and clarify "proportionate response" by Israel when confronted by terrorist attacks on its border.

Perhaps little can be done about the increasing misery of the Gazan population because of Hamas incompetence, corruption,

and oppressive rule. The international community should call on Arab countries, Egypt, Saudi Arabia, and Jordan, to persuade Hamas and other militant Palestinians to renounce violence, give up the idea of armed struggle to destroy Israel, and come to the negotiating table. The world will always welcome efforts of this kind as time goes by.