

# Under Netanyahu, Israel Will Not Know Peace

by Carl Osgood

Aug. 4—Israel, under the leadership of Prime Minister Benjamin Netanyahu, has walked itself into an existential trap with its Operation Protective Edge campaign against Gaza. As in previous such operations, the Israeli Defense Forces (IDF) win every tactical engagement, but in doing so, they sink deeper into a quagmire from which there's no escape, under the current set of axioms that guide Israeli actions. Netanyahu says the goal of the operation is “quiet,” that is, Hamas and other militant groups should not be able to fire rockets indiscriminately into Israel. Hamas replies that it will not stop fighting until Israel lifts the seven-year siege it imposed on Gaza in 2007, when Hamas won an election.

As many observers have noted, Netanyahu's real target has been the unity government formed last April between Fatah and Hamas, and therefore, that the kidnapping and murder of three Israeli teenagers in the West Bank in June—an act that Netanyahu immediately blamed on Hamas, even though there has been no evidence, then or since, that Hamas had any involvement—was nothing but a pretext for a war on Gaza.

As of this writing, the IDF is winding down its ground operation in Gaza and reportedly has begun withdrawing its troops back to the Israeli side of the border. An IDF spokesman proclaimed to the international news media that the campaign against the tunnels that cross under the border fence was largely completed, but that the IDF would still take action to prevent Palestinian militants from launching rockets towards Israel. A decision made by the Israeli cabinet on the evening of Aug. 1 not to pursue further negotiations with Hamas, however, preceded the withdrawal of troops from inside Gaza. There can be no peace without discussions that take into account the needs of both sides; therefore, it would seem all that Netanyahu has done is lay the basis for another conflict in the near future.

Intelligence and security experts doubt that crushing Hamas, as Netanyahu and other right-wing politicians in Israel might like to do, would have the desired impact of “bringing quiet” to southern Israel. Former Mossad chief Ephraim Halevy told CNN on July 15 that Israel should be prepared to talk to Hamas. “Hamas is a very bad option, undoubtedly. But there are worse options than Hamas,” he said. “And we already know what some of them might be, especially one of them: The ISIS—which is operating now in northern Iraq and central Iraq—has its tentacles in the Gaza Strip too.”

Halevy backed away from that position in an Aug. 1 interview with the Australian Broadcasting Corporation. He questioned whether “the other side” genuinely wanted a ceasefire, but acknowledged that in any discussions to end the conflict, Hamas will be on the other side of the table somehow, because it is part of the Palestinian unity government.

In the United States, where President Obama has taken to parroting Netanyahu's talking points, outgoing Defense Intelligence Agency chief Lt. Gen. Michael Flynn issued a similar warning to Halevy's. Speaking at the annual Aspen Institute security conference on July 27, Flynn warned, “If Hamas were fully destroyed, and you know, gone, we would probably end up with something much worse, or the region would end up with something much worse. There would be a worse threat that could come into sort of the ecosystem there ... something like an ISIS or an ISIL.”

Israel is thus facing a parallel situation as the United States, in that it cannot survive under its current leadership, as it otherwise faces a future that promises nothing but warfare, warfare which it ultimately cannot survive. Just as President Obama must be removed from office by constitutional means in order to prevent World War III and open the way for U.S. survival, Netanyahu must be removed by whatever appropriate political

methods exist to defend the future of Israel.

## Civilian Casualties and War Crimes

As of Aug. 3, the death toll in Gaza had reached 1,836, with nearly 10,000 wounded, according to reports issued by the Palestinian Health Ministry. Three-quarters of the victims have been identified as civilians. On Aug. 4, the ministry counted 398 children among the dead, and another 2,744 among the wounded. Entire families have been reportedly wiped out by the Israeli bombardment, almost on a daily basis. Thousands of homes have been destroyed, the electricity and water infrastructure has collapsed, and the medical system is overwhelmed.

According to the UN Relief and Works Agency, six of Gaza's nine hospitals have been damaged, with three of them closed, and ambulances and paramedics report that they are targeted regularly by the IDF, on the assumption that the ambulances must be transporting Hamas fighters. Over 400,000 people, nearly 25% of Gaza's population of 1.8 million, have been displaced, with over 240,000 of them seeking shelter in the 86 UN schools. Those UN shelters have been bombed by the Israelis at least seven times, each time killing dozens and wounded dozens more, sparking severe denunciations from the UN and internationally.

UN High Commissioner for Human Rights Navi Pillay issued such a denunciation on July 31 from Geneva, following the July 30 targeting of a UN shelter in Gaza. Pillay underlined the need for "real accountability considering the increasing evidence of war crimes and an ever-growing number of civilian casualties, including some 250 children."

"Six UN schools have now been hit, including another deadly strike on 24 July that also killed civilians," Pillay said. "The shelling and bombing of UN schools which have resulted in the killing and maiming of frightened women and children and civilian men, in-



*The UN High Commissioner for Human Rights Navi Pillay pointed to "increasing evidence of war crimes and an ever-growing number of civilian casualties, including some 250 children," in the brutal crushing of the Palestinian resistance in Gaza by Israeli Prime Minister Netanyahu, shown here with top IDF officials.*

cluding UN staff, seeking shelter from the conflict, are horrific acts and may possibly amount to war crimes. If civilians cannot take refuge in UN schools, where can they be safe? They leave their homes to seek safety, and are then subjected to attack in the places they flee to. This is a grotesque situation.

"Under international law, humanitarian relief personnel and objects used for relief operations—this would include UNRWA schools in Gaza being used as shelters—must be respected and protected. An attack against humanitarian relief personnel and objects used exclusively for relief operations, is a violation of international humanitarian law and may amount to a war crime."

Pillay said she was particularly disturbed by the killing of children, including during the Eid holiday that brings the end of Ramadan, normally a time of celebration. In one case, a dozen children and one man were killed in Beach Camp in Gaza, a place where they should have been safe. "According to initial reports there were no military activities in the area, which begs the question: What possible justification could there be for such an attack?"

Pillay emphasized that the attacks on civilians, whether in shelters, in hospitals, or otherwise, is a war crime under international law, whether committed by

Israel or by Hamas, and accountability for these war crimes is essential for ending the cycle of violence. The UN Human Rights Council voted, on July 23, to establish a Commission of Inquiry, which, Pillay said, will play a key role in addressing accountability in the Gaza conflict. "However, true justice will only be achieved by bringing cases in front of a fair and competent court," Pillay said. "The international community has a collective responsibility to end this climate of impunity."

### **International Jurists Speak**

A letter so far signed by 141 international law experts, and posted on July 28 by Richard Falk, a former UN Special Rapporteur on the human rights situation in the Occupied Palestinian Territory, points out that while both sides have committed crimes, the principle of proportionality applies in this case, as in any other. That is, while both sides are failing to protect civilians, Israel's crimes are much more serious, in that they are being committed on a vastly greater magnitude. Only 3 Israeli civilians have died as a result of rocket or mortar attacks from Gaza, whereas over 1,800 Palestinians have died as a result of IDF attacks. The Israelis have bombed homes with up to 20 residents, including many children, on the specious claim that 1 member of the household was a member of Hamas. Nor does Israel's issuing of warnings to the household just prior to an attack mitigate the crime. "[I]t remains illegal to wilfully attack a civilian home without a demonstration of military necessity as it amounts to a violation of the principle of proportionality," the letter says. "Moreover, not only are these warnings generally ineffective, and can even result in further fatalities, they appear to be a pre-fabricated excuse by Israel to portray people who remain in their homes as human shields."

"The civilian population in the Gaza Strip is under direct attack and many are forced to leave their homes. What was already a refugee and humanitarian crisis has worsened with a new wave of mass displacement of civilians: the number of IDPs has reached nearly 150,000 [at the time the letter was composed], many of whom have obtained shelter in overcrowded UNRWA schools, which unfortunately are no safe areas as demonstrated by the repeated attacks on the UNRWA school in Beit Hanoun. Everyone in Gaza is traumatized and living in a state of constant terror. This result is intentional, as Israel is again relying on the Dahiya doctrine, which deliberately has recourse to disproportionate force to

inflict suffering on the civilian population in order to achieve political (to exert pressure on the Hamas Government) rather than military goals.

"In so doing, Israel is repeatedly and flagrantly violating the law of armed conflict, which establishes that combatants and military objectives may be targeted, i.e., those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage. Most of the recent heavy bombings in Gaza lack an acceptable military justification and, instead, appear to be designed to terrorize the civilian population. As the ICRC clarifies, deliberately causing terror is unequivocally illegal under customary international law."

The letter concludes by noting the conditions imposed by Israel on Gaza that have led to the present circumstances. "The indiscriminate and disproportionate attacks, the targeting of objectives providing no effective military advantage, and the intentional targeting of civilians and civilian houses have been persistent features of Israel's longstanding policy of punishing the entire population of the Gaza Strip, which, for over seven years, has been virtually imprisoned by Israeli-imposed closure. Such a regime amounts to a form of collective punishment, which violates the unconditional prohibition set forth in Article 33 of the Fourth Geneva Convention, and has been internationally condemned for its illegality. However, far from being effectively opposed by international actors, Israel's illegal policy of absolute closure imposed on the Gaza Strip has relentlessly continued, under the complicit gaze of the international community of States."

Under such conditions, though the letter doesn't explicitly say so, it should be no surprise that people denied any semblance of a normal life, dig tunnels under the border fence and shoot rockets over it.

The letter concludes by calling on the international community, and in particular the United States, to put an end to the escalation of violence in Gaza; support the immediate conclusion of a durable, comprehensive, and mutually agreed ceasefire agreement, which must secure the rapid facilitation and access of humanitarian aid and the opening of borders to and from Gaza; all parties to the Geneva Conventions to comply with their fundamental obligations; and refer war crimes committed in Gaza to the International Criminal Court for investigation and prosecution.