

February 2009

## Gaza and the Israel-Hamas Conflict

After Hamas ended a six-month Egyptian-mediated calm by firing more than 400 rockets and mortars at Israeli population centers during the last week of December, Israel decided to engage in a major offensive against Hamas to significantly impair its capabilities and restore deterrence. Although both Israel and Hamas each announced unilateral cease-fires in January, Hamas and other terrorist groups in Gaza continue to carry out attacks against Israeli civilian targets and prepare for future violence. Despite the violence and threats, Israel remains committed to ending hostilities and facilitating the transfer of humanitarian aid into Gaza. Below are frequently asked questions about Hamas and the conflict in Gaza.

**Q: Was the conflict in Gaza really necessary given the terrible destruction and the international criticism of Israel's actions?**

**A:** Israel's actions were not by choice. Israel was forced to take measures to defend its citizens after years of attacks. Since Israel fully withdrew all of its soldiers and civilians from Gaza in 2005, Hamas and other Palestinian terrorists have indiscriminately fired nearly 7,000 rockets and mortars at Israeli population centers, killing more than a dozen people, injuring hundreds and terrorizing hundreds of thousands of innocent civilians.

After demonstrating extreme restraint in the face of these attacks, Israel launched a major operation against Hamas after the terrorist group ended a six-month Egyptian-mediated calm by firing more than 400 rockets and mortars into Israel during the last week of December. No democratically elected government could fail to respond to such provocations.

Israel set limited objectives in its military operation: strike a blow to Hamas' military capabilities and leadership, restore deterrence and improve the security situation for its civilian population centers in the south. Israel acted in its own legitimate self-defense befitting any sovereign nation under attack and as permitted by the U.N. Charter. Unfortunately, Israel is often condemned by countries that would never tolerate a similar situation for themselves. It's hypocritical to condemn Israel for exercising its right to self-defense even as it tried to carry out its defensive operations in as humane a way as possible.



Israel has facilitated the delivery of 77,000 tons of food and medicine into Gaza since Jan. 18.

**Q: Even if Israel was justified, why did it need to respond so disproportionately?**

**A:** Israel's response to the terrorism from Gaza was proportionate and in complete compliance with international law. Israel's actions to stop Hamas rocket attacks are proportional to the risk Israeli civilians—1,000,000 of whom are now within rocket range—have faced, including the real prospect of mass casualties. Israel need not wait for a rocket to slam into a school full of children before it acts.

Under international law, any state must attempt to minimize the number of casualties of its opponent as it seeks to achieve its military objective. Accordingly, Israel's actions focused on Hamas command centers, security installations, rocket launching sites, weapons stockpiles and weapons smuggling tunnels. Israel also dropped leaflets and made phone calls to targeted areas to warn citizens of impending action, even if this means losing the element of surprise and putting the lives of its soldiers at risk.



**Hamas and other terrorist groups in Gaza put civilians at risk by operating in populated neighborhoods. Pictured above, a terrorist prepares an explosive device as two boys watch.**

While it is true and extremely unfortunate that so many civilians died and were injured, the responsibility for the deaths and suffering lie clearly with Hamas. Hamas deliberately and cynically operates from within civilian areas, storing weapons in houses, schools and mosques and firing rockets from populated neighborhoods to make it more difficult for Israel to target the terrorists and to increase the likelihood of civilian casualties when Israel takes action.

While Israel makes every effort to minimize civilian casualties, international law precludes Hamas from using civilians to protect legitimate military targets. Article 28 of the Fourth

Geneva Convention clearly states, “The presence of a protected person may not be used to render certain points or areas immune from military operations.”

The responsibility for civilian casualties when the civilians are used as human shields lies with the party that deliberately places them at risk, namely Hamas.

**Q: Why isn't Israel allowing humanitarian aid to enter Gaza?**

**A:** Israel has gone above and beyond what many other countries have done to facilitate humanitarian assistance to civilians amid such a conflict. Since Israel ended its operations on January 18, Israel has dramatically increased the flow of humanitarian aid to Gaza to an average of 150 trucks a day. This represents a five-fold increase from December and a six-fold increase from November. According to the Israeli Ministry of Foreign Affairs, more than 77,000 tons of food and medicine and more than 5,500,000 liters of gasoline to support the Gaza power plant, hospital generators and humanitarian aid vehicles have been transferred into Gaza since Jan. 18.

Even during the heaviest fighting, Israel worked closely with humanitarian organizations and set up a special situation task force to deal with aid requests. Israel also halted its operations for several hours each day to allow humanitarian assistance to be distributed.

Israel is willing to facilitate the delivery of more humanitarian assistance into Gaza. However, Gaza currently lacks the capacity to absorb increased aid beyond current levels. With no legitimate governing authority in Gaza able to run the crossings, Israel is forced to rely on U.N. agencies and other NGOs to facilitate the transfer of goods. These groups do not have the capacity to handle increased aid, which Hamas is regularly stealing for its own purposes.

On Feb. 6, the United Nations Relief and Works Agency announced that it was suspending all imports of aid into the Gaza Strip following the confiscation of hundreds of tons of food aid by Hamas. A few days earlier, Hamas terrorists stole at gunpoint 3,500 blankets and more than 400 food parcels from a UNRWA distribution center.

**Q: Why isn't Israel allowing Palestinians to use the Gaza border crossings?**

**A:** Israel has been forced to close the Gaza border crossings to all goods except humanitarian aid because Hamas has repeatedly attacked the crossings, cynically forcing Israel to take such precautions as a way to generate international criticism of Israel. Last year, several Israelis were killed and more than a dozen wounded in Palestinian attacks on the border crossings. The European Union condemned Hamas' obstruction of humanitarian efforts last April, saying, "Hamas and other militant groups in Gaza have their share in aggravating the humanitarian situation, including through carrying out the attacks on Nahal Oz and Kerem Shalom crossings."

Israel also has restricted the flow of goods to humanitarian assistance because Hamas has regularly used dual-use items that can be used for construction, such as pipes and concrete, to build rockets and bunker fortifications.

It is important to note that Egypt has kept its crossing point into Gaza closed because it shares the same security concerns as Israel. Both countries want to restrict the movement of terrorists and their weapons. The crossings from Israel into Gaza will only be opened if there is a safe and legitimate mechanism in place on the Palestinian side of the border.

Palestinians in need of legitimate medical attention outside Gaza have been allowed to access the border crossings for passage to Israel, Egypt or Jordan. In 2007, 14,000 Palestinian patients and their escorts entered Israel for medical treatment. While 90 percent of all requests for medical treatment are approved, some 10 percent of permits are denied due to security threats. Those individuals whose permits are denied are given the option of traveling via an Israeli shuttle to Jordan or to a crossing into Egypt for treatment.

**Q: Did Hamas win the war against Israel?**

**A:** Despite Hamas' claims of victory and its continued hold on power, the terrorist group cannot point to any tangible achievements in the war. Instead, Hamas endured serious blows to its infrastructure, personnel and authority in Gaza, and failed to inflict any significant damage on the Israeli military. At the same time, Israel succeeded in killing hundreds of Hamas terrorists, destroying hundreds of rockets and blowing up scores of tunnels that Hamas uses to smuggle arms into Gaza. Unfortunately, Hamas' actions have produced only further suffering for the Palestinians and harmed the prospects of a future peace agreement between Israel and the Palestinians. Additionally, most of the Arab world, in particular the leaders of Egypt and Saudi Arabia, blames Hamas for this war and believes it was a catastrophe for the Palestinian people and the prospects for statehood.

**Q: Should the United States talk to Hamas?**

**A:** No. President Obama and Secretary of State Hillary Clinton have stated that the United States will not talk with Hamas unless and until it meets three conditions of the international community: rejecting violence, accepting Israel, and abiding by previous agreements. To date, Hamas has

categorically refused to accept any of these conditions and has repeatedly declared its commitment to Israel's destruction.

Indeed, initiating a dialogue with Hamas before it accepts any of the conditions would constitute a reward for the terrorist group, granting its objectives undue legitimacy in the eyes of the world and strengthening its power in Gaza and among the Palestinians. Progress toward peace with the Palestinians depends on weakening the extremists and strengthening the moderates. Hamas continues its aims to destroy Israel and impose its version of radical Islam on the Palestinian population. Rather than softening its attitudes toward Hamas, now is the time for the international community to reject the terrorist group and its Iranian sponsor and create a mechanism to stop the flow of arms into Gaza.