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Israel's Defensive Response to Gaza

Was Israel using "disproportionate force?"

Having absorbed over 10,000 rockets aimed at its towns and cities and having issued innumerable warnings, Israel finally decided to defend its citizens. It bombarded Gaza by air and by sea and ultimately invaded it. The "world community" is concerned and enraged about Israel's having used "disproportionate force" in its response. Is that a valid complaint?

What are the facts?

Some History: In order to understand what is happening, some historical review is in order. Israel captured Judea/Samaria (the "West Bank") and the Gaza Strip in June 1967, in a defensive war against three Arab states. Since then, Israel signed peace treaties with Egypt and with Jordan. It has returned the vast Sinai to Egypt. Attempts at peace with Syria have been unsuccessful so far. Although there have been many attempts to make peace with the Palestinians, Israel's most immediate neighbors, that has until now proven to be elusive. There have been any number of "interim" agreements, but a final peace agreement covering all aspects and all demands has not yet been reached.

With the concurrence and support of the US and of Israel, the Palestinians installed a Palestinian Authority (PA) to represent and to govern them. In order to move the peace process forward, former Israeli Prime Minister Ariel Sharon decided to unilaterally disengage from Gaza. It was a very difficult and wrenching decision because 9,000 Israeli citizens who had been living there for generations had to be evacuated. Twenty-one communities had to be dismantled. Since then, there is absolutely no Israeli presence – civil or military – in Gaza.

In June 2007, Hamas wrested control over the Gaza Strip from the PA in bloody fighting. Hamas, classified as a terror organization by the United States and by most civilized nations, is openly dedicated to the destruction of Israel and for "carrying the banner of Allah over every inch of Palestine." Immediately after seizing power, Hamas began to fire rockets into Israel. It is estimated that so far close to 10,000 rockets have been launched, 3,000 alone in 2008. Even one rocket would be considered an act of war by any country. Constant barrages of rockets on Israel by Hamas are obviously intolerable. If a neighboring country would fire rockets against our cities we would respond with massive force. And that is exactly what Israel is doing.

Was Israel's Response Disproportionate? Article 51 of

Israel cannot possibly conclude a peace agreement with those who are sworn to destroy it and continue on that path. The PA, though still nursing impossible dreams of the division of Jerusalem and the "return" of the 1948 refugees, is amenable to diplomacy and can be dealt with. Final solutions have so far been unavailable, but there is indeed hope for ultimate success. The US government will wish to play a positive role in that. But before that, terrorist Hamas must be totally eliminated. That is the principle and the main goal of Israel's action against Gaza.

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the UN Charter is quite clear that any nation has the right to engage in self-defense against armed attack. The response has indeed to satisfy the principle of proportionality. But it is not correct to claim that Israel has violated that principle by killing more Hamas terrorists than the number of Israelis killed by Hamas rockets. There is no legal equivalence between the deliberate killing of civilians, which is what Hamas is doing by lobbing its rockets into Israeli cities without strategic significance, and the targeted killing of Hamas militants. The law is clear that any number of combatants can be

killed to prevent the killing of even one innocent civilian.

In its air and ground operations against Gaza Israel went to unprecedented lengths to avoid killing civilians. In an area such as Gaza, one of the most densely populated areas in the world – and in view of Hamas's custom of locating its rocket launchers and other military installations in the middle of residential areas and even in mosques, using civilians as shields – that becomes particularly difficult. In what is certainly unique in the history of warfare, Israel, in its respect for human rights, dropped tens of thousands of leaflets over Gaza and placed telephone calls to warn residents of non-military installations to get out of the way of military action. The accusation that Israel is using "disproportionate force" is absurd.

What were Israel's war aims? The "world" most insistently demanded that an immediate cease fire be arranged. Remarkably, that same "world" did not utter a word or lift a finger when thousands of rockets fell on Israel. Israel cannot be expected to terminate its defensive action in Gaza until a comprehensive solution to the crisis can be reached. One can only surmise what Israel's war aims were, but in all likelihood, at the very minimum the following: • Full dismantling of all military power of Hamas, including destruction of stockpiles of rockets and other weapons. • Increased Egyptian supervision of the border crossings between Gaza and Egypt. • Return of kidnapped Israeli soldier Gilad Shalit.

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