



Gaza: Why did 3,000 Palestinians have to die?

On 21 November 2012, Operation Pillar of Cloud was brought to an end, as a result of ceasefire arrangements between Israel and Hamas being brokered by Egyptian intelligence. The arrangements had the blessing of the US – the deal was announced by Egyptian Foreign Minister, Mohamad Amr, at the Presidential Palace in Cairo, with US Secretary of State Hillary Clinton standing at his side.

Under the arrangements, in exchange for Hamas and other Palestinian groups stopping rocket and mortar firing out of Gaza, Israel undertook to cease military operations against Gaza and to lift its economic blockade of Gaza.

These arrangements are essentially the same as those brokered by Egyptian intelligence over four years ago in June 2008, as a result of which southern Israel was almost entirely free from firing out of Gaza for the following four and a half months. If Israel had wished, these ceasefire arrangements – and the peace and quiet they brought to southern Israel – could have continued indefinitely. However, Israel chose to bring this peaceful situation to an end by making a military incursion into Gaza on 4 November 2008 and killing 7 members of Hamas.

Since then, Israel has mounted two murderous assaults on Gaza (Operation Cast Lead in 2008/9 and Operation Pillar of Cloud in November 2012), ostensibly to prevent firing out of Gaza, neither of which was as effective at doing that as the 2008 ceasefire arrangements, which Israel abrogated on 4 November 2008. Operation Pillar of Cloud began 69 days before the upcoming Israeli election, which will make it the fifth election out of the last seven to take place a few months after a major Israeli military operation [\[1\]](#).

Israel's behaviour in respect of Gaza is driven by the fact that making deals with Hamas, and honouring those deals, implies acceptance that Hamas is the legitimate ruler of Gaza. Israel has been very reluctant to do that, even if that brings peace and quiet to southern Israel. But by agreeing now to a formal ceasefire deal with Hamas, backed by the US and Egypt, the terms of which have been published for the first time, it has gone further in that direction than ever before. By backing this deal, the US has also moved in that direction.

Hamas represents a substantial body of opinion within Palestinian politics, and not just in Gaza. In January 2006, it contested elections to the Palestinian Legislative Council (PLC) for the first time and won, securing a majority of the seats in both the West Bank and Gaza.

But the US and the EU (and Israel) refused to accept the outcome of what was universally agreed to be a free and fair democratic process and refused to have any dealings with Hamas elected representatives. That refusal has been at the root of the carnage and misery that Gaza has suffered since.

At that time, Hamas had been on ceasefire since February 2005 and had offered Israel a long-term truce. Its decision to contest the PLC elections was an indication that it was willing to eschew military action and to work within the existing political framework. But the US and the EU (and Israel) slammed the door on that possibility in January 2006 by rejecting the verdict of the Palestinian electorate and attempting to isolate Hamas in the futile hope that it would become politically insignificant.

An opportunity was lost to bring Hamas into the political process and to arrive at a modus vivendi between Israel and Hamas, which could have maintained peace across the border between Israel and Gaza and allowed the Gazan economy to thrive. The ceasefire arrangements of 21 November provide a possibility of arriving at such a modus vivendi, albeit seven years too late – and after over 3,000 Palestinians have been killed by Israeli military action in Gaza.

By agreeing to these ceasefire arrangements, the US and Israel have taken a small step towards recognising that Hamas is not going to go away, and will eventually have to be negotiated with directly – and not just about Gaza. It is inconceivable that a general settlement can be reached in Israel/Palestine without its involvement and the sooner the US and the EU (and Israel) accept this the better.

Under the ceasefire arrangements, Israel is supposed to lift its blockade of Gaza. But this is not enough: what is required is the full implementation of the Agreement on Movement and Access, to which Israel put its name in November 2005, shortly after it withdrew its ground forces and settlers from Gaza.

The Agreement contained arrangements to help maintain and develop the economic life of Gaza after Israeli withdrawal and to pave the way for the creation of a viable Palestinian state in the West Bank and Gaza. In addition to lifting the blockade, the Agreement promised a functioning airport and seaport in Gaza and transport links to the West Bank.

It is high time that the US and the EU forced Israel to implement what it agreed to seven years ago.

Operation Pillar of Cloud

Israel launched Operation Pillar of Cloud on 14 November 2012, ostensibly to end rocket and mortar fire out of Gaza, by carrying out the extrajudicial killing of Ahmed Jaabari, the commander of the military wing of Hamas. In doing so, it broke an informal ceasefire that had been arranged by Egyptian intelligence, after several days of military exchanges between Israel and Palestinian groups.

On 11 November, the Israeli news website Ynet News had reported that “Egyptian intelligence officials have successfully brokered an end to the current round of escalation in the south”, saying that “both Hamas and Islamic Jihad have agreed to hold their fire if Israel suspends its airstrike on Gaza” [\[2\]](#).

On 13 November, Reuters reported that “after five days of mounting violence, Israel and the Palestinians stepped back from the brink of a new war in the Gaza Strip on Tuesday, sending signals to each other via Egypt that they would hold their fire unless attacked” [\[3\]](#).

It was against this background that Israel assassinated Ahmed Jaabari, shattering the calm of the previous couple of days and deliberately escalating the conflict. This was an escalation of choice by Israel, carried out in the full knowledge that the killing of such a prominent figure would provoke a massive response from Hamas and other Palestinian groups in terms of firing out of Gaza – which it did.

Israel aborted ceasefire negotiations

Israel brought about this escalation in the full knowledge that negotiations were going on to achieve long-term ceasefire arrangements like those of June 2008 and that Ahmed Jaabari was the key player in these negotiations on the Hamas side. Not only was Jaabari Hamas' chief negotiator, he was also the person responsible for enforcing previous ceasefire arrangements, particularly on other Palestinian groups.

This was revealed the day after Jaabari's assassination by Gershon Baskin of the Israel Palestine Center for Research and Information. He played a leading role in the negotiations leading to the release of Israeli soldier, Gilad Shalit, in October 2011 and was now involved in these negotiations. In an article, *Assassinating The Chance For Calm*, Daily Beast, 15 November 2012 [4], he wrote:

“Yesterday morning, hours before Israel assassinated Ahmed Jaabari, my counterpart in Hamas presented the draft to Jaabari and to other Hamas leaders. Senior Hamas leaders on the outside had already seen it and had instructed him to check the reactions to it in Gaza. I was supposed to receive the draft yesterday evening to present to Israeli officials who were waiting for me to send it to them.

“That option is now off the table. Jaabari is dead and so is the chance for a mutually beneficial long term ceasefire understanding. ...

“The assassination of Jaabari was a pre-emptive strike against the possibility of a long term ceasefire. Netanyahu has acted with extreme irresponsibility. He has endangered the people of Israel and struck a real blow against the few important more pragmatic elements within Hamas. He has given another victory to those who seek our destruction, rather than strengthen those who are seeking to find a possibility to live side-by-side, not in peace, but in quiet.”

During the 8 days of Operation Pillar of Cloud, according to Ma'an News, Israel killed 171 Palestinians in Gaza, including about 50 women and children [5]. When it was launched, no Israeli had been killed for over a year by rocket and mortar fire out of Gaza – 6 Israelis were killed during it.

It is reasonable to ask why the Israeli leadership felt compelled to launch Operation Pillar of Cloud on 21 November 2012, thereby terminating the negotiations for long-term ceasefire arrangements, rather than pursuing them to a conclusion. There was at least a possibility of long-term arrangements being achieved without anybody being killed. But Israel chose the military option.

Text of understanding

A text of the ceasefire arrangements, which brought Operation Pillar of Cloud to an end, was distributed by the Egyptian authorities, with the title “Understanding Regarding Ceasefire in Gaza Strip” [6]. The text specifies that:

- (a) "Israel shall stop all hostilities on the Gaza Strip land, sea and air including incursions and targeting of individuals" and
- (b) "All Palestinian factions shall stop all hostilities from the Gaza Strip against Israel, including rocket attacks, and attacks along the border."

The "understanding" also provides for the ending of Israel's economic blockade of Gaza and the free movement of people and goods between Israel and Gaza and for an end to the targeting of Palestinians who enter the buffer zone (defined by Israel) within Gaza.

No timetable was specified for the implementation of these matters, but discussions were supposed to start the next day to that end. Here's what the text of the "understanding" says:

"Opening the crossings and facilitating the movement of people and transfer of goods, and refraining from restricting residents free movement, and targeting residents in border areas and procedures of implementation shall be dealt with after 24 hours from the start of the ceasefire."

(According to Sara Roy [\[7\]](#), a leading academic scholar of Gaza, almost half of Gaza's limited arable land lies within the buffer zone and therefore could not be worked. From September 2005, when Israel withdrew its ground forces and settlers from Gaza, to September 2012, Israel killed 213 Palestinians in the zone, 17 of them children.)

June 2008 ceasefire arrangements

The ceasefire arrangements, which ended Operation Pillar of Cloud, are essentially the same as those brokered by Egyptian intelligence in June 2008. No written record of the text of the latter is in the public domain, but, according to the International Crisis Group, it provided for

"immediate cessation of hostile activities; a limited increase in the amount of goods entering Gaza after three days; and, after ten days, the crossings to be open for all products except materials used in the manufacture of projectiles and explosives" (Briefing: *Round Two in Gaza*, 11 September 2008 [\[8\]](#))

Hamas fulfilled its obligations under this agreement faithfully and, as a result, southern Israel was almost entirely free from firing out of Gaza for four and a half months. As a "partner for peace", Hamas could not be faulted – they made a deal with Israel and stuck to it.

It is true that the ceasefire was not perfect: despite being restrained by Hamas, there was occasional firing by other Palestinian groups, but this declined over time and in October only 1 rocket and 1 mortar was fired out of Gaza, compared with 153 rockets and 241 mortars in the first 18 days of June before the ceasefire.

Israel did not fulfil its obligations under the agreement: it didn't ease its economic blockade significantly, let alone lift it, and on 4 November 2008 it made a military incursion into Gaza, for the first time since the ceasefire began in June, and killed 7 members of Hamas.

That was a death blow to the ceasefire – as Israel could have predicted, Hamas resumed rocket and mortar fire out of Gaza.

(For more information, see Sadaka Paper *The Israel-Hamas ceasefire of 19 June 2008 to 4 Nov 2008* [\[9\]](#)).

Sderot celebrates end to daily rocket fire

There is no doubt that the ceasefire was effective. The Israeli town of Sderot, situated about a kilometre from the north-east corner of Gaza, had been the target for many of the rockets fired out of Gaza. The Israeli authorities brought numerous foreign visitors (and TV crews) to Sderot to witness the disruption of everyday life and the damage caused by these rockets, in order to bolster the case for military action against Gaza to suppress them.

Life was very different for the people of Sderot during the ceasefire, as the Toronto Star reported on 9 October 2008, under the headline *Israeli town celebrates end to daily rocket fire*:

“Besieged residents of Sderot were relieved by the quiet start to Yom Kippur, thanks to the ceasefire with Hamas ... Young boys horsed around on their bicycles, families hurried to make last-minute purchases at the downtown supermarket, and food stands did a steady business in shawarma and beer.” [\[10\]](#)

The paper explained:

“Just a kilometre from the Gaza Strip, this southern Israeli town has been struck by an average of three missiles a day for each of the past seven years ...

“Lately, however, the cloudless firmament over Sderot has been mostly free of deadly ordnance, and the community is doing its best to resemble what for a long time it has singularly failed to be – a halfway normal town.

“For seven years, local residents barely went out at all. But, late last June, under Egyptian mediation, the Israeli government reached a ceasefire agreement with the Palestinian militant group Hamas. Since then, with only a few violations, the rocket salvos from Gaza have stopped.”

A few weeks later, the Israeli government chose to bring this peace and quiet in Sderot and the rest of southern Israel to an end, by making a military incursion into Gaza on 4 November 2008 and killing 7 members of Hamas.

Why did it do so? One might expect an Israeli government to be careful to avoid any action that might cause this peace and quiet to be disturbed. One might even expect an Israeli government to take action to bolster Hamas support for the ceasefire by, for example, easing its economic blockade of Gaza, as it was supposed to do under the ceasefire agreement and hadn't done. But it didn't.

Operation Cast Lead

Eight weeks later on 27 December 2008, Israel launched Operation Cast Lead, ostensibly to end rocket and mortar fire out of Gaza. Firing out Gaza continued throughout the 22 days of the assault, and afterwards (though less frequently). Unlike the ceasefire, Operation Cast Lead was unsuccessful in its stated objective.

Could it be that Israel chose to abrogate the ceasefire in order to provide justification that could be sold to the world for launching Operation Cast Lead? Certainly, an assault of this kind could not have been launched before 4 November 2008, when peace and quiet reigned in southern Israel. To justify such an assault in the name of freeing the civilian population of southern Israel from rocket and mortar fire out of Gaza, there had to be some.

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During Operation Cast Lead, Israel killed around 1,400 Palestinians in Gaza, including over 400 women and children [11]. In the six months prior to Operation Cast Lead, no Israelis were killed by rocket and mortar fire out of Gaza but 4 were killed during it [12]. In addition, 9 Israeli soldiers were killed in Gaza itself, 4 by friendly fire.

This carnage was completely unnecessary in order to end rocket and mortar fire out of Gaza and bring peace and quiet to southern Israel. All Israel had to do was fulfil its obligations under the ceasefire arrangements. It didn't.

Even after the breakdown of the ceasefire on 4 November, Hamas was willing to re-negotiate arrangements. According to Ynet News [13], the head of Shin Bet, Yuval Diskin told a meeting of Israeli ministers on 21 December that "Hamas is interested in maintaining its truce with Israel". He continued:

"Make no mistake, Hamas is interested in maintaining the truce. It seeks to improve its conditions – a removal of the blockade, receiving a commitment from Israel that it won't attack and extending the lull to the Judea and Samaria area."

So, a week or so before it launched Operation Cast Lead, Israel knew what needed to be done in order to restore the calm that existed before 4 November, but it chose to take military action instead.

There were no formal ceasefire arrangements after Operation Cast Lead. Israel declared a unilateral ceasefire on 18 January 2009 and Hamas followed suit. Over the next few days Israel withdrew its ground forces from Gaza.

In the following years up to Operation Pillar of Cloud, there was sporadic rocket and mortar fire out of Gaza, primarily by Palestinian groups other than Hamas. As a result, there were 3 fatalities in Israel, 2 Israelis and a Thai national [12]. More than 283 Palestinians were killed by Israeli military action in Gaza in the same period [14].

From time to time, Egyptian intelligence brokered an informal ceasefire, but no long-term ceasefire arrangements comparable to those of June 2008 were put in place in this period.

Why did Israel choose the military option?

So why did Israel persistently choose the ineffective military option rather than effective ceasefire arrangements? Primarily, because having permanent ceasefire arrangements with Hamas was tantamount to recognising the organisation as the legitimate ruler of Gaza – and Israel was opposed to that.

Tzipi Livni, Foreign Minister (and then newly elected leader of Kadima) spelt this out in December 2008. Speaking at Tel Aviv University, she said that an extended truce or long term calm with Hamas "harms the Israel strategic goal, empowers Hamas, and gives the impression that Israel recognizes the movement" [15].

She returned to this theme on 31 December, a few days after Operation Cast Lead began, telling the world that attempts by Hamas to gain legitimacy must be resisted:

“But there is one thing that the world needs to understand: Hamas wants to gain legitimacy from the international community. Hamas wants to show that there is a place which is called the Gaza Strip, that this kind of an organization - an extremist Islamic organization that acts by terrorism and which is a designated terrorist organization - can rule. And to make it seem a legitimate regime.

“So they want the crossings to be opened, not only for the sake of the population, but because this symbolically is how they can show that the Gaza Strip has become a kind of a small state, which is controlled by them. This is something that nobody can afford, neither Israel, nor the pragmatic leadership, nor the legitimate Palestinian leadership or government, nor any part of the moderate the Arab world.” [\[16\]](#)

So, making arrangements with Hamas about, for example, a long term ceasefire or border crossings, bolsters the legitimacy the Hamas as the ruler of Gaza – and Israel is opposed to that, even though ceasefire arrangements did bring peace and quiet to the people of southern Israel.

A step towards recognising Hamas

Ideally, Israel would like to destroy Hamas and its rule in Gaza. Voices are raised regularly in Israel saying that this must be done, most recently, by then Foreign Minister Avigdor Lieberman, who after the latest ceasefire said that Israel would “eventually need to overthrow the Hamas regime” in Gaza [\[17\]](#). But, wiser councils know that such an exercise would involve a ground invasion followed by long-term occupation, with serious costs to Israel in blood and treasure – and a slaughter of Palestinians on a scale that might even meet with the disapproval of the US today.

By calling off Operation Pillar of Cloud and accepting the ceasefire arrangements brokered by Egypt, Israel has taken a step in the other direction – towards recognising Hamas as the legitimate ruler of Gaza which is not going to go away and has to be lived with. Israel did not take this step voluntarily. The US had a hand in it. By backing the ceasefire arrangements, the US has also moved in the direction of recognising Hamas as a legitimate organisation.

This shift in US policy has come about because, if the US is to preserve its power and influence in the Middle East, establishing and maintaining good relations with the new Muslim Brotherhood regime in Egypt is essential. For that to happen, given the more actively pro-Palestinian stance of the new regime and its close relations with Hamas, the US could not be seen to be as indifferent to the slaughter of Palestinians in Gaza by Israel as it was in 2008/9 during Operation Cast Lead. This time it had to give the impression of concern for the lives of Palestinians and to put its weight behind bringing the conflict to an end on terms acceptable to Egypt and therefore to Hamas. The US no longer backed Israel unconditionally in its actions against Gaza. Instead, it put its name to ceasefire arrangements dictated by Hamas and Egypt – and insisted that Israel accept them.

Will the ceasefire arrangements, including the lifting of the blockade, be implemented and maintained on a long term basis? The chances are much better today than they were in 2008.

The US has put its name to these arrangements and therefore, absent a major breach on the Palestinian side, will be pressing Israel to implement them.

Like the US, Israel has an interest in good relations with the new regime in Egypt and in avoiding a rupture in the relationship established by the Camp David Accords, as a result of which Egypt is one of the two Arab states that recognises Israel's right to exist as a state. Consequently, it is unlikely that Israel will make a military incursion into Gaza of the kind that it did on 4 November 2008, which caused the 2008 ceasefire arrangements to collapse. Doing that might have severely negative consequences for Israel's relations with Egypt. However, it can be guaranteed that it will spin out negotiations about implementing other aspects of the arrangements, for example, opening the crossings.

If the ceasefire arrangements are implemented successfully, the likelihood is that Hamas will gradually come to be accepted by the US and Israel as the legitimate ruler of Gaza.

Unnecessary carnage since 2006

This should have happened in January 2006, when Hamas won the elections to the Palestinian Legislative Council (PLC). It had been on ceasefire since February 2005 and had offered Israel a long-term truce. Its decision to contest the PLC elections for the first time was an indication that it was willing to eschew military action and work within the existing political framework.

Hamas won an absolute majority of seats – 74 out of the 132 seats to Fatah's 45, and others' 13. It was strongest party both in the West Bank, winning 30 out of 42 seats, and in Gaza, winning 15 out of 24. It was universally agreed that the elections were free and fair.

Nevertheless, the US refused to recognise Hamas as the legitimate winner, characterising it as a terrorist organisation, and refusing to have any dealings with Hamas elected representatives. And the other members of the Quartet (the EU, Russia and the UN Secretary General) meekly followed suit. This gave Israel the green light to intern Hamas legislators in the West Bank and to mount a fierce military assault on Hamas in Gaza, from which it had withdrawn its ground forces and settlers a few months earlier in September 2005.

Since January 2006, Israel has imposed a severe economic blockade on Gaza, which has brought the Gazan economy to its knees, and it has killed over 3,000 Palestinians in Gaza by military action:

Period	Palestinians killed in Gaza by Israeli military action	Source	Israeli residents killed by rocket & mortar fire out of Gaza [12]
2006-8	1,234	[18]	10
Operation Cast Lead	1,390	[11]	4
Between Operations	283	[14]	3
Operation Pillar of Cloud	171	[5]	6
Total	3,078		23

Since January 2006, some 10,000 rockets and mortars [\[19\]](#) have been fired out of Gaza by Palestinian groups. 23 Israeli residents were killed as a result, more than 40% of them during Operation Cast Lead (when 4 were killed) and Operation Pillar of Cloud (when 6 were killed) [\[12\]](#).

(A total of 29 Israeli residents have been killed by rocket and mortar firing out of Gaza since it began in 2001 [\[12\]](#)).

Direct responsibility for this unnecessary carnage lies with Israel, but the US and the EU stood idly by while it happened, having encouraged it by refusing to recognise Hamas as the legitimate winner of the PLC elections. Had they accepted the outcome of the elections and dealt with the elected representatives of the Palestinian people, and pressed Israel to do likewise, none of this need have happened. Thousands of people have died for nothing. A modus vivendi could have been arrived at between Israel and Hamas to maintain peace across the border between Israel and Gaza and allow the Gazan economy to thrive.

The beginnings of a modus vivendi were arrived at in June 2008 that brought peace for four and a half months. Instead of putting its weight behind such a positive initiative, the US was indifferent to it, and was indifferent to its collapse in November 2008 – and indifferent to Israel's slaughter of around 1,400 Palestinians during Operation Cast Lead. Now after a second murderous assault on Gaza by Israel, the beginnings of another modus vivendi are present in the ceasefire arrangements brokered by Egypt, this time with the backing of the US.

The Agreement on Movement and Access

Under the ceasefire arrangements, Israel is supposed to lift its blockade of Gaza. But this is not enough: what is required is the full implementation of the Agreement on Movement and Access, to which Israel put its name in November 2005, shortly after it withdrew its ground forces and settlers from Gaza.

The Agreement contained arrangements to help maintain and develop the economic life of Gaza after Israeli withdrawal and to pave the way for the creation of a viable Palestinian state in the West Bank and Gaza. The Agreement, the text of which can be found on the Israeli Ministry of Foreign Affairs website [\[20\]](#), was drawn up by the US and formally sponsored by the Quartet. It was launched by Condoleezza Rice (US Secretary of State) and Javier Solana (EU High Representative for the Common Foreign and Security Policy) at a press conference in Jerusalem on 15 November 2005.

The arrangements included:

- (1) a crossing between Gaza and Egypt at Rafah for the export of goods and the transit of people
- (2) continuous operation of crossings between Israel and Gaza for the import and export of goods and the transit of people
- (3) reduction of obstacles to movement within the West Bank
- (4) bus and truck convoys between the West Bank and Gaza
- (5) the building of a seaport in Gaza
- (6) re-opening of the airport in Gaza.

At the launch, Condoleezza Rice said:

“This agreement is intended to give the Palestinian people freedom to move, to trade, to live ordinary lives. The agreement covers six topics.” [\[21\]](#)

She continued:

“First, for the first time since 1967, Palestinians will gain control over entry and exit from their territory. This will be through an international crossing at Rafah, whose target opening date is November 25th.

“Second, Israel and the Palestinians will upgrade and expand other crossings for people and cargo between Israel, Gaza and the West Bank. This is especially important now because Israel has committed itself to allow the urgent export of this season’s agricultural produce from Gaza.

“Third, Palestinians will be able to move between Gaza and the West Bank; specifically, bus convoys are to begin about a month from now and truck convoys are to start a month after that.

“Fourth, the parties will reduce obstacles to movement within the West Bank. It has been agreed that by the end of the year the United States and Israel will complete work to lift these obstacles and develop a plan to reduce them.

“Fifth, construction of a Palestinian seaport can begin. The Rafah model will provide a basis for planned operations.

“Sixth, the parties agree on the importance of the airport. Israel recognizes that the Palestinian Authority will want to resume construction on the airport.”

(For further details, see Sadaka Briefing *The Agreement on Movement and Access* [\[22\]](#)).

This is what the US and the EU promised Palestinians in November 2005 – not just (a) free movement of people and goods to/from Gaza from/to Israel, but also (b) transport links to the West Bank and (c) a functioning airport and seaport. Instead of (a), there has been a severe economic blockade and an almost total ban on exports, which has brought Gaza’s economy to its knees. And there has been no progress at all on (b) or (c).

The US made no attempt to deliver on its promise and, while the EU has occasionally called for the full implementation of the Agreement on Movement and Access [\[23\]](#), it has done nothing to bring it about.

It is high time that the US and the EU fulfilled their promises to Palestinians and forced Israel to implement what it agreed to seven years ago.

David Morrison
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