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ISRAEL'S BOGUS EXCUSES FOR PIRACY

By Dr. David Morrison

"If an armed group of Somali pirates had yesterday boarded six vessels on the high seas, killing at least 10 passengers and injuring many more, a Nato taskforce would today be heading for the Somali coast. What happened yesterday in international waters off the coast of Gaza was the work of Israeli commandos, not pirates, and no Nato warships will in fact be heading for Israel. Perhaps they should be." (Guardian Editorial, 1 June 2010 [\[1\]](#))

Israel claims it had compelling reasons for hijacking the Free Gaza ships in international waters and kidnapping their passengers. All of them are bogus:-

First, Israeli spokespersons have been saying that there is no humanitarian crisis in Gaza, that Israel is allowing sufficient humanitarian aid into Gaza already – and therefore the Free Gaza ships were not on a humanitarian mission, but were "an armada of hate and violence" (to quote Israel's deputy foreign minister, Danny Ayalon).

John Ging, UNWRA director of operations in Gaza, told a very different story about the living conditions of Gazans at a news conference in New York on 22 April, painting a grim picture of the impact of the blockade on the lives of the people there:

"It's bewilderingly difficult for them on a daily basis. It's a struggle to survive [with] the infrastructure and water and sanitation in a state of collapse and all that goes with that. ... That leads to the impoverishment of the people, and the physical suffering of so many continues on a daily basis, not just physical suffering, but psychological suffering because people are at their wits' end to understand when all of this will come to an end." [\[2\]](#)

Second, Israel said that, had the Free Gaza ships delivered the humanitarian cargo to the Israeli port of Ashdod, then Israel would ensure that it was delivered to Gaza after checking it for arms.

This is very doubtful, since Israel puts extraordinary restrictions on what it allows into Gaza from Israel. See the report *Failing Gaza: No rebuilding, no recovery, no more excuses* [\[3\]](#) by a group of 16 European NGOs, including Trócaire, published in December 2009, which says:

"Currently Israel only regularly allows about 35 categories of items entry into Gaza. In contrast, some 4,000 items were imported before the blockade began. ... There is no published list of permitted items and there appears to be no consistency in what is, and is not, permitted. For instance, particular fruits allowed in one day as 'essentials' can easily be branded 'luxuries' and turned away on another day." (p5)

Third, Israel said that it could not allow the ships into Gaza without searching them first, in order to check that their cargo didn't contain arms that might be of use to Hamas.

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This begs the question: why did it allow earlier boats to reach Gaza without being searched for arms?

Furthermore, the vast majority of the goods entering Gaza today come from Egypt via the tunnels under the border – the World Bank estimates 80%. None of these goods are checked for arms by the Israeli (or Egyptian) authorities. If Israel applied the criteria to these goods that it did to those being transported by the Free Gaza ships it hijacked last Monday, then it would have to retake military control of the Egypt-Gaza border and either block goods entering Gaza via this border or check them for arms.

There is an alternative: it is that Israel end its blockade and do as it promised in the Agreement on Movement and Access [4], which it signed up to in November 2005. In that, it agreed to allow its crossings with Gaza to “operate continuously”, so that people and goods could move freely between Gaza and Israel.

If it did that, bringing goods in by tunnel would be no longer necessary and the vast bulk of goods entering Gaza would come through Israel. And then there would be no need for Free Gaza flotillas to bring humanitarian aid to Gaza by sea.

Israel shuns this eminently sensible course of action, because it is Israeli state policy to apply “collective punishment” to the people of Gaza, since Hamas is in control there.

Israel has made no secret of the fact that the objective of its blockade is to make the lives of the people of Gaza as a whole, including political opponents of Hamas, as miserable as possible, in order to put pressure on Hamas and undermine support for it. That is “collective punishment” contrary to international law (to be precise, contrary to Article 33 of the 4th Geneva Convention), as many people including Foreign Minister, Micheál Martin, have said.

Fourth, Israel justifies the hijacking in general terms as self-defense against the threat posed to by Hamas firing rockets and mortars out of Gaza.

Israel had a solution to this problem in the ceasefire agreement it negotiated with Hamas in June 2008. Under this agreement, brokered by Egypt, in exchange for Hamas and other Palestinian groups stopping the firing of rockets and mortars out of Gaza, Israel undertook to lift its economic blockade of Gaza and cease military incursions into Gaza.

Hamas honoured its side of the bargain to the letter, firing no rockets or mortars out of Gaza from 19 June to 4 November 2008 and restraining other groups. So successful was the ceasefire that in October 2008 only 1 rocket and 1 mortar were fired out of Gaza, compared with 153 rockets and 241 mortars in the first 18 days of June, before the ceasefire began.

Despite this overwhelming success, Israel broke the ceasefire on 4 November 2008, by making a military incursion into Gaza and killing 7 members of Hamas, when the world was watching the election of Barack Obama. Operation Cast Lead, and the deaths of over 1,400 people, the vast majority Palestinian, was completely unnecessary in order to protect Israeli citizens from firing out of Gaza. All Israel needed to do was to observe the ceasefire. It chose not to do so.

In 2009, rocket and mortar firing continued after Operation Cast Lead at a much higher rate than during the ceasefire.

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According to Israel, Hamas is out to destroy it as a state. It is true that Hamas refuses to recognise Israel as it exists today. But, there is little doubt that, if a state of Israel existed within its 1967 borders, then Hamas would recognise it. Hamas has said as much. For years, Hamas spokesmen have emphasised that they are seeking a long-term truce with Israel, the price being Israeli withdrawal from the West Bank and Gaza.

On 31 July 2009, Hamas leader, Khaled Meshaal, told the Wall Street Journal:

“ We along with other Palestinian factions in consensus agreed upon accepting a Palestinian state on the 1967 lines. This is the national program. This is our program. This is a position we stand by and respect. ” [\[5\]](#)

The Wall Street Journal report continues:

“ Khaled Meshaal ... said in a 90-minute interview at Hamas's Syrian headquarters that his political party and military wing would commit to an immediate reciprocal cease-fire with Israel, as well as a prisoner swap that would return Hamas fighters for kidnapped Israeli soldier Gilad Shalit.

“ He also said his organization would accept and respect a Palestinian state based on 1967 borders as part of a broader peace agreement with Israel—provided Israeli negotiators accept the right of return for millions of Palestinian refugees and the establishment of a capital for the Palestinian state in East Jerusalem. ”

So, it appears that Hamas ' negotiating position is not very different from that of the PLO. Unfortunately, neither the US nor the EU, nor Israel, is prepared to negotiate with Hamas.

It is simply unrealistic to suppose that a final settlement can be arrived at in Palestine without the involvement of Hamas. It represents too large a proportion of the Palestinian population. Starting a Middle East peace process without Hamas today is as unrealistic as starting the Northern Ireland peace process in the 1990s without Sinn Féin would have been.

Israel must no longer be granted immunity

Israel 's hijacking of the Free Gaza ships in international waters and the kidnapping of their passengers has come about because for far too long Israel has been given immunity by the international community for a host of earlier crimes, including:

- the killing of over 1,400 Palestinians, over 400 of them women and children in its military assault on Gaza in December 2008/January 2009;
- its extrajudicial killing of Hamas member, Mahmoud al-Mabhouh, in Dubai earlier this year, using forged European – including Irish – passports;
- its 3-year blockade on Gaza, which has made the living conditions of the 1.5 million Palestinians there “ inhumane and utterly unacceptable ” (to use the words of Micheál Martin after his recent visit).

The Free Gaza flotilla set out to draw world attention to the cruel Israeli siege which was responsible for this and to

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bring humanitarian relief to the people of Gaza. This should not have been necessary. The international community should have acted, a long, long time ago, to force Israel to end the collective punishment of the people of Gaza.

Last December, the EU Council conclusions on Gaza said:

“ The continued policy of closure is unacceptable and politically counterproductive. It has devastated the private sector economy and damaged the natural environment, notably water and other natural resources. The EU again reiterates its calls for an immediate, sustained and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from Gaza. ” [\[6\]](#)

But the EU didn 't act. In fact, it has since rewarded Israel by unanimously supporting its accession to the OECD, in blatant disregard of the human rights requirements for OECD membership. But it must act now.

1 June 2010

References:

[\[1\]](#) www.guardian.co.uk/commentisfree/2010/jun/01/gaza-blockade-bloodshed-editorial

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[\[3\]](#) www.reliefweb.int/rw/RWB.NSF/retrieveattachments?openagent&shortid=SKEA-7YYDWN&file=Full_Report.pdf

[\[4\]](#) www.mfa.gov.il/MFA/Peace+Process/Reference+Documents/Agreed+documents+on+movement+and+access+from+and+to+Gaza+15-Nov-2005.htm

[\[5\]](#) online.wsj.com/article/SB124899975954495435.html

[\[6\]](#) unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/ec5fa6e2821e510d85257686005072e0

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