

An Overview of the War in Gaza

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On 7 October 2023, Hamas launched a horrific attack on military targets and civilians in Southern Israel. Over 1200 residents of Israel were killed and 248 people taken hostage, 129 of whom still remain missing. This appalling war crime came as a shock to many but the tensions in the region are long-standing. In the wake of revelations that the Nazi holocaust had killed six million Jews a western-dominated United Nations in 1947 acceded to the demands of Jewish Zionists for a homeland in Israel despite the lands having been largely occupied by a majority Palestinian population for centuries. This set the scene for endless conflict between two peoples with conflicting claims to the lands of Palestine. Initial attacks by Arab nations and resistance by Palestinians were defeated and the envisaged Palestinian state did not eventuate. After several wars Israel has become an occupying power in the West Bank and has blockaded the Gaza Strip keeping it under tight control, almost as an 'open air prison'.

Substantial resentment has grown against this occupation but the killing and taking of civilian hostages by Hamas was undoubtedly a war crime. The hostages continue to suffer from the military assault on Gaza as well as the threats from Hamas. The Secretary General of the United Nations has argued that nothing can justify deliberate killing, injuring and kidnapping of civilians and demanded the immediate release of the hostages (Guterres 2024).

The Israeli response was initially seen as within the bounds of the right to self-defence by many countries. Dealing with an enemy embedded in the civilian population provided a huge challenge but international law requires the protection of civilian populations in war. A massive Israeli military response ensued, destroying civilian houses, apartment buildings, schools, hospitals and farmland as well as people. More than 50% of buildings in Gaza have been severely damaged or destroyed by Israeli bombs and missiles. (Palumbo et al. 2024) Gazans were driven by bombing from the north to purported safe havens in the south, but the bombing followed the fleeing population. There were no safe havens in Gaza nor was there any exit. The borders have been closed. Very few entries or exits have been permitted.

Journalists have not been able to get in and rarely are they able to get out of Gaza. Despite this, reporting on the war has continued from the journalists and photojournalists already in Gaza who file stories when they can. Being a journalist in Gaza is an extremely hazardous occupation. At least 79 journalists have been killed since the Hamas attack 'the biggest single death toll for journalists in a conflict zone for years' (Tharoor 2024).

The death toll in Gaza has reached more than 27,000 and is escalating daily. These casualties are disproportionately women, children and babies. Children are suffering from lack of food and water, lack of shelter, lack of education and lack of safety (UNICEF 2024). Many adults and children are suffering catastrophic injuries. Some die because there are no hospitals or medicines to treat them (Burke 2024). Operations and amputations have to be performed with little or no anaesthetics or antibiotics. Power shortages and lack of food and water are turning Gaza into 'hell on earth' and despite the massive Israeli assault no more hostages have been released. Hamas has not yet been eliminated and the Israeli Prime Minister Benjamin Netanyahu has warned that the war would continue for 'many more months' (ABC 2024) and has rejected any peace deal that did not provide complete Israeli victory over Hamas.

Severe criticism has been levelled at the Netanyahu Government for its conduct of the war. Inside Israel the desperate families of the hostages have become increasingly assertive. The Jewish diaspora is also divided over both the failure to secure the release of the hostages, the strategy adopted by the Government and the behavior of some conservative Jewish Organisations. (See Schwartz and Kaiser 2024 for an Australian response).

Efforts by the international community to call for a mandatory cease fire failed in the Security Council when the US vetoed the motion. The General Assembly passed a resolution calling for a cease fire in late

October with 120 countries in support. A motion was again put to the General Assembly on 12 December calling for an 'immediate humanitarian ceasefire', demanding 'all parties comply with their obligations under international law ... with regard to protection of civilians' and demanding 'the immediate and unconditional release of all hostages' (UN 2023). This time 153 nations supported the motion, including Australia who had abstained on the previous motion. However, General Assembly resolutions do not have the force of international law that Security Council Resolutions do.

Another attempt to gain international intervention was undertaken by South Africa who sought rulings from the International Court of Justice on provisional measures 'to take all reasonable measures to prevent genocide', 'to protect against further severe and irreparable harm to the rights of the Palestinian people' to prevent forced displacement, allow adequate food and water, ensure evidence of genocide was preserved and the immediate suspension of Israeli Military operations in the Gaza strip (ICJ 2024: 3). The Israeli response asserted their right to self-defence against an enemy embedded in the civilian population, questioned the jurisdiction of the ICJ and the standing of South Africa to bring the case.

In its judgement the Court considered its jurisdiction under the Genocide Convention, canvassed UN agency reports of the catastrophic situation for civilians in Gaza (ICJ 2024: 17) and examined statements of members of the Israeli Government including those of the Minister for Defence who had 'ordered a complete siege of Gaza and there would be no electricity no food no fuel'... 'I have released all restraints' ... 'We are fighting human animals' 'we will eliminate everything' (ICJ 2024: 17).

The Court concluded that it did have jurisdiction under the Convention and that South Africa did have standing as a party to the convention (ICJ 2024: 12). Fifteen of the seventeen judges, including Court President Donohue from the United States supported the provisional orders. Even Israeli's ad hoc judge supported some of the provisional measures (Reuters 2024). The Court made six orders that Israel must 'take all measures within its power to prevent acts' of genocide; take measures 'to prevent and punish' 'incitement to commit genocide'; 'take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance'; 'take effective measures to prevent the destruction' of evidence of genocide. Lastly, Israel must submit a report to the court on all measures taken to give effect to its Order (ICJ 2024: 23).

In a final example of the inadequacy of international law and the power of the state of Israel over its western allies fifteen well-respected judges of the ICJ who found sufficient evidence to accept jurisdiction in a case alleging genocide against Israel made six orders to Israel. However, these orders while legal are non-enforceable. In contrast, an allegation from Israel that twelve of the many thousands of aid workers employed by the Palestinian relief organisation the United Nations Relief and Works Agency (UNRWA) had participated in the attacks of 7 October has led several countries, including the US and Australia, to suspend aid. These are serious allegations and need to be thoroughly investigated but UNRWA, is the major provider of aid in Gaza so depriving the agency of funds could make famine 'inevitable' (McKernan and Michaelson 2024). UNRWA's head and the Secretary General announced an immediate independent inquiry and dismissed the accused workers. They and other aid agencies' spokespersons have appealed to countries that suspended funding to reinstate it 'to ensure continuity of its vital humanitarian operations' (UN 2024).

The situation in Gaza has continued to deteriorate. On 23 January, the Secretary-General reported on the catastrophic situation continuing in Gaza which included the deaths of 153 UN Aid workers struggling to deliver assistance to Gazans. He continued:

The entire population of Gaza is enduring destruction on a scale and at a speed without parallel in recent history.

Nothing can justify the collective punishment of the Palestinian people.

With winter bearing down 2.2 million Palestinians in Gaza [struggle] to simply make it through another day without proper shelter, heating, sanitary facilities, food and drinking water (Guterres 2024).

Much of the initial coverage of the 7 October attacks focused on events on that day. Both Israelis and Palestinians have suffered from the endless conflict. A violent reaction from Palestinians was not unpredictable. As the next item 'To Forget' reminds us, the attack, horrific and surely counter-productive as it was, is the culmination of a long history of grievances.

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