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Israel has its rights, but it cannot disregard its responsibilities

Israel has the obligation to protect its population from further attacks. However, the right of self-defence does not exist in isolation

On 7 October, armed Hamas and Palestinian Islamic Jihad (PIJ) fighters stormed the Gaza-Israel border fence, captured Israeli military posts, entered Israeli towns and *kibbutzes* in the border area, brutally killed hundreds of people and took more than 200 hostages to the Gaza Strip. Since then, Hamas and other militant groups have fired thousands of rockets from Gaza into Israel, killing people at random.

The day after the terrorist attack, Israel started its airstrike campaign on the Gaza Strip. Hamas, on the other hand, threatened to kill a hostage every time Israel bombed homes without warning. According to Israeli figures, at least 1,300 Israelis and foreign nationals were killed in total by Hamas and PIJ rocket fire and massacres. The Israeli Prime Minister Benjamin Netanyahu has declared a state of war. The aim of the military operation that now follows is to retaliate and to completely destroy Hamas' military capabilities in Gaza.

A catastrophic humanitarian situation

As a result of the Israeli airstrikes, more than 3,000 people were killed in the Gaza Strip, according to Palestinian sources. However, the number of those trapped under the rubble and unable to be rescued due to a lack of heavy equipment and continued air strikes is unknown. In addition, Israel imposed a complete blockade of the Gaza Strip and suspended the delivery of even vital goods. Neither food nor electricity, fuel, medicine or drinking water can be imported since then. The only electricity plant in the coastal strip has been switched off and the public electricity supply has collapsed — with disastrous consequences, especially for the medical and drinking water supply.

On 15 October, Israel announced that it would resume supplying drinking water at least to parts of the southern Gaza Strip. However, this

has not yet been confirmed. Besides, large parts of the population would still be dependent on drinking water deliveries by truck. Even before the current escalation, around 1.3 million people in the Gaza Strip - against the backdrop of Hamas rule and the closure of the area since 2006 - were dependent on humanitarian aid. The need for such aid is now growing rapidly.

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On 13 October, the Israeli army called on the population in the northern Gaza Strip – around 1.1 million people – as well as international organisations to leave the area within 24 hours. Hamas, on the other hand, urged the population to stay — and, according to the Israeli army, prevented them from fleeing. The United Nations assessed the evacuation as an impossible undertaking. Jan Egeland, former Norwegian social democratic Foreign Minister and current President of the Norwegian Refugee Council and the International Committee of the Red Cross (ICRC) – guardian of international humanitarian law – called the order illegal under international law.

Following international protests, the Israeli military extended the deadline for the evacuation of the northern Gaza Strip by a few hours, but did not withdraw the evacuation order. According to UN figures, 400,000 people were already forced to flee within the coastal strip before the order was issued — only a limited number were able to find shelter in UN facilities or hospitals. Hundreds of thousands more have since made their way to the southern Gaza Strip, but without any hope to find shelter, protection or basic services there. The bombardment also continued in the southern town of Chan Yunis.

It is feared that there will be very high casualty figures in the continuation of the war and especially after the start of the ground offensive. This is also due to the fact that it's almost impossible to distinguish between military and civilian targets in the Gaza Strip, due to the dense construction, the tunnels of the Hamas, which run under residential buildings, as well as the civilian facilities of the Hamas and other militant groups, which are located in residential and office buildings. The Palestinians also fear that the fighting could lead to permanent displacement.

The right of self-defence

Israel has the right and the obligation to protect its population from further attacks by militant groups. However, the right of self-defence does not exist in isolation, but in dependence on general human rights and the *jus in bello*, the 'law in war'. In the Fourth Geneva Convention, in particular, the latter sets strict limits on the means and methods of warfare regarding the protection of the civilian population. It is important to note that aside from the question of who triggered the armed conflict and who is the aggressor or defender, the rules of international humanitarian law apply to all parties involved.

The Federal Republic of Germany's commitment to the security of the State of Israel, its disgust at the atrocities committed by Hamas and its approval of Israel's goal of dismantling the Hamas are understandable. However, they do not relieve Germany of its duty under international law to work to protect the civilian population in Gaza and to do everything possible to prevent violations of international humanitarian law.

In this regard, the German government should now urgently use its close relations with Israel (and other regional actors) to work towards freeing the hostages through negotiations, protecting the civilian population in the Gaza Strip and averting a regional escalation. In particular, it should press Israel to effectively protect the population of Gaza through the establishment of safe zones. It should also make clear that the civilians remaining in North Gaza, notwithstanding calls to leave, are under the full protection of humanitarian law and that remaining in the region does not make them legitimate targets.

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Hospitals and other civilian infrastructure as well as humanitarian workers need to be protected. Unrestricted humanitarian access is needed so that life-saving emergency aid can be delivered (in the form of drinking water, food, medicine and fuel for hospital generators). Moreover, humanitarian corridors must be established to allow for the evacuation of urgent medical cases and foreign civilians, for example. If Israel does not provide humanitarian access through its own territory, it should be insisted that it be allowed from Egypt through the Rafah crossing, in close cooperation with the UN and the International Red Cross and, if necessary, without Israel's consent.

At the same time, it is also important to work with regional actors such as Egypt and Qatar to influence the leadership of the Hamas to comply with international humanitarian law and to stop the indiscriminate firing of rockets into Israel, not to prevent the flight of its own population from combat zones and to ensure the well-being of the hostages, as well as to press for their release. Germany should also offer its expertise for the implementation of corresponding agreements, as it has successfully done in the past.

Even if there are well-founded fears of a permanent flight and displacement: ultimately, from a humanitarian point of view, Egypt, with the support of the international community, must prepare for a mass flight of civilians from Gaza in order to save human lives. The German government should support such preparations and financially support any possible reception. At the same time, it must be clearly communicated to Israel that a shelter in the Sinai can only be a temporary protective measure for the duration of the fighting.



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