

THE BROOKINGS INSTITUTION

THE HUMANITARIAN CRISIS IN GAZA:  
BEYOND BAND-AID SOLUTIONS

Washington, D.C.

Wednesday, January 14, 2009

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## P R O C E E D I N G S

MS. FERRIS: Good afternoon, everyone. My name is Beth Ferris. I'm a senior fellow here at Brookings and co-director of the Brookings-Bern Project on Internal Displacement. We're happy to see such a large turnout this afternoon for our session on The Humanitarian Crisis in Gaza: Beyond Band-Aid Solutions.

Madame Ogata, the former U.N. high commissioner for refugees, was fond of saying there are no humanitarian solutions for humanitarian crises. And perhaps nowhere else in the world does that apply as aptly as in the present situation in Gaza.

Today we'll be talking about the humanitarian crisis in Gaza, a crisis which is real, which is dire, which is heartbreaking, which is frustrating. The death toll from the round of bombardment and ground invasion, which began on December 27th, is close to a thousand, with thousands more wounded and tens of thousands displaced from their homes. But as I'm sure we'll hear from today's speakers, the humanitarian crisis is not a new one.

We'll begin our presentations with an overview of the humanitarian situation on the ground in Gaza, and we'll begin with Andrew Whitley, who's the director of the New York Representative Office of UNRWA, which has, of course, played the leading role in humanitarian assistance in Gaza. Mr. Whitley has worked with the U.N. in different capacities for the past 14 years in countries ranging from East Timor and Kosovo, although most of his background and experience is indeed in the Middle East, where he's worked as a journalist, an academic, and also as a human rights activist.

But humanitarian crises always occur in a specific political context and the political dynamics around the present crisis in Gaza are particularly complex, including, for example, security in Israel, the role of Hamas in Palestinian politics, the upcoming elections in Israel, the fact that the Israeli offensive began in the

closing weeks of the Bush Administration, implications for Al Qaeda as we've heard today, concerns in the broader Middle East, the relevance of U.N. Security Council resolutions, et cetera, et cetera, et cetera.

Tamara Wittes, a senior fellow here at Brookings at the Saban Center for Middle East Policy and director of the Middle East Democracy and Development Project, will talk about some of the political dynamics around the present humanitarian crisis in Gaza, and particularly what might happen next if and when a cease-fire is finally negotiated.

Finally, we'll look at the implications of the present crisis in Gaza for humanitarian actors generally. Gaza today raises many of the dilemmas faced by humanitarians in other difficult situations: questions of access to those in need, questions of the security of humanitarian personnel, questions about the relationship of humanitarian action with international humanitarian law.

For some insights into the implications of Gaza on humanitarian work generally, as well as on the present on-the-ground situation in Gaza, we'll turn to Michael Khambatta. Michael is the deputy head of ICRC, International Committee of the Red Cross, Regional Delegation for the U.S. and Canada. In the past, he's worked with ICRC in the Middle East, as well as Bosnia, Democratic Republic of Congo, Pakistan, Afghanistan, and Rwanda.

Following their interventions there will certainly be time for questions. I hope that we'll be able to provide some answers to those questions.

And again, welcome to all of you and we'll begin with Andrew. Please, Andrew.

MR. WHITLEY: Thank you very much, Beth, and thank you all for your interest. Thanks to Brookings for organizing this event.

As Beth mentioned in her opening remarks, this crisis did not come out of

nowhere. It began as a result of failed policies to blockade Gaza for the last 18 months, a blockade which has resulted in the impoverishment and in the reduction to a state of destitution of almost the entire population. Prior to the war, approximately 80 percent of the population of 1-1/2 million were living on U.N. food aid. Almost the entire local economy had been destroyed, whether it be the agriculture, the fishing, the small manufacturing, the business people. Almost all had closed down and were either out of the country if they had had a chance to leave, which just a small lucky minority had been able to do, or else were sitting at home wondering when things were going to get better.

The vast majority of people, obviously, are not caught up in the politics of the issue, which involves a political standoff between Hamas and Fatah, and also a conflict between Israel and Hamas and Israel supported by its Western allies. So in that situation, UNRWA, as the U.N. agency responsible for the refugees, has been thrust uncomfortably I should say into the spotlight. Refugees represent 70 percent of the population of Gaza -- almost 1.1 million out of 1.5 million -- and most of those would normally be going to UNRWA schools and clinics and getting UNRWA social welfare services. Most of those services have, of course, had to be suspended.

But let me give you some sense of the dimensions of the humanitarian crisis, which is indeed very dire. The numbers change almost every day, so I'm constantly getting updated from my colleagues in headquarters. The latest figures are that approximately 40,000 people have taken shelter in UNRWA schools that have been closed to normal purposes and have been converted into temporary shelters.

We have on our hands several hundred persons who have serious injuries, and who have not been able to get to hospitals. Under normal circumstances every day, 300 women in Gaza give birth who are unable to go to hospitals to give birth. A third of those normally need Caesarean operations. That's not able to happen at the

moment because the hospitals are only coping and barely coping with the injured and dead from the conflict.

Among our own staff we've had five dead so far. Nine trainees from the Gaza Vocational Training Center were also killed at the outset. And of course you've all heard of the incident in which errant shellfire hit in the vicinity of one of our schools in Jabaliya, which killed 43 people. Our own investigations have confirmed that there was no firing from that school and no presence of militants inside the school either.

So casualties do take place and they have been mounting. Approximately a third of the overall number of people confirmed dead have been women and children. I think it's particularly difficult to be able to speak of civilians and non-civilians in this particular context because of the nature of the way that Hamas has organized itself, so it's perhaps best to describe the categories as combatants and non-combatants. The number combatants who have died probably represent the majority of those who have been killed, but as the ground invasion has continued, so the number of civilian casualties has risen and inevitably is going to rise higher.

We don't have an overall picture of the number of people trapped in their homes, sometimes in the rubble of their homes, because moving around Gaza is too dangerous. We don't even know where all of our own 10,000 staff are at the moment because people have not been able to recharge their cell phones. The land lines are, of course, down at the moment, and movement around Gaza is much too difficult.

In recent days, it's been increasingly difficult to be able to move goods around inside Gaza. One issue is to be able to bring in emergency supplies into Gaza. And Gaza, of course, is a territory that depends almost entirely on the import of essential items, whether it be food or fuel or medical supplies. It has no local

capacity to be able to meet these basic needs. So once the goods are moved in -- and the crossing points that have been allowed to open are very small military crossing points, the Kerem Shalom and the Sufa crossing points. The principal Karni crossing point, which is the main commercial crossing point, which is the area that we have insisted should be opened, has remained closed since well before the fighting broke out. And it's one of our principal demands as the United Nations that Karni should be reopened to allow normal flow of commercial goods to come in and so that the burden is slackened on the humanitarian agencies and lessened to allow the commercial sector to start restocking shops and providing for very basic items that people are in need of, whether it be toilet paper or washing powder, other essentials of life which are completely out in the local shops.

The other item that is in desperately short supply in Gaza is cash. Gaza had been starved of cash for a considerable amount of time. Restrictions by the Israeli authorities on cash coming in through the banking system, whether it be to pay for U.N. staff doing important life-saving work or for school feedings programs which we had to suspend because of a lack of cash, the people have been reduced almost to a barter economy. People are living in their homes in the dark, in the cold, burning furniture in order to be able to heat whatever food they can find. So a population that had led a relatively comfortable, middle-class, developing country standard of life has been reduced to a state of considerable misery. And the scale of this problem has not been fully grasped yet.

In humanitarian terms, we say that there are two principal issues here. One is a crisis of protection, that people are unable to get the protection that they need and that they are entitled to. Unlike anywhere else in the world, Gazans are unable to flee. If this were Darfur, they could flee across the border into one of the neighboring countries. They're unable to do so. They cannot go to either Israel or to

Egypt because the borders remain closed. And it's not as if those countries don't have the capacity or the -- let me leave it at that, the capacity to open those borders if they wished to do so. After all, when Hamas engaged one of its local enemies led by the Hillis clan warlords a couple of months ago, several hundred fighters and family members from that clan fled to the Israel border, where they were received, fed, clothed, wounds bandaged, and then dispatched off to the West Bank. So the precedent is there to say that if there is the will, there is the way to be able to make it possible. But only in Gaza do you have a population which has literally nowhere to go to, where even the sanctuary as it should be of U.N. schools have proven not to be safe.

So the population is naturally terrorized, traumatized, subject to very heavy aerial bombing. I would say that the effect is not just on children, who represent a high percentage of the Gazan population, but on almost the entire population who have had to relocate or have suffered tragedies in one way or another.

The second crisis is a crisis of access. It's access which should be essential, de rigueur, under international law for people to access medical assistance or food or water supplies. We have not been able to get access to many of the people in communities that have been cut off by the IDF lines. So we cannot tell the full scale of the problems. They, in turn, have not been able to get access to clinics or to hospitals to allow the wounded to be treated.

We have not been able to move goods from our main warehouses into local food distribution centers. And people have not been able to use this quite inadequate three-hour humanitarian window, which has been largely breached, to be able to move out and to be able to get goods from the local food distribution centers.

So the current arrangements, while there is a degree of cooperation and coordination with the Israeli authorities, which has been beneficial, have been quite

inadequate to be able to meet the scale of the needs. We can only echo the call from the Secretary General, repeated again today in his meeting with President Mubarak, for an immediate and full and sustainable cease-fire. Only that will allow us to then deal with the consequences and to start to assess the scale of the damage that's been caused in Gaza.

Thank you.

MS. FERRIS: Thank you very much for a very sobering overview of the present situation.

We'll turn now to Tamara to talk about the larger political context and perhaps, you know, say a few words about the future that might be a bit more hopeful.

MS. WITTES: Well, I'll start by saying that I think in many ways the humanitarian crisis that we see among the civilian population of Gaza today is something that has been quite a long time in genesis. It is not simply a consequence of the current military crisis. But the people of Gaza have essentially become a political football between a number of players in the region. And those players today are using the present crisis and what it symbolizes for them in their own regional struggles, so they're competing in how they frame the crisis, how they manipulate the crisis to serve their own ends.

So, you know, there's been a longstanding tug-of-war within Gaza between Fatah and Hamas, as Andrew referred to. And the people of Gaza have been a football there in the struggle to demonstrate, first throughout the years of the Palestinian Authority, who can provide best for the people of Gaza; and then, more recently, who can govern; or, at a minimum, over the last 18 months, who can rule. And the people of Gaza, I think, have not come out winners from that particular competition.



As part of that and related to that, there's also been a tug-of-war between Israel and Hamas, of course, over the last 18 months in which the people of Gaza have been caught in the middle and in which there's been this sort of juxtaposition between Gaza on the one hand and the West Bank on the other. And I would say, by the way, that this is setting -- the setting up of this contrast between a relatively prosperous West Bank that's relatively open to Israel and the rest of the world compared to an isolated, starved Gaza, this is a contrast that the Palestinian Authority and the Fatah Movement have been actively complicit in, actively encouraging. So that tug-of-war, also, is something that contributed to the present humanitarian situation.

And then there is a broader confrontation and tug-of-war among forces in the region that is reflected in the current crisis. And that's, in a sense, a confrontation between what I would call the status quo actors in the region, which include Israel, the P.A., Jordan, Egypt, Saudi Arabia, and the United States on the one side, and on the other side more rejectionist voices in the region that reject a negotiated solution to the Arab-Israeli conflict and some quite radical voices, as evidenced in today's message from Al Qaeda. And I am not here drawing equivalencies between Al Qaeda and Hamas or Al Qaeda and Iran. I think we're talking about very different animals in many ways. The only point I'm making is that there are a lot of actors on the ground trying to make hay out of this crisis, and these stakes that these other actors see in today's crisis are reflected in the positions that they're taking on issues that affect the humanitarian welfare of the people of Gaza.

For example, Egypt's willingness to keep the border shut throughout the crisis reflects a number of interests on Egypt's part, but not least among them their mistrust of Hamas' management of Gaza; their concern that Hamas' ideology and Hamas' willingness to engage in violence has already had an impact on extremists in

Egypt; that Hamas may even have provided training and sanctuary to some of those who carried out terrorist attacks in Sinai over the last couple of years. So that's one factor, as well as Egypt's tendency to go along over the last year and a half in the strategy of building up the West Bank as a positive model and setting up Gaza as a negative model within Palestinian politics.

So I think we have to keep in mind all of these regional actors and the stakes they have in the current crisis as we think about how we move forward.

Now, let's assume for a moment -- and we can only hope that our assumption will soon be realized -- that there is a new cease-fire in place in the coming days between Israel and Hamas. What do we do from that point forward to get the civilians of Gaza out of the bind that they have been in for the last, I would say, several years in this position of political football between all of these actors?

I think one of the first issues that will come up is re-forging a connection between Gaza and the West Bank. And that's a commercial connection, it's a connection for the flow of people, but it's also a political connection and a connection of communal identity, which has been degraded severely over the last couple of years and especially since the Hamas takeover of Gaza in June 2007. Now, linking Gaza and the West Bank is not simply a technical matter of figuring out how to arrange convoys across Israeli territory or figuring out how to re-forge economic links that have been disrupted. It is also a question of overcoming significant political obstacles and the bad blood that exists today between Hamas and Fatah.

Since Hamas took over the Gaza Strip, there have been a number of revenge killings and arrests in Gaza against Fatah and against Hamas in the West Bank. As I said, the Palestinian leadership encouraged the policy of isolation of Gaza and starvation of Hamas. They encouraged the Israeli military operation. And there's

reporting, especially in the New York Times if any of you have seen over the last couple of weeks, suggesting that Hamas has used this crisis, used the cover of this crisis to carry out some extrajudicial killings of their political opponents and suspected collaborators. So there is, at this point, a lot of bitterness and bad blood to be overcome between these two political movements, the largest political movements still in Palestine. And it is difficult to see how we can re-forge these connections between Gaza and the West Bank or really provide Gaza an effective outlet to the rest of the world on the Egyptian border without overcoming these political barriers to reconciliation within the Palestinian polity.

Which brings me to the second major challenge, I think, which is access between Gaza and the rest of the world. In other words, how to manage reopening the Gaza-Egypt border. For Gaza to be economically viable it needs that direct link to the outside world.

Now, under the 2005 agreement, after the Israeli withdrawal from Gaza, that border was to be patrolled on the Egyptian side by Egyptian forces. The crossing itself was managed by the Palestinian Authority with some monitoring and technical assistance from the EU and with the Israelis watching at a distance over closed-circuit television. The Egyptians have made it very, very clear that they are not going to reopen that crossing unless the Palestinian Authority is returned to manage it and unless the international monitors are returned as well. So what that means effectively is that that border won't reopen until there is some sort of political agreement between Hamas and the Palestinian Authority to allow that to happen.

And so, in effect, and this is simply a dose of realism -- and I guess I'm not being as optimistic as perhaps Beth had hoped -- I don't think we can expect to see the isolation of Gaza much relieved before we see some very heavy-duty political reconciliation among Palestinians. And that is going to be coaxed, pressed, and

compelled by the Arab states and the international community.

MS. FERRIS: Thank you very much, Tammy.

We turn now to Michael Khambatta from the International Committee of the Red Cross.

MR. KHAMBATTA: Good afternoon. Sorry, my voice is a little bit rough today.

First of all, thank you, Beth, and thank you to Brookings for organizing this panel and for inviting us to be part of it. I'd like to focus the comments really from the ICRC perspective and to talk really quite narrowly about the humanitarian crisis. I think we've had a very good overview from the previous speakers and so I'd like to really focus on the issues of ICRC concern.

First of all, the humanitarian consequences of this conflict are of prime concern to us, in particular the number of people who have been killed, the number of people who have been wounded, and as well as issues around humanitarian access, which I would like to focus my comments on.

You started by saying that you wanted to talk a little bit beyond Band-Aid solutions. Well, in our case, we really are in some case literally the Band-Aids. Whether it's the Palestine Red Crescent ambulances, whether it's the Magen David Adom ambulances which are evacuating anyone injured on the Israeli side, they are literally providing the assistance to those who need it most. And we are working very closely with them, but very often it's them who are directly in the firing line.

ICRC has a long presence and a long experience in Israel and the occupied territories. We've been there continuously since 1967, and have been working ever since then. And our approach is to really take things from international humanitarian law, the laws that regulate conflict. While we're working in Gaza primarily on humanitarian assistance at the moment, we're also working on preventative efforts,

which is engagement with parties to the conflict to make sure that there is as much respect as possible for non-combatants, and that's the approach that we take.

International humanitarian law doesn't look at the rights, the wrongs of the conflict. And I won't really be making any comments about that. We -- our objective is to work directly on behalf of the victims and we don't feel making any comments about that serves the purpose of us assisting the population. Nevertheless, we are acting as a neutral and independent humanitarian actor and trying to move things forward in that sense.

I would encourage people to look at our public communication. We have probably communicated more proactively on this episode and in this conflict than we have in the past. And I encourage people to look at the website and that gives an idea of where we're going.

The primary focus of our communication has really been humanitarian access, and that's been the main problem. I'll just say that we have also commented on the conduct of hostilities. We are particularly concerned about the use of indiscriminate weapons, we're particularly concerned about collateral damage, and we're concerned about the sighting of military targets close to concentrations of civilian populations. We've communicated that to the parties to the conflict and continue to have a dialogue with them on these issues, but humanitarian access is where we really need to be right now.

The problem is, essentially, that people who are wounded are unable to be evacuated in a timely manner. That's the most immediate problem. We talk about three-hour cease-fires, but there has been military action during those cease-fires. And obviously, if you were the ambulance crew, if you were the people trying to evacuate people, if you know that that is not 100 percent respected, you also have concerns. The Palestine Red Crescent have had seven ambulances that have been

damaged in one way or another, and they are trying to continue their actions. But at the moment, they only feel confident to do the majority of evacuations once we have been able to coordinate that with the IDF.

Now, what does that mean, to coordinate our actions? In order to coordinate our actions that means we have to talk about how movements are going to be taking place. It's a very technical process and it takes a lot of time. Now, if we want to talk about that in the sense of the wounded, these are people who are literally wounded and waiting for care in that time, and that's of serious concern to us. This is why, as even today, the president of the ICRC who is in the region, he's visited Gaza, he's visited Israel, has called for improved access on that basis.

The other issue is that civilians are trapped. They are trapped in areas where there's fighting, as has been stated. There are few places for them to go and feel safe. And as military action arises, they are trapped. And one of the things we are trying to do is also get civilians out who are trapped in that circumstance.

There is also -- it hasn't been mentioned much in the news, but obviously, as buildings collapse there are people under the rubble who are not being evacuated. There are all kinds of issues that are coming up that aren't making it to the media, per se.

The other issue is that water supplies and the power that is needed to make those water supplies work. We have been working very closely to coordinate movements so the technicians can get out. It might sound very mundane, but it's very dangerous for the technicians to go out and make repairs. And when they do, they want us to have coordinated that movement and accompany them.

This entire situation, as has been described, comes in a preexisting situation. We have had great difficulty bringing humanitarian supplies in. The closure, the difficulty of moving goods in and out has affected our efforts to assist hospitals.

Now, while supplies are going in in a timely manner, hospitals are being supplied, they come from a level where there was very little for them to work with. They had very little in the way of reserves, whether it be fuel, whether it be medicine, whether it be supplies. So we literally have to keep things going in some cases from day to day. Thankfully, the major hospital we're able to supply. Obviously there are difficulties bringing supplies in that then have to be distributed further and obviously UNRWA have particular challenges in trying to reach the population who are in need of food.

I think, though, it's important to mention that the Israeli population is also suffering here. While the casualties might have not been extensive, they live under the concern that rockets may land at anywhere, at any time. And thankfully, the Megan David Adom are able to evacuate anyone that is injured, anyone that is hurt in a timely manner.

From our perspective, we are very concerned about the number of women and children who have been killed and wounded. The numbers have been reported widely, and, clearly, civilians are bearing a very significant portion of the brunt of this.

Our priorities at the moment are to continue to keep the hospitals running, to keep the PRC's ambulance system running, and to keep these basic services running.

If we talk about the implications for humanitarian action, it is always very difficult in the midst of hostilities to try and provide assistance. It is difficult for ambulances to gain access. And we are working very, very actively with the IDF, and anyone else who is bearing arms, to make sure that access can be provided as quickly as possible. Things are not where we would feel are satisfactory. We do not have adequate access, but we do have some access and we are working to improve that. The priority, just to repeat, is to make sure that ambulance crews can reach

those who need to be evacuated to hospitals. That's the most important priority.

I think I will stop there and take any questions.

MS. FERRIS: Thank you. Thank you, Michael and to all the panelists for both your comments and for the fact that you have been brief and disciplined, which enables us to have a lot of time for questions and, as I said, hopefully some answers.

So the floor is open. Perhaps I'll begin, Andrew, by asking you a question about what neutrality and impartiality mean in a place like Gaza. Is it possible?

MR. WHITLEY: That's really an excellent question. Is it possible? You know, it comes back to a question, perhaps I'll return your question with a question of my own, Israel has declared -- Israeli spokesmen have declared that anyone and everything associated with Hamas is a legitimate target. Forty percent of the population voted for Hamas. Does that mean they're all legitimate targets?

Who defines what the limits are of what is appropriate to go for? The Israelis have bombed the Ministry of Justice building. They have bombed many other civilian structures, the Islamic university in Gaza. Are these legitimate targets? Are the occupants legitimate targets? I would question that.

They have defined very broadly what their goals are here while remaining deliberately vague about the ultimate goal, which appears to me to be a continuation of the policies that have been tried with different techniques for the last three years ever since Hamas was elected in January 2006, and as supported by the United States and others, which is ultimately to inflict a political defeat on Hamas, not to change its behavior. And as a consequence of that, as Tamara was saying very eloquently, the population has been caught in the middle as a political football. They've been used, and the only correct term to use is "collective punishment" of the population. They have been pressured with the goal of attempting to overthrow their own leadership, which has clearly not worked so far. If anything Hamas' control over the territory



has strengthened, reducing the political options.

So the practices that have been adopted so far appear to me to have been counterproductive. And when one talks about neutrality and impartiality, Hamas itself restricted the political space that was allowed to other dissident voices inside the territory, imposing an increasingly heavy hand on the territory and reducing any opposition or any independent civil society voices in the territory. So we as UNRWA, fortunately, were left in a position in which our schools, our summer games programs for a quarter of a million children were one of the few alternative outlets, our women's program centers, for people to get away from an increasingly orthodox line behind an increasingly militant Hamas group.

MS. FERRIS: Thank you. Our floor is open. We have some people with microphones. Let's take this woman over here and then these two.

MS. DETWILER: Hi. My name is Elizabeth Detwiler. I'm at the U.S. Institute of Peace. My question is for Mr. Khambatta from the ICRC.

A few days ago, the details about a particular incident came out in which one family was made to move into a warehouse, which was subsequently repeatedly shelled by the Israeli Air Force. And then the ambulance, ICRC ambulances, were not allowed to access the warehouse for several days in which -- after which they found children and family members who were still alive after the incident sitting next to the bodies of their dead family members. I was wondering if you could tell us about the details of this incident from your perspective with the ICRC.

MR. KHAMBATTA: This incident was one of -- it's actually quite rare for the ICRC, where we came out publicly. I'll perhaps talk a little bit about why we issued such a press release.

Unfortunately, if one looks at the number of casualties -- a thousand dead and many thousands wounded -- this is probably, sadly, not unique in the sense that we

have a situation where there were wounded people and they were unable to be evacuated. If one goes to the details of that press release, we had been trying to access that area for four days and we had not been able to access that. When we finally were able to access that area, we had been waved away by troops in the area. And the people on the ground -- and it's actually Palestine Red Crescent ambulances that we were supporting -- they insisted on staying and managed to evacuate some people. We were also aware that there were reports of others and that's why we decided to issue that press release, to try and ensure that we gain humanitarian access as quickly as possible.

Again, one can imagine the conditions after days where people are wounded and unable to be evacuated, and that's why we continue to insist that ambulances need to be able to move more quickly. They are being able to move to some degree, but they need to be able to move more quickly. And parties to a conflict have an active obligation to collect and treat wounded, on all sides, and it's something that we want to see done.

MS. DETWILER: Have you been able to remove all of the bodies after (inaudible)?

MR. KHAMBATTA: I don't know. I don't have the exact details. It's my understanding that there have been certain improvements. There are so many individual situations and they each have a security element that needs to be analyzed. Some of that talks about the level of coordination with the IDF. Some of it talks about just whether we generally feel that it's safe enough to move in that direction. There are questions about just logistics, whether or not you can actually get to that place anymore by vehicle. And in some cases, we've had crews that have had to go on foot. Obviously going on foot poses other security risks, and we have to make assessments of each one.

I think it's not useful really to go into each individual incident. There are evacuations of wounded happening every day. And I think the important thing is to make sure that wherever they are, whenever they are, they're evacuated immediately.

MS. FERRIS: Thank you.

MS. WITTES: Beth, would you mind? I'm just curious because Andrew raised a question about Israeli targeting and what is a legitimate target. And I was curious whether Michael, from his perspective with the ICRC and his knowledge of international humanitarian law, I don't know if ICRC has issued any statements on Israeli targeting during the course of this conflict or whether you have any perspective on Israeli targeting practices, but I think that might be useful to share.

MR. KHAMBATTA: I mean, I think the important thing is to look at what the laws of war say, what international humanitarian law says. And what it says is that people who are participating directly in hostilities, they can be targeted. Now, there is an acceptance that if you are making a legitimate targeting of combatants, of your enemies, and there are civilians close by, there is an obligation to minimize the damage on civilians, but there is an understanding that civilians can be affected if they're in close proximity to combatants.

Now, we haven't made any public statements and it's very difficult to make public statements because there is the whole question of intent. There's a question of the available information or the available information to those making the decision as well as the available information to us. Where we have concerns, we feel it's most useful in any conflict to start with the parties concerned to try and make sure that they're taking the maximum steps so that civilians -- the effect on civilians is minimized. And I think I would stop there rather than going into individual incidents.

MS. FERRIS: Thanks. Oh, my goodness. Okay. Let's have this woman

right here and then the man in front.

MS. RIDDLEY: Thank you and thanks so much for the presentation.

MS. FERRIS: Would you mind standing up and introducing yourself as well?

MS. RIDDLEY: Sure. My name's Krista Riddley. I work for Oxfam America in humanitarian policy. And I just wanted to say that ourselves, along with many of the other major humanitarian agencies in the U.S., have been calling also for a cease-fire and immediate humanitarian access so that we're able to actually help those people who are suffering and have been suffering for a long time in Gaza. The blockade has also been very difficult for us over the last months and we've also spoken out about that and not being able to get supplies or staff in to do our work.

But I did want to mention about the three-hour lull or the humanitarian space that they've given for three hours and how that's very inadequate. And the reason being, first of all, the road networks are very difficult. It's very difficult to get across Gaza in that amount of time and get supplies to people who need it. The roads are bad. There's debris everywhere. That's one.

Secondly, obviously there have been attacks during those three-hour lulls. And the three-hour lulls have not been at the same time every day, so it's made it difficult to prepare for the three-hour timeframe and get things to people. So I just wanted to add that point.

But I did have a question for the lady, and I've forgotten your name, I apologize. I just wanted to know if you could go into -- a little bit further into the regional agendas or interests and how that's affecting -- as you went through the list of things and how Fatah and Hamas and Israel, et cetera. I wonder if you could talk a bit more about the regional dimensions. Thank you.

MS. WITTES: Sure. I think what you see here is that this crisis has really

exacerbated a fault line that already existed in the region and has exacerbated it in ways that will make it more difficult to stabilize this crisis and to proceed with Arab-Israeli peace efforts. Let me talk about what I mean by this fault line.

As I said, I think that we really see in the region today kind of a coalition of actors that basically are status quo actors. They are comfortable with the balance of power in the region today. They're comfortable with a strong American role in the region. They support Arab-Israeli peacemaking. They are uncomfortable with Iran's renewed regional activism and with its nuclear program. And, as I said, this coalition essentially includes Jordan, Egypt, Saudi Arabia, some of the other Arab states, along with the United States and Israel. And it's very interesting that, you know, they're all on one side.

On the other side of this fault line you have a group of actors in the region that are not comfortable with the current balance of power, that prefer a more confrontational strategy in pursuing the Arab-Israeli conflict. They don't support a negotiated resolution. They support a more active and prominent Iranian role in the Middle East and they would like to see a diminished American role in the Middle East. And that coalition of actors includes Iran and Syria and Hamas and Hezbollah. And I'm trying to be very neutral in my description of their objectives, but I think that's really how things are lined up right now.

So this Gaza crisis essentially exacerbates this divide. It puts the moderate Arab states, you know, as they are often termed, in a terrible dilemma. And it allows the revisionist states, those are -- that are not -- the revisionist actors who are not comfortable with the regional status quo to press those Arab states more in their direction.

So, if you look at, for example, statements made by Hassan Nasrallah since the outset of this conflict, calling on Egyptians, calling on Jordanians to rise up

against their governments because of their complicity with the United States and Israel, that is not just about Gaza and it's not just about Palestine. In fact, it's mostly not about Palestine. It's mostly about the broader balance of power in the region and trying to gain leverage over these states using their domestic politics against them. And the reason that Hassan Nasrallah's rhetoric has some resonance with that broader Arab public is because that public does have grievances against their governments. And they're not able to express those grievances often in more open -- in a more open manner, but they can go out and protest the crisis in Gaza and yell at their governments about that. So, it's a very convenient crisis.

Now, if you're talking about the extreme radical fringe, like Al Qaeda, the crisis plays a different role, which is -- and I think this is exhibited very clearly in the cassette tape that was released and in the message from al-Zawahiri that came out a little bit earlier. For them, this crisis is a gift because they have been, I think, quite evidently concerned that the inauguration of our new president would produce a change in tone from the United States and a changed relationship between the United States and the Middle East. And they have used this crisis to say look -- Obama hasn't said anything to condemn this. He's just like Bush and America's the same. It doesn't matter who's president and this is why you must fight them. So those are two different regional arguments that are going on in which this crisis plays a role.

MS. FERRIS: Thank you. Let's take this man and then you and then perhaps move toward the back.

MR. PLITNICK: Hi. My name's Mitchell Plitnick. I am the director of the U.S. office of B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories.

You may be aware, or you may not, that nine of the -- well, probably the nine biggest human rights organizations in Israel today issued -- had a joint press

conference and issued a statement calling for many of the same things that you folks have been describing that would be a good idea. So there is a powerful voice within Israel of civil society that is pushing for some change right now.

My question is, given the political realities that we're talking about and given the fact that it's going to be very difficult to create a regime that protects the citizens of Gaza as well as the citizens of Southern Israel that both Israel and Hamas will agree to, is there another avenue or is there either an avenue that any of you see to pressure the two parties to come to some agreement like that or is there an alternative avenue to get something done that allows some protection at least for the people of Gaza while we wait for the larger political issues to play out that will obviously take some time?

MS. FERRIS: Thank you. Andrew?

MS. WITTES: Would you like to respond, Andrew?

MS. FERRIS: Andrew, why don't you start?

MR. WHITLEY: Well, one thing we're anxious to avoid is for Gaza to be put under some form of international trusteeship. UNRWA and the United Nations do not want to play that role. We certainly do not want to be in a position whereby we are undermining the legitimate Palestinian Authority. The international community has spent a great deal of time and effort trying to build up the institutions of Palestinian self-government. Unfortunately, policies have flip-flopped towards the leadership in recent years, depending on who exactly was the leadership. And so, therefore, they have assumed sometimes contradictory positions on it. But certainly we would be most anxious not to be in a position in which Gaza effectively becomes a ward of court of the international donor community.

MS. WITTES: Well, actually I'm glad that you made that point because I think that there's a real dilemma here for the international community, and that is

that there is no effective Palestinian governing institution on the ground in Gaza today.

MR. WHITLEY: Correct.

MS. WITTES: And there hasn't been.

MR. WHITLEY: True.

MS. WITTES: So we can't say, well, let's have a cease-fire and then we can go back to letting the Palestinians govern themselves in Gaza. There is no capacity for that right now. And even if these buildings were still standing, there's not legitimacy for either of the powers that would wish to exercise that capacity.

MR. WHITLEY: Correct.

MS. WITTES: So what do we do about that? It seems to me that the options short of trusteeship are equally problematic. One would be for the Israelis, you know, to do essentially what's been going on for the last 18 months, which is the Israelis withdraw, there's a cease-fire, an indirectly negotiated cease-fire that more or less holds, and Hamas retains control over the Gaza Strip. I don't think -- and because of the Quartet position on Hamas, because of the nature of Hamas rule, because of the politics of the Hamas relationship with the rest of the Arab world and the rest of the Palestinian community, I don't think that's a good answer for the civilians of Gaza.

Another possibility is, as I suggested earlier, a new sort of Fatah-Hamas condominium or power-sharing arrangement. Again, for the international community this is problematic because Hamas is probably much farther away today from accepting the Quartet conditions than it was in 2006. So, you know, so if there were that power-sharing agreement, it would be a very tricky business. You know, UNRWA dealt with this once already and has come up with its own solutions, but it would be a very trick business, I think, for many international donors and



governments how to interact with such an entity. And again, I think the civilians would be sitting on the sidelines waiting for all of that to figure itself out.

So, I wonder, frankly, whether trusteeship isn't such a crazy idea in the sense that while the Palestinians are negotiating internally over their political future and how their -- and while Israel and the Palestinians, we hope, are resuming negotiations on a final status agreement, we could have Gaza at least governed in a way that benefits the civilian population, that stabilizes it, that allows it to build a private sector infrastructure and a social infrastructure, and then the governing infrastructure can come in once there is Palestinian consensus on what it should be.

MR. WHITLEY: I'd like to come back very briefly on this because this really is a very important point about where we go from here, and to address the issue which is there in the title of today's debate, which is avoiding Band-Aid solutions. We need longer term solutions, and longer term solutions have to come from more sensible, more constructive policies. I would argue that some of the policies that have been pursued toward Gaza have actually been destructive and counterproductive towards the longer term goal of bringing about a two-state solution and having a viable Palestinian entity that's going to be in a position that's empowered to negotiate its future with Israel.

And there is a third course of action beyond the two we've outlined so far, and it was on the table for the discussions that were being brokered by the Egyptians and others prior to this crisis breaking out. And that is the establishment of a temporary technocratic government, which would avoid the formal presence of Hamas or Fatah politicians. President Abbas would remain as the president for now, even though his term of office ended last Friday, but it would at least be continued for a while until future elections. There is agreement that there needs to be new elections, both for the presidency and for the legislative council. Elections clearly

cannot take place under present conditions and will be some way off because they will not be meaningful at the moment, perhaps at least for six months, maybe longer. But that's for the Palestinians to work out themselves.

But there is clearly, because of the scale of the tragedy that has befallen Gaza, both before and currently, a need for everyone to rally together. And they can come together around a government whose task is to be able to lift the blockade, to be able to restore the links between Gaza and the West Bank economically, socially, et cetera, and to allow them to really around a reconstruction effort, a more neutral government that could speak for the Palestinian Authority.

The way back, as you rightly say, is through restoring P.A. authority over the Gaza crossing points. There has to be some international confidence-building measures. Presence of international monitors, as the Europeans have offered, along the Gaza-Israel border is clearly part of the solution there to be able to allow a degree of confidence to both sides that Israel will not continue to act arbitrarily, citing unspecified security reasons for long cutoffs, closures of the Gaza crossings, preventing goods coming in for measures that are cited on security grounds that have deeper motivations.

So I think it's possible to avoid a situation whereby we put the onus onto the U.N. or to an international trusteeship.

MS. FERRIS: Thank you. The woman over here. And I think we'll take two or three questions at a time and then have a chance for a response. Yes, please.

MS. CALAGHY: Hi. My name's Kathleen Calaghy. I'm a former student.

Tamara, you and Andrew both mentioned the unwillingness of the surrounding countries to open their borders to refugees. And I was just -- you mentioned that Egypt in particular has several reasons behind that decision. You mentioned their mistrust of Hamas. But I was wondering if you could elaborate a

little bit on their other reasons.

MS. WITTES: On the other reasons?

MS. CALAGHY: Yeah.

MS. FERRIS: Thank you. Just hold that thought for a moment.

MS. WITTES: Sure.

MS. FERRIS: And if we could have a couple of people back here.

MS. BARAV: Hi. You mentioned that -- oh, I'm sorry. I'm Danielle Barav from the Brookings Cuba Project.

You mentioned that this incursion to Gaza has been very counterproductive, and obviously we see that in a variety of ways. What would your suggestions be to prevent a backlash against Israel, a backlash to more insecurity on both sides, and move forward in a productive way beyond simply strengthening the P.A., but more so on a civil society social education level?

MS. FERRIS: Okay. Let's take one more.

MR. MELAGISHU: Alexander Melagishu, the Monterey Institute of International Studies. I have actually two questions, but they are very brief.

First, how can IDF distinguish between combatants and non-combatants in an area that is the size of Washington, D.C., with 1.5 million people? It's a densely populated area. That's one question.

Second, did the Israeli offensive in Gaza stop Hamas from firing rockets at Southern Israel? Thank you.

MS. FERRIS: Thank you very much. We can have some responses, a question about Egypt and closing the border, about preventing backlash against Israel among civil society, how to distinguish between combatants and non-combatants.

MS. WITTES: Okay, start with Egypt? All right. As I said, I think Egyptian concerns about Hamas and Hamas' relationship to extremists in Egypt is a major

motivating factor.

A second one is simply sovereignty. Right now, as Andrew mentioned, a lot of the proposals for a cease-fire include the presence of international monitors or border security or (inaudible) on the Egyptian side of the border, and that makes the Egyptians very uncomfortable because it implies that they can't deal with their border themselves.

On opening the border, I think they also feel that it sets them up for a series of further dilemmas. Well, if they allow access to Palestinians, do they have to let them work in Egypt, for example? Do they have to let them stay? They don't really want to absorb any of that population. And they are further worried that if Gazan Palestinians become, in some sense, interdependent with the local Egyptian economy or the local Egyptian population -- already there are marriages, a number of marriages back and forth -- that Egypt will somehow then get wrapped back up into the Gaza problem, and that's something Egypt really wants to avoid. So I think all of those play into it.

Finally, I think there's just an image dilemma that's related to the humanitarian problem, which is that in the couple of brief periods over the last year and a half when that border has been opened -- once because Hamas blew some holes into it and once because the Egyptians opened it temporarily -- you know, you have this wave of Palestinians coming into Egypt for a variety of reasons and then Egypt has to regain control over the border and shut it down again. And that has created a tremendous image problem for Egypt, which you see reflected in that broader Arab public anger against Egypt that exists today. So I think for them, only an extremely tightly regulated border that Palestinians have a clear role in managing is going to be acceptable to them.

MS. FERRIS: Michael, you want to tackle the question about distinguishing

between combatants and non-combatants?

MR. KHAMBATTA: I'll try and go for the short answer. I mean, to start with, if you are going to apply military force as a military organization, the first thing you need to know is what your shooting at. You need to decide what are military targets. And in this case, legitimate military targets are anyone who would be participating directly in hostilities. There can be wide discussion as to what "participating directly in hostilities" means. And, in fact, it's a subject of discussion now in order to define that, and there is a process that's been going on for some years now. But essentially, it's up to the party concerned to look and decide is this a military target. They need to look at what is around it. They need to decide, based upon their reasonable expectation, is the civilian loss proportionate to the advantage gained in terms of a military objective destroyed, and go from there.

Now, the details of this are obviously very, very complicated. It involves intelligence. It involves any kind of information gathering. But there is an expectation that if military force is used that the parties have an idea of what they're shooting at, and this applies to conflict around the world.

There was the question of stopping rockets. Certainly the number of rockets fired on a daily basis has declined over time. I'm not sure what the latest is today. Now, how you interpret that and whether you add cause and effect to that, that's something every individual must do for themselves and is obviously linked to some of the political discussion.

MR. WHITLEY: A couple of brief words. First, a footnote on the question of IDF targeting of combatants versus non-combatants. The IDF has extremely impressive intelligence-gathering ability and awesomely impressive at times to know who they can get it in a very crowded area. So they've certainly shown the capability to be able to strike at specific targets if they want to do so.

Secondly, they also have the technical means, not just the intelligence gathering, but the technical means to be able to do so. At times, and they admit it themselves, they have used non-smart weapons when they should have used smart weapons. There are different types of munitions which can be used in certain situations, and they've recognized that it was perhaps inappropriate to have used a certain type of weapon which could be use -- have a larger consequence for collateral civilian casualties.

On the question of the rocket fire, just so that I'm not seen as overtly partisan, which I probably have come across as so far, we as the United Nations, and my agency included, have been unequivocal in our condemnation of the rocket fire, the indiscriminate rocket fire on civilians in Gaza as being equally heinous in action as indiscriminate fire in the other direction. I think a little bit of historical context is needed here, though. Going back to the period of the cease-fire, which was largely observed until its final couple of days, Hamas did prove to be effective in both reining in its own fighters and the smaller militant factions in Gaza from preventing rocket fire on Israel virtually throughout the six-month cease-fire or lull period. It broke down in the end, largely because they got nothing out of it. Israel did not live up to its side of the bargain, which was to lift the blockade. In fact, if anything, they tightened the blockade.

So clearly, towards the end of the six-month cease-fire period, the political leadership of Gaza said the population's got nothing out of this. We continue to be subject to exactly the same restrictions on movement and of goods coming in. The people are getting in a worse and worse situation. There's nothing left in it for us. This is not to justify or to excuse the rocket fire, which remains inexcusable.

On how to prevent a backlash in Gaza against Israel in future, there will need to be a reconciliation process. But let me just say, having known the Gazan

population at close quarters, Gazans don't want to be associated with Egypt. They want to be associated with Israel. They have no other future and they recognize that their futures are interlinked with those of Israel and of the West Bank. There are many people who are eager to restore business links with their Israeli counterparts. They need some help, though, in being able to -- get able to stand back on their own feet again, to restore their businesses, restore the personal and social and economic links that had previously existed. And clearly, there's going to need to be a massive reconstruction effort in Gaza.

MS. WITTES: Can I just add one sentence, Beth? What Andrew was just describing in terms of Hamas' calculations relative to the benefits of renewing the cease-fire or sustaining the cease-fire or not is exactly what I was talking about at the outset when I said that this population has been used as a political football. Because initially, when the cease-fire was agreed to, Hamas' sense was, oh, this will get Israel to open the crossings and, in return, we will be able to bring material benefits to the Gazan population and demonstrate to them that we can achieve more for them materially than the Fatah-led Palestinian Authority; that we can govern better, we can provide better, and that will redound to our political benefit.

When it didn't pan out that way and the crossings were not open to the extent that Hamas expected, they made a different calculation, which is, oh, then we can return to resistance and the population suffering will redound to our political benefit. And that is what is happening today.

MR. WHITLEY: The conclusion from all of this is that one cannot separate into neatly contained boxes the humanitarian dimension, the security dimension, and the political dimension.

MS. WITTES: That's right.

MR. WHITLEY: There's an inextricable link in all three of these. And

there's an inextricable link between ending of the blockade, which I would argue is counterproductive to the political process, political reconciliation which has to happen, and a return to a viable peace process.

MS. FERRIS: Thank you very much. Let's take three in the back quadrant there.

MS. GALT: Hi. I'm Kathleen Galt and I'm from Athens, Ohio, and I'm just a concerned citizen. And I arrived late, so I apologize if I'm repeating any other questions. Can you talk about journalists not being allowed into the area and -- into the Gaza?

And the International World Court made some decisions. You know, they're a conservative body and they made some decisions a few years ago about settlements being illegal and the wall being illegal. And we hear in our media all the time about why Israel has gone into the Gaza. And I agree with one of your guests that the rockets are inexcusable, but can you address Hamas' reasons for launching the rockets?

MS. FERRIS: Thank you.

MR. KOBER: Stanley Kober with the Cato Institute. I'm fascinated by the sentence in the introduction, "As with all conflicts, the answer lies in a political settlement."

In 1870, there was a war between France and Prussia. That, you know, was settled politically. I mean, Bismarck did not demand unconditional surrender. The French were not pacified. There was another war, World War I. Germans lost. They were not pacified. There was a third war, World War II. Unconditional surrender. That ended the decades-long war between France and Germany.

Why is that not a possible alternative scenario for the decades-long war here? Not a political settlement, but a war of finality.



MS. FERRIS: Thank you. Maybe we'll take one more. Right here.

MS. SALEEB: Hi. I'm Mona Saleeb. I'm working with CHF International on relief efforts in Gaza. Two questions.

The first one regards the framing of the conflict. You see on the news, the American media in particular and also European media, this frame does the Israel-Hamas war, much like the 2006 war with Lebanon as the Israel-Hezbollah war. And I wonder if that's really an appropriate framing of this conflict.

And my other question is that even if the status goes back to what was going on in Gaza before this war started, is that really conducive to reconstruction and humanitarian relief?

MS. FERRIS: Okay. Three big questions. Who would like to begin?

MS. WITTES: Okay. I'll start with Stan Kober's provocative intervention. And I'll say this, Stan, of course, you're right, that's one possible outcome is that this conflict proceeds in iterative stages until one side wins and the other side loses. That, of course, is something that has happened in other conflicts throughout history and that is one possible outcome here. I don't exclude it empirically, but I think as -- not as an analyst, but as somebody who engages as a citizen and as a citizen of the world community, I would say that is not my preferred outcome. So I think what we have to do is say, yes, that is one option, that is the option we would all like to avoid. And what is it possible for us to do to achieve some final resolution of the conflict short of that?

On the framing, absolutely. I mean, there is contestation over the framing. And you mentioned the Western media framing it as an Israel-Hamas war, I mean, what I see is actually I've been spending most of my time looking at the regional media and it's quite interesting to see some regional media, especially state-sponsored media in Egypt and Jordan, talk about it as a confrontation between Israel

and Hamas, and Jazeera, for example, talking about it as an Israeli-Palestinian confrontation or an Israel war on Gaza. So even within the region there is competition over how this conflict is being framed and what it means.

MR. WHITLEY: I'm going to address the issue of the international media as a U.N. official and as a private citizen on the interesting conclusion about the Franco-German conflict.

On the international media, we have argued very clearly and strongly that of course they should be allowed into Gaza. They should be the ones to make the determination as to whether indeed there is a humanitarian crisis or not a humanitarian crisis. It shouldn't be a matter for a PR warfare between Israeli spokesmen and their allies and the United Nations and their allies to be able to say, yes, there is/no, there isn't a humanitarian crisis and to get into really rather obscene arguments about whether warehouses are half-full or a quarter-full or not. People are suffering at the end of the day. So, of course the international media should be allowed into the area to make their own judgments about the allegations and the incidents that have taken place.

On the Franco-German issue, as a historian by training I would disagree with the conclusion that it was a military defeat that finally ended those cycles of violence. I would say that it was a combination of the Marshall Plan in Germany and the restoration of German democracy on a different footing and then, more important, the establishment of the EU, initially through the European Coal and Steel Agreement, which then eventually led to the European Community and the EU. It is through that bonding between Franco-German rivalry through the mechanism of the EU which has eventually led to the end of this conflict. And I think there are some parallels here because clearly the Palestinian entities and the different political streams in the region, and the Israelis and the Jordanians, their future is inextricably

together. The answer has to be in some broader condominium arrangements, and I don't mean necessarily politically, but economically.

MS. FERRIS: Thank you very much. Let's take some questions over here. Yes, right here. One, two.

MR. KATZ: Yes.

MS. FERRIS: Stand up, please.

MR. KATZ: Hi. My name is Seth Katz and I'm just a concerned citizen, but I had a question about one of the footballs, which is, you know, us, right, the United States in terms of maybe how -- some of the things that I'm puzzled about us doing in terms of our interest. Like it seems to me that if we -- I think that we are one of the -- or at least the Bush Administration probably supports the idea of weakening Hamas militarily. I mean, that's my guess. And a question that I have about that is why not get Fatah to do it so that it's not an Israel and United States versus the Arabs perspective? I mean, we haven't really given them any military means, right, to defeat Hamas, right? That's one question that I have.

The second question that I have is about -- and maybe you can address this -- about some of the allegations that you read in papers, like The Guardian. And some of them may be true, but I actually am confused about why they can't be verified. So, for example, there's a claim about white phosphorus use. I mean, it seems to me that anyone with a spectroscope and a camera could figure out whether or not that compound is white phosphorus.

It seems to me that, additionally, on the claim that Israel is using human shields by basically imprisoning the Gaza families when they put snipers on residential roofs, that was one of the allegations. First of all, I'm confused about it just because it doesn't seem that Hamas, as a military tactic, cares about killing civilians. So I don't understand why that would work, right? So it seems illogical

that they would be doing it.

And then the second question that I have is just within that, you know, I'm a little bit concerned that we're going to define international law in a way that restricts the ability for the United States military to conduct its own guerilla wars in the future. And whether or not there may be some agenda there on the part of some of the U.N. member states to try to use this conflict to advance that agenda, or if I'm just misreading that.

MS. FERRIS: Okay, thank you. Let's have a question here in the front.

MS. POPLIN: Hi. My name is Carolyn Poplin. I'm not representing anyone. I should say that I'm Jewish and that I think Israel has chosen a very unfortunate strategy.

Having said that, is there not -- I guess this is for the gentleman from the ICRC. Is there not an obligation among the defenders to stay as far away from their civilian populations as possible? We -- obviously it's a small place, but has the ICRC been in touch with Hamas to make sure they're not locating military targets closer to civilians than they really ought to be?

My second question is also for you. Has there been any thought to evacuating the children into Egypt?

MS. FERRIS: Okay, thank you. And one last question here.

MS. TEMPLETON: Sure, sorry. My name is Amelia Templeton. I work for a human rights organization, but I'm just here as a citizen.

I think I want to just sharpen the discussion of the exclusion of media from Gaza a little bit because it seems like that's particularly important when it comes to the question of intent, both at the level of the intent, the way that individual military actions are carried, out, and also the broader intentions of the overall campaign. Given that there's been so little media access, does that change -- how does that

change your position as humanitarian agencies that have always sort of adhered to, you know, these clear, impartial standards and what position does that leave you in?

MS. FERRIS: Okay, thank you. Maybe we'll take one more and then give each of our panelists a chance to respond.

MR. PICK: My name is George Pick. I'm an independent scholar. I have a couple of questions.

One is I heard and I read in the news that Hamas is essentially stealing all the goods which have been transferred from Israel to Gaza during this three-hour period.

Number two, and it's probably a very much more important question, and that is that the Palestinians are no longer talking about the two-state solution because of the demographic time bomb. And my question is, is there really any political solution in light of this demographic time bomb? Thank you.

MS. FERRIS: Thank you. A real range of questions there. Why don't we start with you, Michael, and some of the questions about international law.

MR. KHAMBATTA: To start with the questions of white phosphorus, the question was a little bit vague, but just perhaps a couple of comments. White phosphorus can be used as an illuminator. White phosphorus can be used to light up the sky and provide illumination. There is a protocol to the Convention on Certain Weapons, which Israel has not adhered to, which provides some limitation on the use of white phosphorus.

Now, white phosphorus in and of itself creates horrendous injuries. And under the wide rules of international humanitarian law, excessive or superfluous injuries are to be prevented, even against combatants. So the question is then a matter of interpretation of how white phosphorus is being used and also -- how it's being used and also the impact that it's having.

It isn't as easy to decide whether it's a white phosphorus injury as you might

think, from what I understand from medical opinion. There might be a doctor in the audience who can add to that. There are plenty of burn injuries. You've seen buildings going up in flames. There are plenty of burns created. There are plenty of horrendous burns created and it's very difficult sometimes to decide whether those are white phosphorus in part or whole. So it's not -- the question is not perhaps as easy as you say.

You raised the question of human shields and a judgment on whether Hamas does not care about killing civilians. There are all kinds of reports. It's very difficult to ascertain the truth, as has been pointed out. There are very few journalists. It's very difficult to move people around. Communications are very difficult and these kinds of stories can appear out of nowhere.

As a general comment, and this goes to your question, yes, there is a clear obligation of combatants to stay as far away from civilians as possible. You do not want to -- you may not sight -- you may not put military targets or what can become military targets in close proximity to civilians. You then are complicit in creating collateral damage. And in my comments I talked about the fact that there is an obligation not -- an obligation for military actors to keep what would be their military targets away from the civilian population. Now, in a densely populated area this is, of course, a challenge in the same way as distinguishing the military from civilians. So that regarding that.

Regarding the evacuation of children, A, logistically how would one even start? No one can move. If you're going to evacuate children you then talk about evacuating some adults with them. You can't just take half a million children out. I think at this stage, if that is being considered, there are so many other issues in that, that while it's well-intentioned, I just don't see how that could be done in the current circumstances.

MS. FERRIS: Okay.

MS. WITTES: Well, and just a half-sentence to add to Michael. As Michael just implicitly noted, the population of Gaza is overwhelmingly young people. I think more than half under the age of majority. So it's already a dilemma.

But on a couple of political questions that came up, first on the question of whether Hamas is stealing humanitarian aid. And I will not claim any particular knowledge as to what is happening to aid once it gets inside Gaza. Maybe Andrew can address that based on what his field staff tell him. But I will say is that in an environment like this, which is essentially ungoverned and I would argue has been essentially ungoverned except by force for quite some time, international aid becomes a mechanism for patronage. And that is one of the risks that humanitarian agencies have to take into account when they intervene in situations like this; that the very provision of aid, you know, while it may be an imperative, also becomes subject to political manipulation. And that's a dilemma that faces humanitarian agencies in conflicts around the globe and this one is no exception.

On the question that was raised about Fatah versus Hamas and, you know, why should the U.S. get mixed up in fighting Hamas, why don't we just let Fatah do it, I will simply say that over the years of Arafat's reign in the Palestinian Authority, Fatah attempted to do that more than once, most notably in 1996, and failed. Maybe because it didn't pursue it sufficiently, but it never went all the way.

And finally, in the years since then, and particularly once the power-sharing agreement broke down in 2007, Fatah attempted again to achieve that outcome and failed. And, you know, what happened in Gaza was a political conflict that Hamas won in June of 2007. So I don't see that, thinking about it in those terms, gets us past the obstacles that exist that we've all been talking about for the last hour and a half to improving the welfare of the Palestinians on the ground in the Gaza Strip.

MS. FERRIS: Andrew?

MR. WHITLEY: First on the specific allegation that Hamas is stealing goods allowed into Gaza. There are very few channels to allow goods into Gaza today, and they're virtually all through us. We have been designated by the Israeli authorities to be the principal channel, conduit for other non-governmental organizations' goods to come into Gaza, and we know the chain of custody of those goods. And, in fact, I believe the allegation has no basis to it. It may be part of disinformation or black propaganda that is being spread and there have been quite a number of instances of that, of unsubstantiated claims which continue to be made about Hamas actions. Certainly I'm not suggesting here that Hamas are angels and are not above doing such. But under the present circumstances, which is what I'm referring to, we have no instances whatsoever of any of the humanitarian goods having been hijacked, stolen, diverted, otherwise boxes dropping off the back of a truck on its way in from the Kerem Shalom crossing to one of our warehouses.

On the issue of question of intent on the part of IDF, we act on the presumption of good faith. That is the only basis under which we can act. And we assume that when Israeli authorities state that they are intent on protecting civilians and of allowing humanitarian goods to come in, that they mean it and that we take them at their word to be able to do so. We certainly don't suggest that the IDF is deliberately aiming at harming the civilian population.

On the larger question, the political one about people not talking any longer about a two-state solution, well, a minority of Palestinian intellectuals who had been increasingly despairing about the prospects of a state on the ground have been saying this. I'm not now repeating a U.N. position, but I'm simply commenting on where some Palestinian politicians and intellectuals have been recently. It is not primarily because they believe that time is on their side and that the demographic time bomb



will work to their advantage. It's because they don't see the conditions existing on the ground in the West Bank.

One factor we haven't mentioned so far is the continued growth of settlements and the settlements-related infrastructure in the West Bank, which increasingly reduces the prospects of a viable, contiguous Palestinian state.

MS. FERRIS: Andrew, do you want to say a word about the question about what difference it makes not having international journalists present?

MR. WHITLEY: Absolutely. I thought I'd addressed this earlier, but, yes, we wish to see it because we think that it's essential that the international media be able to draw their own conclusions for themselves.

MS. FERRIS: Michael?

MR. KHAMBATTA: And just one last comment on the Hamas stealing aid. It's to be remembered that medical treatment is for anyone who is sick or injured. Even a combatant must be treated even by their own -- by their enemy if they have to be. So medical assistance would be provided to anyone who is in need. And we have regularly provided assistance around the world, medical assistance, even to military medical facilities. In this case, we are now -- Shifa Hospital is the main one that we're working with and supplying others. But the idea of maintaining a medical service even for enemy combatants is -- or for combatants is part of international humanitarian law.

MS. FERRIS: Well, thank you all for coming and please join me in thanking our panelists.

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I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

/s/Carleton J. Anderson, III

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