**Israel’s Naval Blockade of Gaza Is Legal, Necessary**

By Dore Gold

June 10, 2010

Business Week

*http://www.businessweek.com/news/2010-06-10/israel-s-naval-blockade-of-gaza-is-legal-necessary-dore-gold.html*

Commentary by Dore Gold June 11 (Bloomberg) -- The continuing demand that Israel should agree to an investigation -- with international involvement -- of its interception of a Turkish-led flotilla to Gaza last week presupposes that Israel did something fundamentally wrong. At the United Nations, the Security Council issued a presidential statement which lent its political weight to calls for a full investigation into the Israeli military operation. The member states initiating these efforts in the UN system are simply trying to use the international bureaucracy in New York and Geneva to deny Israel its right of self-defense. In Geneva, the UN Human Rights Council -- which gave birth to the infamous Goldstone Report that blamed Israel, and not Hamas, for the destruction caused by their 2008 war -- already decided that Israel violated international law by interdicting the Turkish flotilla and then called for another investigation to prove its point. There is always room to conduct an internal probe by the Israeli Defense Force. This happens in Israel even after a successful military operation let alone in the case when the results are controversial. In fact, the IDF has already begun an inquiry into this incident. But Israel’s critics are raising other questions. Why is Israel blockading the Gaza Strip? What right does it have to board a ship in international waters? Why interfere with the humanitarian needs of Gaza’s Palestinian population? French Foreign Minister Bernard Kouchner said he was “profoundly shocked” by Israel’s move against “the peace flotilla for Gaza.”

Worldwide Hypocrisy

In dealing with the question of Israel’s right to halt the flotilla, there is an extraordinary amount of international hypocrisy going around generated by those who ignore the past practices of other states at war as well as the true humanitarian situation in Gaza. Naval blockades are a legitimate instrument that states employ for self-defense. They were used in the 19th-century by the British Navy, which blocked French ports in the Napoleonic Wars, and employed again in the 20th century during both world wars. The U.S. set up a blockade of Cuba in 1962 to prevent the Soviets from delivering missiles to Fidel Castro -- though the White House called it a quarantine. The British also employed a blockade during the Falklands War.

UN Embargo

More recently, the UN itself instituted a blockade of Iraq after Saddam Hussein invaded Kuwait in 1990, adopting Security Council Resolution 665, which called on all UN member states “to halt all inward and outward maritime shipping in order to inspect and verify cargos.” The UN wanted to prevent the importing of weapons into Iraq and the export of Iraqi oil. During the Bosnian war, there was an arms embargo on Yugoslavia, and as a result NATO established a naval blockade between 1992 and 1996 of its Adriatic coastline. During those years, NATO ships boarded and inspected 6,000 ships and diverted 1,500 other vessels. Ships were halted and inspected before entering the territorial waters of Yugoslavia. Naval blockades have continued since then. Sierra Leone was blockaded by West African countries. Saudi Arabia declared that it was placing a naval blockade on the Red Sea Coast of Yemen in November 2009, in order to block Iranian re-supply of the Shiite rebellion in the northern part of Yemen. In the previous month, Yemen announced it had seized an Iranian ship named the Mahan-1 loaded with anti-tank weapons for the Yemeni Shiites.

Catching Violators

In general, the boarding of ships by soldiers to make sure that they are not carrying a cargo that violates an international embargo has been a common practice of many states. In December 2002, the U.S. learned that a North Korean ship in the Indian Ocean, some 600 miles from Yemen, was carrying Scud missiles and perhaps chemical weapons. Without permission from North Korea, Spanish commandos boarded the ship in international waters and found the missiles, but eventually let it go. Normally the boarding of a ship at sea, outside of a blockade, requires the permission of the country whose flag it flies. Yet there is a growing debate about whether that norm should continue if there are suspicions that it might be carrying weapons of mass destruction to terrorist groups.

Two Narratives

International reactions are often shaped by initial impressions. Undoubtedly, even Israel’s friends bought into the Hamas narrative: the Gaza Strip is starving, Israel’s cruel blockade must be removed, the Turks just wanted to give humanitarian aid, Israel opened fire on humanitarian workers. Israel must replace the Hamas narrative with its own account: In fact, Gaza has plenty of food. Indeed, the Washington Post reported on June 3 that the stores of Gaza City are stocked “wall-to-wall” with food. The people of Gaza need a better future, which the Hamas regime will never provide them, but they are not cut off from the world by Israel. The Israeli blockade is legal and necessary and its removal would lead to a flood of heavy Iranian weaponry, including long- range missile systems, coming to Hamas. A significant contingent on one ship of the Turkish flotilla was part of the notorious Turkish Insani Yardim Vakfi, which the French counter-terrorism magistrate Jean-Louis Brougiere determined was involved in the failed “millennium plot” to bomb the Los Angeles airport in late 1999. Israeli commandos acted in self-defense after this group attacked them. This shift in international perceptions about Israel’s operation against the Gaza flotilla won’t happen overnight. For Israel it requires hard work and nerves of steel, and most importantly a fundamental understanding that in looking at the incident as a whole, Israel acted the way any other country, in exercising its right of self-defense, would have acted.

 *(Dore Gold, president of the Jerusalem Center for Public Affairs, was Israel’s ambassador to the United Nations from 1997 to 1999. The opinion expressed are his own.)*