



Permanent Mission of Israel to the UN
GENEVA

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Statement by

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Meeting of the High Contracting Parties to the Convention on Certain
Conventional Weapons (CCW)

Emerging issues in the context of the objectives and purposes of the
Convention (Agenda item 10)

United Nations, Geneva

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Thank you, Mr. Chairperson,

A number of delegations have raised issues relating to the use of explosive weapons in populated areas (or EWIPA) under the current agenda item.

We believe that this vague and broad title is rather confusing. Firstly, it doesn't address a specific category of weapons, but rather, it concerns a general discussion regarding implementation of IHL in an urban environment.

Secondly, the 'EWIPA' title seems to lump together the use of force by very different actors who take opposing approaches towards IHL. One type of actor is law-abiding States that contend with the challenges they face when being forced to fight in urban environments. The second type are actors who are indifferent towards IHL, or even purposely defy it – particularly, terrorist groups that direct their attacks against civilians, and/or deliberately conduct their operations from within populated environment in order to exploit the civilian presence as a shield.

Merging and discussing these different types of actors together under the title of EWIPA, as if they were one, is misguided and counterproductive.

The endeavor of law-abiding States in the context of urban warfare is to find ways to optimize their implementation of the law; that is, how, practically speaking, they should best conduct planning procedures, choose and use means of warfare, mitigate collateral damage, etc. – all in front of the challenges they are forced to face.

In contrast, the issue of interest regarding actors who systematically and knowingly violate IHL, is not finding better ways for them to implement the law, but rather, having them comply with IHL in the first place.

Thus, while the operational dilemmas of law-abiding States should serve (and already serve in different fora) as a basis for the sharing of practices and experiences on IHL implementation, the situation with actors who systematically violate IHL, requires a different analysis, separate data collection regarding civilian casualties, and a different response.

Unfortunately, as I mentioned, the 'EWIPA' title does not adequately discern between those very different actors and contexts. This is the reason why the calls to avoid EWIPA are counterproductive. As far as law-abiding States are concerned, such calls are simply unrealistic from an operational perspective, in addition to being legally unfounded, while in the background they are continuously being forced into populated settings by non-state actors. As far as terrorist groups are concerned, such calls only incentivize them to continue operating from within populated areas. The call for those actors should not be to avoid EWIPA, but rather, to avoid any violation of IHL, and stop using the civilian environment as a cover for their military activities.



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Mr. Chair,

Israel strongly supports, and has itself promoted, a discussion on implementation of IHL in an urban environment. Israeli experts participated in a number of military and academic seminars worldwide on this issue, as well as in bilateral dialogues. Moreover, in 2017 the Israel Defense Forces hosted in Tel Aviv an international conference gathering military lawyers and world-class scholars from dozens of countries, focusing on the challenges urban warfare. In 2015 Israel published a comprehensive national report, openly describing its legal positions and practical methods concerning planning procedures of attacks, choice of weapons, mitigation of collateral damage and other related issues.

However, a general discussion on compliance with IHL – whether by States or by terrorist groups – exceeds the mandate of the CCW.

While Israel continues to support any exchanges on these pertinent topics in relevant fora, we believe the CCW is not one of them. In order to retain the CCW's strengths, we should refrain from turning it into a forum that discusses every issue of concern regarding armed conflict, important as it may be. Therefore, Israel does not support the inclusion of a dedicated agenda item on this issue. We suggest that Parties who nevertheless wish to comment on it, would do so under the agenda item of emerging issues, or any other existing agenda item which they deem relevant.

Thank you, Mr. Chairperson.