



SIXTH COMMITTEE

CHECK AGAINST DELIVERY

Statement by

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Status of the Protocols Additional to the Geneva Conventions of 1949 and
relating to the protection of victims of armed conflicts

Agenda Item 83

15 October 2018

United Nations, New York

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to
the protection of victims of armed conflicts

Thank you, Mr. Chairperson,

Ever since its independence, the State of Israel has needed to contend with security threats and acts of war and terrorism from both States and non-state actors. From the outset and throughout the last 70 years, Israel has always been committed to the principles of the Laws of Armed Conflict, and is dedicated to studying and carefully implementing the law, while facing difficult dilemmas that arise from the means and methods of warfare directed at its citizens by terrorist organizations. While Israel, among other States, has expressed reservations regarding attempts to classify some of the key provisions of the Additional Protocols as customary, we maintain that the promotion of compliance with the Laws of Armed Conflict constitutes a matter of the highest importance.

The challenges of contemporary armed conflict, including asymmetric warfare, are becoming more urgent, and are a matter of shared concern for many States. Many non-state adversaries do not consider themselves bound by the Laws of Armed Conflict and systematically abuse its rules, relying upon States' adherence to international law and exploiting the fact that such States will take measures to protect civilian population. As States adjust to and confront the challenges of contemporary armed conflict, it is important that the Laws of Armed Conflict, be interpreted and applied in such a way that effectively meets these emerging challenges. For too long the conduct of non-state parties to armed conflicts has been insufficiently addressed.

Time and again the world has witnessed terrorists violate international law by targeting civilians and embedding themselves and their weapons amongst their own civilian populations. Terrorist groups not only neglect to take precautions to shield civilians from the effects of attack, as required by the Laws of Armed Conflict, they

do the exact opposite. The exploitation of innocent people as human shields has become a frequently used tactic by terrorists, and extends further to the abuse of locations such as hospitals, schools, places of worship and other civilian sites. This abhorrent practice was rightfully condemned by the General Assembly this past summer. Sadly, in the context of armed conflict with terrorist groups such as Hamas and Hezbollah, this unlawful and repugnant practice, alongside the intentional targeting of civilians in their homes, fields and schoolyards, has been part of Israel's reality for decades.

Mr. Chairperson,

The task of preventing armed attacks and acts of terrorism directed at our people, that originate from a terrorist group embedded in a civilian population with no regard for their wellbeing, is a genuine challenge. There are no easy solutions in this matter, only the meticulous application of the relevant laws and the investment of enormous efforts to improve the available systems and methods in order to achieve maximum protection and minimum harm to civilians. States that actually apply the law in real situations are a resource, and their practice should be taken into account when examining and studying the development of international law.

Mr. Chairperson,

In our efforts to strengthen the existing body of the Laws of Armed Conflict, the State of Israel continues to ensure that all aspects of its military operations comply with these laws. Israeli forces are trained to uphold procedures that abide by international law and which ensure that the delicate balance between military necessity and humanitarian considerations is maintained to the greatest extent possible. The Israeli Defense Forces (IDF) provides educational programs to military personnel in various positions and ranks, with case studies and practical simulations. These programs are provided on an ad-hoc basis and during professional training for junior and senior commanders alike, by IDF military lawyers, external academics and practitioners. The IDF also operates training simulators designed to prepare infantry forces for combat

in urban areas, and includes exercises that involve the presence of civilian population and operations in the vicinity of sensitive sites.

Israel's commitment to the implementation of the Laws of Armed Conflict is also reflected in the ongoing legal advice given by the Military Advocate General (MAG) corps, which is independent from the chain of command. These lawyers provide legal advice to all levels of command, and examine, among other things, the legality of decisions regarding rules of engagement, targeting, use of weapons, detainee treatment and humanitarian efforts.

The IDF's "lessons-learned" process involves the thorough review of military operations and multi-layered examination mechanisms. These include a General Staff Fact-Finding Assessment Mechanism (FFAM) which conducts prompt, professional examination of exceptional incidents that took place in the course of military operations. This mechanism addresses claims, whether raised by IDF forces, official bodies, human rights organizations or victims. The FFAM has broad-ranging powers to obtain information both from within and outside the IDF, and to seek information from civilians. The findings of the FFAM assist the MAG in deciding whether there is a basis to open a criminal investigation

The MAG corps' legal advice is also subject to external civilian oversight. The MAG is guided on professional matters by Israel's Attorney General who may also review the MAG's decisions and policies.

Israel's system of examination and oversight was hailed by legal experts as one that can be compared with the best in world, and we continue to strive to improve it.

Furthermore, Israel's Supreme Court has heard and ruled upon hundreds of petitions on matters related to the Laws of Armed Conflict, including in real-time with ongoing

hostilities in the backdrop, at times even deciding to change or even halt military activities. The extent of judicial review over the IDF's activity is internationally recognized and unique.

Mr. Chairperson,

The State of Israel would also like to address the International committee of the Red Cross (ICRC)'s ongoing efforts to publish updated interpretations of the Geneva Conventions and their Additional Protocols. Israel recognizes that these Commentaries represent an impressive effort by the ICRC to highlight changes that have transpired in armed conflicts over the past half-century and to ensure the continued relevance of the Laws of Armed Conflict within the contemporary context.

At the same time, Israel believes that the two Commentaries published thus far on the First and Second Geneva Conventions, raise some serious concerns, with respect to both the methodology of the commentary in reaching conclusions about the law and the substantive positions included in them, which at times fail to accurately reflect the state of the law.

With a view to addressing these concerns, and as the work on the project continues, the State of Israel would like to stress the importance of consulting with States, receiving their input and providing greater weight to their positions, interpretations and views, given the States' primary role in creating, interpreting and applying the law.

Mr. Chairperson,

The State of Israel has disseminated and implemented the Laws of Armed Conflict and will continue to do so as a matter of the highest priority. We acknowledge the important contribution of the ICRC and its humanitarian work on the ground around

the globe, and look forward to working together with the members of this committee to strengthen the application of the Laws of Armed Conflict worldwide.

Thank you, Mr. Chairperson.