Statement by

Mrs. Michal Maayan, Minister - Counsellor
Deputy Permanent Representative to the Conference on Disarmament

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

14 November 2019
Thank you, Mr. Chair,

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

In our view, this issue does not in fact concern a specific category of weapons, but rather, it is part of a general discussion regarding implementation of IHL in an urban environment, and how best to protect civilians in populated areas during armed conflicts.

Protecting civilians during armed conflict is an issue of utmost importance, which indeed requires particular attention. At the same time, while discussing it, we must bear in mind that the causes of harm to civilians in urban conflicts involve a wide range of factors, and each factor requires a separate professional analysis and process of identifying the best measures to address it. On the other hand, having such a discussion while mixing together the different factors is counterproductive and misleading, and will not allow us to truly improve the protection of civilians in urban warfare.

In this regard, the debate on this subject disregards the use of force by two very different types of actors, who take opposing approaches to IHL. One type are law-abiding States who are 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 deliberately conduct their operations from within populated environment in order to exploit the civilian presence as a shield.

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, to figure out how best to conduct planning procedures, choose and use appropriate means of warfare, mitigate collateral damage, etc. – all in face of the challenges they are forced to contend with.

In contrast, the important issue regarding actors who systematically and knowingly violate IHL, is 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, and a different response.
Mr. Chair,

Israel believes that the calls encouraging avoidance of the use of explosive weapons are counterproductive and unreasonable. As far as law-abiding States are concerned, such calls are legally unfounded, and are simply unrealistic from an operational perspective, as states 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. Instead, we should be calling on non-state actors to avoid any violation of IHL, and to cease from using the civilian environment as a cover for their military activities and purposely putting civilians at risk.

Mr. Chair,

Israel supports a discussion on implementation of IHL in an urban environment and has promoted such discussions in the past. Israeli experts participated in a number of military and academic seminars worldwide on this issue, as well as in bilateral dialogues. Moreover, in 2017 and 2019, the Israeli Defense Forces hosted international conferences on IHL, gathering military lawyers and leading scholars from dozens of countries. In the course of these conferences, the challenges of urban warfare and appropriate implementation of IHL in such environments were presented, demonstrated and discussed.

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.

Thank you, Mr. Chair