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CHECK AGAINST DELIVERY

Statement by:

Ms. Meital Nir-Tal
Office of the Legal Adviser
Ministry of Foreign Affairs

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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

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Thank you, Mr. Chairman,

The law of armed conflict has faced, from the outset, a wide range of challenges that arise from the nature of contemporary warfare. Among these challenges, asymmetric warfare stands out as particularly problematic, as it involves a situation in which a state that adheres to the Laws of Armed Conflict is faced by a n non-state entity, which does not see itself as bound by the law of armed conflict and abuses the principles of international humanitarian law to gain an advantage over its adversary.

The law of armed conflict is premised on the distinction between civilians and combatants. From this principle naturally derives the obligation of combatants to clearly distinguish themselves from the civilian population. Sadly, the world has witnessed time and time again that terrorists taking part in asymmetric conflicts, intentionally locate themselves and their weaponry amongst civilian population's and use innocent people including women, children, the sick and the elderly as human shields. They booby-trap civilian areas and abuse medical facilities and ambulances. They abuse protected sites, public institutions, places of worship and UN schools and facilities, and interfere with humanitarian relief efforts. This practice is regularly supplemented by another grave breach of international law: intentionally targeting the civilian population of the belligerent state.

This unlawful and abhorrent practice has been part of Israel's reality for decades, within the context of armed conflicts with Hezbollah, Hamas and other terrorist groups in the area. It creates difficulties and dilemmas for Israeli commanders and soldiers, in their effort to uphold international law in the face of an enemy that blatantly disregards and abuses the protections afforded by the laws of armed conflict, in order to gain an advantage on both the battlefield and in world public opinion. The sad reality is that innocent civilians suffer in armed conflicts, especially in situations where a non-state entity violates the law and intentionally puts its civilian population at risk. Israel firmly believes that the law of armed conflict remains the primary legal framework for regulating the conduct of hostilities, including hostilities with non-state actors. At the same time, it is important that the existing body oflaw that relates to the law of armed conflict, to which Israel and all states are bound, be interpreted in such a way that it effectively meets the emerging challenges and changing faces of contemporary armed conflicts, including asymmetric warfare.

Mr. Chairman,

Israel is not the only state with concerns regarding the Additional Protocols. Nonetheless, our commitment to the law of armed conflict, including the Geneva Conventions and customary international law, is clear.

Israel is a party to many conventions that deal with the law of armed conflict, including; the four Geneva Conventions, the Convention for the Protection of Cultural Property in the Event of Armed Conflict, the Optional to the Convention on the Rights of the Child and the Convention on 11hibitions or Restrictions on the Use of Certain Conventional Weapons.

Israel's commitment to the law of armed conflict is further reflected in the careful legal scrutiny of military operations, both before and during the conduct of hostilities. Israel's commitment is demonstrated in Israel's ability and willingness to conduct thorough, credible and independent investigations into allegations that a violation of the laws of armed conflict has taken place. It