

SIXTH COMMITTEE

CHECK AGAINST DELIVERY

Statement by

Ms. Yarden Ru.914.04 04 (R)1s04 a-1eq0.000008871 0 595.32

Thank you, Mr. Chairperson,

In all its years, Israel has contended with security threats, including acts of war and terrorism, while remaining committed to the Law of Armed Conflict. Israel maintains that promoting compliance with the Law of Armed Conflict is of utmost importance and takes its obligations under that body of law very seriously.

Contemporary armed conflicts entail many challenges for militaries – including the challenge of asymmetrical warfare, which has become a common concern for many States. We live in an era in which many non-state actors do not see themselves as bound by the Law of Armed Conflict. Rather, they systematically violate the rules, while abusing the adherence

Israel maintains that the Law of Armed Conflict also continues to serve as the relevant legal framework for regulating the conduct of hostilities in relation to emerging or developing realms of warfare, such as cyberspace. In this field, too, the law must be applied through the meticulous application of accepted legal methodologies for interpreting international treaties and for identifying customary international law. When dealing with treaty provisions, the regular rules of treaty interpretation must be applied to ascertain the relevance and applicability of the provisions at hand in the cyber domain. With respect to customary law, identifying applicable law will require examining the existence of general State practice accompanied by *opinio juris*, substantiating the existence of a rule in cyberspace. In this regard, it cannot be automatically presumed that a customary rule applicable in the domains of land, air or sea, is also applicable to the cyberspace domain, since some rules of the Law of Armed Conflict have been crystallized in a

Mr. Chairperson,

The State of Israel acknowledges the important contribution of the ICRC and its humanitarian work around the world. Israel welcomes and appreciates the ICRC's initiative to update its Commentaries of the Geneva Conventions and their Additional Protocols, in consideration of the changes that have transpired in armed conflict over the past half-century and the need to ensure their continued relevance. At the same time, Israel remains concerned with certain methodologies employed throughout the project and with several conclusions included in the three Commentaries published thus far, which do not always reflect the current state of the law.

With a view to addressing these concerns and to the forthcoming work on updating the ICRC's Commentary of Additional Protocol 1, we once again stress the need to take into account and reflect state practice in the course of the interpretation, application and identification of the Law of Armed Conflict. We also 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,

Mr. Chairperson,

Israel believes that a substantial understanding of the Law of Armed Conflict, both in theory and in practice, should be required as an imperative qualification for those involved in international bodies applying and interpreting rules of the Law of Armed Conflict. This is especially critical with regards to institutions with judicial or investigative functions, such as international courts, tribunals, and investigative bodies. Expertise and thorough familiarity and knowledge in the field of the Laws of Armed Conflict are indispensable in the proper function of these institutions.

Such professional standards are crucial in upholding this body of law and striking the appropriate balance it seeks to maintain between military necessity and humanitarian concerns, as well as preventing fragmentation and competing interpretations. This will also maintain the credibility of such institutions.

Mr. Chairperson,

In our efforts to strengthen compliance with the existing body of the Law of Armed Conflict, the State of Israel continues to ensure that all aspects of its military operations comply with these rules. The IDF provides educational programs to military personnel in various positions and ranks and operates training simulators designed to prepare fighting forces for combat in urban areas, including by simulating the presence of civilians in the vicinity of sensitive sites. IDF operations are accompanied by ongoing independent and professional legal advice on the Law of Armed Conflict, which is complemented by robust and multi-layered investigative mechanisms and subject to civilian oversight.

