

# Meeting of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

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English only

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Agenda item 7

General exchange of views

## Working paper

### Submitted by the State of Palestine on behalf of the Organization of Islamic Countries (OIC) Group\*, Bolivia, Colombia, Cuba, South Africa, Namibia, Nicaragua and Venezuela

1. The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which are deemed to be excessively injurious or to have indiscriminate effects (CCW) is anchored on the foundational principle of the protection of the civilian population against the effects of hostilities at all times. It also confirms that, even when not covered under the Convention, they remain under the protection and authority of the principles of international law and that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited.
2. It has been five weeks since the world has been watching the most atrocious and deadly Israeli onslaught against Palestinian people in the Gaza Strip, an assault that has surpassed all levels of brutality and inhumanity.
3. In these past few weeks, after issuing genocidal calls publicly, Israel has killed over 11,500 civilians. Over 73% of these civilians include women, children and the elderly – more than 4710 children. It has dropped over 25,000 tonnes of explosives on Gaza, a territory that is 25 miles long and packed with more than a million children.
4. According to WHO, everyday over 160 children are killed in Gaza. The UN Secretary General has called Gaza a graveyard of children.
5. The Palestinian civilians, forcibly displaced from their homes, have seen their entire neighbourhoods, including schools, hospitals, mosques and churches being indiscriminately destroyed by Israeli airstrikes and ground-strikes in these past weeks. While they flee to seek refuge under the UN flag, the UN shelters and facilities have also not been spared. Almost 50% of all civilian infrastructure in Gaza has been destroyed in relentless Israeli bombing.
6. Over 50 facilities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) have been hit in Israeli strikes. These are the places protected under International Humanitarian Law. 102 UNRWA personnel have been killed, along with other humanitarian workers in the Gaza Strip, a number which is higher than in any comparable period in the history of the UN.
7. We are alarmed at the reports of use of white phosphorus by Israel in areas of high concentration of civilians. The targeted use of white phosphorus in such areas with the result and primary design of causing burn injuries to persons makes it an incendiary weapon for the purposes of Protocol III.

\* All OIC members except Albania.



8. We echo the UN Secretary General that “even wars have rules”. Israel has blatantly flouted these rules with impunity.
9. The CCW and its Protocols were negotiated with a solemn objective to mitigate the suffering and harm caused by certain conventional weapons and to ensure the protection of civilians during armed conflicts and to contribute to rules of war. The High Contracting Parties have undertaken the commitment to uphold the principles of humanity, the dictates of public conscience, and prevention of superfluous injury or unnecessary suffering. The ongoing war against people of Gaza is a litmus test for this Convention and its High Contracting Parties.
10. Israel’s actions, not only defy the spirit, objectives and purposes of the CCW but also constitute a grave violation of the International Humanitarian Law (IHL) and they need to be called out. The deliberate targeting of children, women, and non-combatant civilians, irrespective of the weapons used, is an affront to the fundamental principles of distinction, proportionality, and precautions in attack, which are the cornerstone of IHL.
11. The Independent International Commission of Inquiry on the Occupied Palestinian Territories has debunked Israel’s false claims on its right to self-defence by referring to the unambiguous determination by the International Court of Justice, according to which an occupying Power does not have the right to invoke “self-defence” under Article 51 of the UN Charter against the territory it occupies.
12. We reiterate the call for an immediate cessation of this illegal and inhumane Israeli aggression against the Palestinian people, and the rejection of the targeting of civilians under any pretext, the forcible transfer from their homes, and their starvation and denial of safe access to humanitarian aid and essential supplies for survival.
13. We urge the High Contracting Parties of the CCW to uphold the resolve that they had demonstrated, when negotiating this Convention and its Protocols, and to help end the suffering of the Palestinian people. This is also what we expect from the UN Secretary General as the Depositary of the CCW and its Protocols.
14. We call on the EWIPA Declaration signatories to uphold their commitments including facilitating unhindered humanitarian access and seeking adherence to commitments by all parties.
15. We call upon the international community to act swiftly and to hold the Israeli occupation accountable for these heinous war crimes against the Palestinian people and call for an immediate intervention to halt this massacre.
16. There is an urgent need to end impunity of Israel, the occupying power, for its war crimes and crimes against humanity, including this aggression and its illegal blockade of the Gaza Strip. The ongoing situation stems from decades-long occupation and denial of the right to self-determination.
17. We reaffirm our enduring commitment to the Palestinians for the realization of their legitimate aspirations for a Palestinian State, with Al-Quds Al Sharif as its capital, in accordance with relevant UN Security Council resolutions.

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