

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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Agenda item 7

General exchange of views

Working Paper

Submitted by Iraq on behalf of the Arab States Parties and Signatories to the Convention

1. The meeting of the High Contracting Parties is being held amid major challenges and a complex international situation that poses existential threats. It is also accompanied by the increasing use of destructive conventional weapons in the conflicts we are witnessing today, which threatens to undermine the foundations of humanitarian principles, inflict serious damage on disarmament efforts, and our multilateral international system and its ability to safeguard international peace and security, in addition to its severe humanitarian, political, economic, and social impacts that have crossed borders.

2. In this context, the Group is keen to recall the importance of the Convention on Certain Conventional Weapons, including its five Protocols, which is a major instrument of international humanitarian law that contributes to preventing and alleviating the suffering of civilians and combatants.

3. The Convention enshrined in its preamble the general principle of protecting the civilian population from the effects of hostilities, as well as the principle of international law that the right of the parties to an armed conflict to choose methods and means of warfare is not unlimited. In addition, it prohibits the use of weapons, projectiles, equipment, and methods of warfare that are inherently likely to cause excessive damage or unnecessary suffering.

4. The Group also emphasizes that, according to the outcomes of the Final Document of the 2021 Sixth Review Conference of the Convention, High Contracting Parties reaffirmed their commitment to fully respect and comply with the Convention and its annexed Protocols. They also acknowledged that all parties to any armed conflict must comply with international humanitarian law and announced their intention to address the use of conventional weapons during armed conflict in populated areas. They also condemned, according to paragraph 89 of the Final Document of the Sixth Review Conference of the Convention, "any use of incendiary weapons against civilians or civilian objects and any other use that is contrary to the relevant rules of international humanitarian law, including Protocol III."

5. Since the Convention on Certain Conventional Weapons is closely linked to the Geneva Conventions of 1949, we also recall in this regard the Declaration issued by the Conference of High Contracting Parties to the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War, which was organized by Switzerland as the Depositary State on December 17, 2014. It reaffirmed the basic principles of international humanitarian law and acknowledged its applicability to the Occupied Palestinian Territory, in light of the violations committed against civilians by the Israeli occupying power.



6. The Arab Group recalls the diplomatic efforts that led to the 2022 Political Declaration in Dublin, which stressed the need to strengthen the protection of civilians from the consequences of explosive weapons in populated areas.

7. The tragic situation we are experiencing today clearly shows that all these legal obligations and political commitments are being violated in the worst possible way. This is manifested in the Israeli colonial occupying power's blatant aggression and the commission of horrific massacres in the besieged Gaza Strip for years, targeting populated areas and civilian objects, including hospitals, places of worship, refugee camps, and schools where civilians seek refuge to protect themselves. This is happening amid the adoption of double political standards by the international community by the provision of support to the Israeli colonial occupying power with advanced weapons and turning a blind eye to a people who have been under brutal colonial occupation for more than 75 years. Therefore, the Group condemns the Israeli occupying power's disregard for the objectives and principles of the Convention and its use of prohibited methods to launch attacks targeting civilian populations and infrastructure in an indiscriminate manner in violation of international law, causing serious and long-term damage to peaceful civilian populations and the environment, and hindering the delivery of humanitarian assistance to the region.

8. The Group condemns that the Israeli occupation authority has over more than 35 days dropped more than 30,000 tons of explosives on the Gaza Strip, which is equivalent to more than two nuclear bombs. The Group also condemns the occupying power for carrying out more than 11,000 raids on densely populated areas against unarmed civilians, and it also condemns the statement by the Israeli Defense Minister about dropping more than 10,000 bombs on the city of Gaza alone. These bombs have immense destructive power, with some of them weighing between 250 and 1,000 kilograms.

9. The Group vehemently condemns the actions of the occupying force in Gaza, deploying incendiary weapons (white phosphorus) against civilians or civilian objects, as reported by humanitarian organizations. Such usage is in clear violation of the relevant provisions of international humanitarian law, including those outlined in Protocol III, applicable.

10. The Group also condemns the use of white phosphorus by the occupying force in its attacks against Lebanon, resulting in civilian casualties, destruction of civilian objects, and widespread fires in agricultural lands and forests, causing long-term environmental damage. This has been documented by numerous international governmental and non-governmental organizations.

11. The Group refers to the Note Verbale to the High Contracting Parties to the Fourth Geneva Convention, through the note verbale dated 20 October 2023, attached to this Working Paper, regarding the deteriorating conditions in the occupied Palestinian territories. The Arab Group particularly highlights the significant losses suffered by civilians and stresses the need to protect all civilians in accordance with international humanitarian law.

12. The Group references the resolution of the United Nations General Assembly dated October 26, 2023, which calls for an immediate and sustainable humanitarian ceasefire leading to the cessation of hostile actions by the Israeli occupation in the occupied Palestinian territories. The Group perceives that the continued non-compliance and disregard for international humanitarian law, in blatant defiance of United Nations resolutions, lies at the core of the crisis affecting human values, and the legal and institutional global framework. This tragic reality, coupled with the diminished role of various actors in championing the cause of truth compared to other conflicts, places the credibility of the international community at stake, deepens humanity's failures, threatens global values, and adds to the challenges faced by international peace and security and our multilateral international system.

13. In another related context to the matters on our agenda, the Group continues to express its condemnation of the use of landmines, cluster munitions, and bombs in conflict situations aimed at maiming, killing, and terrorizing innocent civilians. The issue of landmines, munitions, and war remnants poses a significant threat to the lives of civilians, in addition to the long-term social, economic, and environmental repercussions that must be addressed decisively.

14. Regarding the challenges posed by emerging technologies in the field of lethal autonomous weapon systems, the Arab Group affirms that autonomous weapons systems raise a multitude of ethical, legal, moral, and technical issues, as well as matters related to international peace and security. These issues must be meticulously discussed and examined within the framework of compliance with the rules of international law, including international humanitarian law and international human rights law. The Group supports the continuation of the agreed-upon path within the framework of the Convention on Conventional Weapons to progress towards the formulation of a legally binding instrument addressing these systems and ensuring human control over them.

15. The Group welcomes the efforts of all actors involved in this collective endeavour within the framework of the work of the Group of Governmental Experts on lethal autonomous weapon systems. The Group values the effective participation of civil society, including the active and impactful role played by the representative of the "Campaign to Stop Killer Robots" in Geneva in the meetings of the Convention and the Governmental Experts Group over the past years.

17 The Group urges the High Contracting Parties to bear the responsibility of ensuring respect for the Convention and the principles of international humanitarian law. The Arab States, as parties and signatories, affirm their commitment to achieving the humanitarian goals of the Convention and contributing to the success of the meetings. They look forward to the implementation by all High Contracting Parties of their obligations and commitments arising from the Convention and its meetings in a manner that contributes to upholding human values, legal principles, and enhancing international peace, security, and the multilateral international system.

Annex

The Arab Group calls upon all High Contracting Parties to the Fourth Geneva Convention to immediately implement their third State obligations with regard to the grave breaches of the Convention being carried out by Israel, the occupying Power, against the Palestinian population in Gaza and the West Bank, including East Jerusalem, including under Common Article 1 and under Articles 146, 147 and 148.

1. Gaza, a besieged occupied enclave of Palestinian land, is one of the most densely populated places on Earth, 2.3 million people live there 50% of them children, 70% of them refugees. Bombing Gaza is tantamount to bombing mainly children and refugees who have nowhere to run.
2. Over the past 10 days, after Issuing genocidal calls publicly-with Israeli Prime Minister Benjamin Netanyahu vowing to turn Gaza into a "deserted island" and Israeli Defense Minister calling Palestinians "human animals"-Israel, the occupying Power, proceeded to drop bombs equivalent of a quarter of a nuclear bomb on Gaza. This has included the use of white phosphorous as confirmed by numerous sources, including the media and Non-Governmental Organizations. It shut down all border crossings and exits from Gaza, prevented the entry of humanitarian assistance, cut off food, water, fuel, gas, and electricity from the civilian population-a blatant act of collective punishment in which inter alia, starvation is being used as a means of warfare.
3. More than 3'800 Palestinians have been killed, more than 70% of whom are children, women, and the elderly. At least 11 United Nations staff, 5 members of the ICRC, 16 medical personnel and 12 journalists have been killed. More than 50 entire families have been wiped off the population registry in Gaza-from grandparents to grandchildren, they have been decimated. More than 13'000 Palestinians have been injured. Residential areas including refugee camps, apartment buildings, hospitals, schools, ambulances, and bakeries, have been directly targeted and reduced to rubble. This includes Israel's deliberate targeting, on 18 October, of the Anglican Church-run Al Ahli hospital in Gaza, killing at least 500 patients, health workers and families seeking refuge from relentless Israeli bombardment. Nothing has been spared from relentless and indiscriminate Israeli bombing. An Israeli official told Israel's Channel 13 that "Gaza will eventually turn into a city of tents... There will be no buildings." The reverberating effects of the use of explosive weapons on hospitals, schools, food security, water, electricity, and shelter are affecting millions.
4. After ordering more than one million Palestinians to leave northern Gaza-an impossible ask and one aimed at de-populating the area and facilitating mass ethnic cleansing- Israel proceeded to bomb convoys of refugees fleeing to the south, killing mainly women and children. This amounts to mass forcible transfer in violation of article 49 of the Fourth Geneva Convention and is a grave breach of the Convention.
5. Here we must remind: under international law, an occupying Power is obliged to protect- not attack-protect, the population under its occupation. Here where the occupying Power has clearly abdicated its obligations to ensure the protection of the occupied population-in fact openly declaring them the "enemy", declaring "war" on them.
6. In the West Bank, including East Jerusalem, Israel's declaration of war has also meant the escalation of its aggression against the Palestinian civilian population in the West Bank, including East Jerusalem, where 63 Palestinians have been killed by Israeli occupation forces and armed terrorist settlers since 7 October,
7. Collective punishment is a war crime. Forcible transfer is a war crime. The targeting of civilians is a war crime. The targeting of civilian infrastructure is a war crime. Using starvation as a means of warfare is a war crime. Ethnic cleansing is a crime against humanity. Incitement to commit genocide is an international crime. Cutting civilians off from water, electricity, food, fuel, medicine and other basic needs for survival are international crimes.

8. At such a time, it is not only a moral duty, but also a legal duty incumbent upon all High Contracting Parties to the Fourth Geneva Convention, to ensure respect for international law by Israel, the occupying Power. They must not embolden nor encourage the commission of international crimes. They must also not stay silent about Israel's grave breaches; silence being viewed as greenlighting and enabling the actions or implying consent.

9. Silence and failures in this regard, and the provision of military, economic or political support to Israel, including condoning its bombardment, siege or ground invasion of Gaza, would render government officials complicit and individually liable for their role in aiding and abetting war crimes and potentially crimes against humanity.

10. We call on all High Contracting Parties to the Fourth Geneva Convention to uphold their obligations under international law through, inter alia, the following actions:

- **Call** for an immediate ceasefire;
- **Take action to ensure** immediate emergency humanitarian access and assistance and restoration of basic human necessities-food, water, fuel and electricity to to the Palestinian population in Gaza;
- **Condemn** Israel's deliberate targeted attacks on Palestinian civilians and civilian infrastructure, and reject the spread of disinformation by Israeli officials, including, inter alia, false and provocative allegations that the occupying Power was not responsible for the targeting of the Baptist Al Ahli hospital in Gaza;
- **Condemn** the total siege of Gaza, which has cut off from the civilian population goods essential to their survival, including water, gas, fuel, electricity and medicine. and all other forms of collective punishment;
- **Condemn** the use of explosive weapons by Israel in one of the most densely populated areas in the world, including the use of incendiary weapons;
- **Condemn** Israeli actions amounting to ethnic cleansing in Gaza, and take action to urgently prevent the forcible transfer of Palestinians within or from Gaza;
- **Condemn** statements by Israeli officials amounting to incitement to genocide and **uphold** their legal responsibility to prevent genocide;
- **Refrain from** recognizing the illegal situation arising from Israel's unlawful actions in the Occupied Palestinian Territories or rendering aid or assistance in maintaining this illegal situation, including through **ending** military, economic and/or political support to Israel until it fully complies with international law;
- **Impose** a two-way arms embargo on Israel;
- **Intervene** to protect Palestinian civilian lives, as demanded by international humanitarian law and United Nations resolutions, and **call for** international protection for the Palestinian people.