At International Confab, Signs of a More Understanding Approach to Israel

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Last week, on the day the [Knesset dissolved](https://www.haaretz.com/israel-news/elections/after-netanyahu-fails-to-form-government-israel-to-hold-new-election-1.7306156) itself, more than 100 lawyers from Israel and abroad descended on army bases in the Negev to discuss the latest developments in the international laws of war. The foreign guests – senior army officers from allies, and experts from academia and nongovernmental organizations – were invited by the military advocate general for the third such event in four years.

The gathering included meetings with officers from the military advocate general’s office, the air force and the ground forces. There was also a visit to the country’s F-15 squadron and a tour of the training facility at Tze’elim that simulates a Palestinian village.

At the opening session, one thing clear was the commonality of views shared by Military Advocate General Sharon Afek and Paul Ney Jr., the general counsel of the U.S. Defense Department. Ney told Haaretz he didn’t know what Afek would be saying, but the two still conveyed virtually identical messages, notably [a rejection of the authority of the International Criminal Court](https://www.haaretz.com/israel-news/.premium-hague-criminal-court-has-no-jurisdiction-over-israeli-palestinian-conflict-army-s-t-1.7299334)regarding military operations by the United States and Israel.

Afek said Israel was a law-abiding country with a strong and independent judicial system, and there was no reason for its actions to be reviewed by the court in the Hague. That court, Afek, added, has been diverted from serving as a forum of last resort in cases of mass murder.

Ney added that the laws of war were drafted by countries to be applied to countries. Even though NGOs and professors have an important role to play, countries have the main responsibility when it comes to the laws of war, and Israel is on the front lines in facing such challenges, he said.

Another American visitor noted that for years he had heard his Israeli colleagues complain about a double standard in the international community against Israel. He said that recently Israel has done more to explain its position – and that the visitors to the conference were listening. Ears appeared more open, however, among military lawyers than among the representatives of international NGOs.

This more understanding approach seems to be related not only to the views of the Trump administration but also to Western armies’ experiences in wars in Afghanistan and [Iraq](https://www.haaretz.com/middle-east-news/iraq), as well as in the fight against [ISIS](https://www.haaretz.com/middle-east-news/isis). Other armies have been in situations similar to what Israel faces with an enemy operating among civilians.

The situation has changed so much that sometimes Israel is criticized from the right, particularly from U.S. military officers, for restraining its military too much during a war.

Such questions have been raised, for example, over the Israel Air Force’s practice in [Gaza](https://www.haaretz.com/misc/tags/TAG-gaza-1.5599001) of dropping a small bomb on a building’s roof to warn civilians to evacuate before a much larger bomb is dropped to attack militants. At both the conference sessions and the informal discussions, there were also deliberations on the extent to which civilians deserve protection if they fail to heed warnings to leave an area.

Twenty countries were represented at the conference, and the Israeli speakers included a Scottish-born pilot, an infantryman with an American accent and representatives from the international law department of the military advocate general’s office, some of them born in Australia, France or Russia.

Among the issues the military advocate general currently faces are decisions on action against commanders involved in training accidents, as well as Military Police investigations into Israel sharpshooters on the Gaza border who have shot Palestinian civilians during the mass protests at the fence.

Afek, though a major general, is far removed from the world of the top brass and isn’t always viewed as real army. On the bus to Tze’elim, one young first lieutenant asked Afek: “Who are you?” The military advocate general replied: “The fact that you don’t know me is a good sign from your point of view.”