



SIXTH COMMITTEE

CHECK AGAINST DELIVERY

Statement by

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Report of the International Law Commission Cluster I

Agenda Item 79

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Mr. Chairperson,

Israel welcomes the opportunity to speak once again on the occasion of International Law Week, about the most recent report of the International Law Commission in its 74th session.

While addressing the important legal issues at this forum remains a priority for us, due to the harrowing events that people of the State of Israel have endured in the past two weeks we were obliged to address this honorable forum and to add some opening remarks concerning the events that have occurred since October 7th, prior to our substantive statement on cluster I

In our previous statements in this Committee we shared with the delegates in this room the horrific evidence and testimonies from the barbarous terrorist attack against the State of Israel which cost the lives of more than 1400 Israelis who were brutally murdered by Hamas with

Since October 7th time has stood still for many Israelis and Jews ±not just in Israel, but around the world. Israel is still under attack, not just by the genocidal jihadist Hamas terror organization, but also from enemies in the Northern front.

Israel has the right and obligation to defend its citizens and its territory. While we stand firmly against terror organizations who employ the most terrible tactics, conducting from within densely populated areas, Israel is committed to the rule of law, including the international humanitarian law as emphasized by the Israeli President, the Prime Minister of Israel and the Chief of Staff of the Israel Defense Forces.

Let there be no doubt that the State of Israel will continue to carry out all necessary actions to protect our population, while keeping our international obligations, including under IHL. We will do this to protect our citizens, and we will do this to bring peace and security back to our region.

Therefore, we daupon all legal advisors in this roomand all states that consider themselves passionate about upholding international law and basic human rights principles condemn the barbaric actions carried out by Hamas against our people and support Israel a~~w~~e fulfill our obligations todefend our people andeliminate this threat from the region

We may now turn to the item at hand.

Mr. Chairperson,

Israel would like to begin by thanking the Chairs of the International Law Commission, Ms. Nilüfer Oral and Ms. Patrícia Galvão Teles, and all members of the Commission, for their hard work in the 74th session. We are also grateful for the work of the &KDLURIWKH'UDIWLQJ &RPPLWWHH 0U x best efforts. We also sincerely thank the Codification Division of the Secretariat and its Director, Mr. Huw Llewellyn, for providing the Commission with essential assistance.

Second, we reiterate that it is incumbent on the Commission, in working on any topic on its agenda, to survey the practice of States as comprehensively and accurately as possible, as clearly stressed by Member States in the sixth committee.

Third, we emphasize that the Commission should continually bear in mind the critical distinction between codification and progressive development of international law, which in effect creates *lex ferenda* and to make

Mr. Chairperson,

We also concur with the idea expressed in Draft Conclusion 10 that contributes to the coherence of the international legal system.

However, Israel holds reservations regarding some provisions in the current draft of the Draft Conclusions on general principles of law.

First, Israel would like to reiterate its reservations concerning the proposed second category of general principles of law, as outlined in Draft Conclusion 3(b). Israel, along with several other Member States and members of the Commission, maintains that the existence of this second category lacks sufficient support from State practice and other sources of international law. We are also concerned that this category may create confusion with other sources of international law, especially customary international law, due to differences in scope and application. General principles of law, in our view remain primarily domestic, even if they can influence the work of international tribunals and are applied in international adjudication processes.

Israel believes that the absence of general consensus regarding the very existence of general principles as source of international law among States and even within the Commission necessitates careful consideration. This may be a compelling reason in itself not to consider principles of this category as a source of international law.

Nevertheless, we appreciate the Commission for acknowledging, in the commentary sections of Draft Conclusion 3 and Draft Conclusion 7, the divergent opinions within the Commission regarding the existence and methods for identifying principles belonging to the second category. ~~also~~ suggests that the commentaries should also reflect the divergent views on this issue among Member States during the debate in the Sixth Committee.

In relation to Draft Conclusion 7(1), Israel reiterates its concern that the proposed criteria for ~~identifying~~ identifying general principles belonging to the second category, while a good starting point, are overly vague and lack objective elements for systematic application.

Regarding Draft Conclusion 7(2), Israel reaffirms its position that this paragraph creates a broad exception to Draft Conclusion 7(1), potentially allowing for the de facto development of "other" general principles without clear criteria or definitions, which could lead to confusion and incoherence in the Draft Conclusions.

Mr. Chair,

In conclusion, Israel hopes that the Commission will engage in meaningful deliberations during the second reading to ensure that the final outcome is as authoritative and practical as possible.

I thank you, Mr. Chair.