

SIXTH COMMITTEE

CHECK AGAINST DELIVERY

Statement by

Mr. Reuven Eidelman
Legal Department
Ministry of Foreign Affairs

ILC Cluster I

Chps: I,II,III,IV

views in previous discussions of this matter at the Sixth Committee. Israel wishes to take this opportunity to reiterate briefly its position.

Mr. Chairperson,

Israel believes that the Draft Conclusions and the Commentary thereto, as adopted by the Commission during the second reading, address important and challenging topics arising in the identification of customary international law. Among these issues, Israel appreciates the Commission's insistence on the need for State practice and corresponding *opinio juris* for customary international law to emerge. Most importantly, we see as essential the emphasis in the updated version of the Draft Conclusions and the Commentary on the primacy of States in the establishment of

Mr. Chairperson,

We refer States to Israel's submission of its non-exhaustive comments and observations on this topic to the International Law Commission, in order to receive an extensive view of Israel's position on the identification of customary international law. We intend to load this submission on the 6th committee platform to make it available to all the States.

Israel wishes to reiterate its appreciation for the careful deliberation of the Commission, the dedication, diligence and extraordinary contribution of the Special Rapporteur, and the meaningful discourse between States regarding this important project, and thanks all parties involved.

Mr. Chairperson,

Regarding Universal Jurisdiction, As Israel already stated during the 6th Committee's discussion of "The Scope and Application of the Principle of Universal Jurisdiction", we have concerns with regard to the decision of the ILC to include this topic in its long-term programme of work. Our concerns relate to the significant challenge of identifying state practice with relation to this topic, where merely a small portion of the overall legal data is publicly available, which could lead to a distorted picture of State practice and a poor basis for proper legal analysis; the fact that the ILC is currently dealing with 3 other closely linked topics which we believe should be finalized before even considering addressing this complex topic; and above all, the obvious sensitivity, as all too often universal jurisdiction is used primarily to advance a political agenda or to attract media attention, rather than to genuinely promote the rule of law

We refer you to Israel's statement in the 6th committee for further elaboration on this issue

Mr. Chairperson,

As for the subject of Sea-level rise, The State of Israel welcomes the Commission's decision to include in its long-term program of work the topic 'Sea-level rise in relation to international law'. As noted in the report, sea level rise has become a significant matter of attention and concern for the international community. It poses a concrete threat, especially to coastal areas and low-lying coastal countries, and thus the international community should make efforts to prepare for and adapt to potential implications of this phenomenon and others.

Israel therefore encourages the examination of the legal aspects of sea-level rise and related issues, including such complex questions regarding maritime law, statehood issues, and protection of persons affected by sea-level rise.

Mr. Chairperson,

Since sea-level rise – including the legal aspects thereof – is a relatively new topic on the international agenda, Israel sees value in mapping the key legal questions arising from it and outlining the necessary considerations to be taken into account. Israel notes, however, that in addressing the legal issues related to sea-level rise, it would be prudent to address each issue according to the legal framework applicable to it, rather than adopt an integrative approach. Furthermore, as noted in the proposed syllabus, any product of the Study Group should rely upon the application of existing principles of customary international law, rather than develop new legal principles, and should not propose modification to existing international law.

Mr. Chairperson,

The State of Israel wishes the members of the Commission success in this project.

Thank you, Mr. Chairperson.