



Statement by

Adv. ~~Sto~~ ~~555~~

on the work of its seventy-ninth session

Cluster II

79 Agenda Item

25 October 2024

Thank you, Mr. Chair,

for the

to extend our gratitude to the International Law Commission and to the Special Rapporteur, Mr. Charles Jalloh, for their diligent efforts in this crucial area of international law.

Mr. Chair,

Israel wishes to emphasize the critical distinction between sources of international law, such as treaties and customary international law, and subsidiary means for determining rules of international law, including judicial decisions and scholarly writings. This distinction, reflected in Draft Conclusion 6, is paramount as it directly impacts the hierarchy of norms in international law. While sources of international law create legal obligations, subsidiary means serve as interpretative tools to help identify and clarify existing rules.

Mr. Chair,

Turning to Draft Conclusion 4, which addresses decisions of courts and tribunals, Israel welcomes the clarifications provided by the Commission.

Second, regarding Draft Conclusion 8(a), which addresses relations between courts and bodies with specific mandates, such as human rights treaty bodies, Israel notes that their interpretations must be subject to the same rigorous assessment criteria. As the International Court of Justice has stated, these interpretations should not be accepted uncritically.

Mr. President,

In reference to Draft Conclusion 5, Israel recognizes the significance of incorporating 'linguistic' and 'gender' in relation to diversity of the teachings being consulted as subsidiary means. We would like to emphasize that these forms of diversity should be analyzed within the context of the various legal systems globally, to ensure the appropriate examination of teachings being consulted as subsidiary means. Therefore, we propose that the text be amended to also include the term "geographically", which usually accompanies references to gender diversity in UN texts.

Moreover, given the substantial volume of teachings produced annually in the field of international law, along with the variations in professionalism reflected in these teachings, we propose that the text be amended to include the phrase "reflecting the large majority of available authoritative sources", following "regions of the world".

We thank the Commission once more for its work on this important topic, and we look forward to engaging further with the Commission in the future.

Thank you, Mr. Chair.