

ISRAEL

69th Session of the General Assembly

CHECK AGAINST DELIVERY

Statement by:

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ISRAEL

Sixth Committee

Agenda Item 78

Report of the International Law Commission on the Work of its Sixty-Sixth Session

United Nations

New York

Mr. Chairman,

Firstly, Israel would like to express its appreciation to the ILC and its ongoing work. We believe the dialogue between the Commission and the Sixth Committee is of great value and we welcome once again the opportunity to share our observations relating to the report of the ILC on the work.

Turning to chapter IV of the report, we note the Commission has made significant progress in its consideration of the topic of **Expulsion of Aliens** and we commend the Special Rapporteur, Mr. Kamto and the Commission for their work.

With the completion of a second reading, the way forward on this topic should be revisited. It is Israel's position that this issue is extremely complex and politically sensitive, and resolving it requires striking a delicate balance between a State's exercise of sovereign prerogatives regarding admission to its territory on the one hand, and the protection of fundamental human rights, on the other. We reiterate our view that this goal would best be achieved by focusing strictly on well settled principles of law, as reflected in widely established State practice. We concur with the other States that noted discrepancies between the commission's work in its current form and State practice. .

We further note the more substantively controversial elements in the draft articles, such as the scope of application with respect to aliens in transit, as well as the interplay with other fields of international law, in particular extradition, diplomatic protection and State responsibility. This topic raises various concerns regarding the interpretation and application of the draft articles, which are compounded by considerations such as migration and national security.

In light of the abovementioned considerations, it is the position of my delegation that the final form of the Commission's work should be determined at a later stage, as doubts remain as to the need for or ripeness of this matter for codification in a formal treaty.

With regard to the consideration of "**protection of persons in the event of disaster**", Israel commends the Special Rapporteur, Mr. Eduardo Valencia-Ospina, for his valuable work on the Seventh Report which focuses on the protection of relief personnel and their equipment and goods.

In recent years Israel has been firmly committed to providing disaster relief and supporting humanitarian efforts in international cooperation and collaboration, and Israeli teams have been deployed to provide assistance in numerous disaster struck

areas across the world, including in the current international efforts to help West African governments respond to and contain the outbreak of the Ebola virus. These assistance operations have been speedily provided by Israel with minimum, if any delay, due to considerations regarding the protection of the assistance personnel and equipment. While Israel attaches great importance to the protection of relief personnel and their equipment and goods, Israel is of the view that due consideration must also be given to avoid bureaucratic hurdles and undue delays in the execution of such emergency relief operations. Moreover, the committee should give due consideration to complexities that arise from efforts to assimilate protection undertakings into a domestic law in a timely manner.

While Israel continues to attach great importance to this topic, we wish to reiterate our view that it should not be considered in terms of rights and duties but rather in terms of guiding international voluntary cooperation efforts. Israel reiterates further its view that the duty of States to cooperate should be understood in the context of the affected State retaining primary responsibility for protection of persons in the event of disasters. We are accordingly of the view that this should also be reflected in the draft articles currently proposed by the Rapporteur.

With regard to the new agenda item, **Crimes Against Humanity**, I would first like to express Israel's sincere appreciation to the International Law Commission for moving the topic of crimes against humanity to its active agenda and for its appointment of the Special Rapporteur, Mr. Sean Murphy, to lead this process. The absence of a comprehensive, global treaty on crimes against humanity should be of concern to the entire international community. Israel, therefore, welcomes this process and hopes to contribute to it in a constructive manner. We would stress that this matter is of particular concern to our government given the history of the Jewish people and the genocide and barbaric crimes against humanity perpetrated against the Jews under the Nazi regime.

The codification of crimes against humanity in a new treaty would be an important achievement for the international community. At the same time, Israel urges states to be cautious when considering the establishment of institutional mechanisms for the enforcement of or adherence to such a treaty; these mechanisms could potentially be abused by states and other actors in order to advance political goals, rather than be utilized as a means to protect the rights of victims.

Thank you Mr. Chairman