



SIXTH COMMITTEE

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Statement by

Ms. Sarah Weiss Ma'udi  
Legal Advisor  
Permanent Mission of Israel to the United Nations

Responsibility of States for Internationally Wrongful Acts

Agenda Item 75

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Mr. Chairperson,

The law on the subject of “Responsibility of States for Internationally Wrongful Acts” is truly one of the most fundamental pillars of public international law. Notwithstanding Israel’s reservations on certain issues, the Draft Articles of the International Law Commission on the Responsibility of States for International Wrongful Acts serve as an undeniable and pertinent legal achievement, serving to enhance both the rule of law and stability amongst nations.

Nearly two decades have passed since the Draft Articles were completed by the Commission and turned over to States to consider additional action on the matter. As the Secretary General’s compilation shows, the Draft Articles, in their current, non-binding form, are a useful tool for international courts, tribunals and other bodies seeking to resolve sensitive issues of international law. While they can serve as an adequate and effective guide for governments and international bodies that must make decisions on related matters, it is Israel’s view that the draft articles, taken as a whole, do not necessarily reflect customary international law.

At its Seventy-First session, the General Assembly raised the possibility of requesting the Secretary-General to provide the Assembly with information on all of the procedural options for possible further action on the basis of the articles, without prejudice to the substantive question of whether such possible action is appropriate.

The State of Israel has expressed in the past its opposition to commencing negotiations aimed at formulating the Articles into a treaty. We continue to stand by this position. In our view, launching negotiations on a convention at this time is likely to disturb the delicate balance that has been struck in the wording of the Articles, and thus, would not be prudent at this juncture.

Thank you Mr. Chairperson.