



SIXTH COMMITTEE

CHECK AGAINST DELIVERY

Statement by

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ILC Cluster I

Chps: I, II, III, IV (Protection of the Atmosphere), V (Provisional
Application of Treaties) and X (Other Decisions)

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Madame Chair,

At the outset, Israel would like to convey its appreciation to the International Law Commission for their dedication and commitment, especially in a year with the challenges brought on by the COVID 19 pandemic. Israel also thanks Ambassador Mahmoud Hmoud for his chairmanship of the Commission in its seventy second session.

On the topic of the **protection of the atmosphere**, the State of Israel is a strong supporter and recognizes the importance of this issue. Israel's commitment to the protection of the atmosphere is reflected in various agreements, treaties and protocols to which Israel is a party, as well as in Israeli domestic law and relevant Government decisions.

Israel welcomes the draft guidelines on the protection of the atmosphere and conveys its appreciation for the work of the Special Rapporteur who has led this project to its final stage.

Having said that, we still feel that a number of concerns raised by our Government were not adequately addressed in the final iteration of the Draft Guidelines.

One such concern relates to Draft Guideline 11, regarding compliance, and Draft Guideline 12 on dispute settlement. Israel notes that alternative legal frameworks relating to the protection of the atmosphere already exist and include appropriate mechanisms for addressing these issues. In this context, we wish to note that Chapter Seven (XII) of the 2013 Report of the ILC (the 2013 understanding) clearly stresses that the draft guidelines – quote -- "...do not seek to impose on current treaty regimes legal rules or legal principles not already contained therein". This, therefore, begs the question of whether the creation of yet another mechanism that addresses the issues of compliance and dispute settlement would not constitute an unnecessary duplication of existing efforts and mechanisms and lead to undesirable fragmentation.

Madame Chair,

Lastly, Israel is concerned with the binding language that appears in several of the Draft Guidelines and its potential effect on political negotiations regarding the protection of the atmosphere. In this vein, Israel wishes to stress that the current wording of these Draft Guidelines does not properly reflect the non-binding nature of the project.

Israel remains fully committed to the protection of the atmosphere, and will continue with its efforts in that domain, on the domestic and international levels.

I thank you, Madame Chair.