

# ISRAEL

SIXTH COMMITTEE

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CHECK AGAINST DELIVERY

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Statement by

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Consideration of Prevention of Transboundary Harm from Hazardous  
Activities and Allocation of Loss in the Case of Such Harm

Agenda Item 80

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**Consideration of Prevention of Transboundary Harm from Hazardous Activities  
and Allocation of Loss in the Case of Such Harm (Agenda item 80)**

Thank you, Mr. Chairman.

Israel recognizes that harm to the environment, such as pollution, is usually a regional, if not a global, issue. Damage to the environment has no boundaries and does not recognize any artificial lines.

Israel would like to assert the importance of preventing any harm to the environment as a result of hazardous activities, regardless of whether they are internal or transboundary. Similarly, Israel acknowledges the significance of the topic of allocation of loss in cases of transboundary harm as a consequence of hazardous activities.

Israel, therefore, welcomes the draft articles of the ILC regarding prevention of transboundary damage from hazardous activities, as adopted by the United Nations General Assembly in 2001 in resolution 56/82, as well as the draft articles of the ILC regarding the allocation of loss in the case of transboundary harm arising out of hazardous activities, as adopted by the United Nations General Assembly in 2006 in resolution 61/36.

Mr. Chairman,

Having said that, we would like to address the scope of the draft articles and principles that relate to activity that is not explicitly prohibited by international law, namely draft article 1 and draft principle 1. It is our understanding that the draft articles and principles would be subject to general trans-substantive principles of international law, including, of course, the principle of *lex specialis* and thus, where these articles and principles contradict a specific legal regime, such as the law of armed conflict, the provisions of the specific legal regime would prevail.

Israel would like to reiterate that the final articles and principles on the prevention of transboundary damage from hazardous activities and the allocation of loss in the case of transboundary harm caused by such activities, should maintain their current form as mere recommendations.

Mr. Chairman,

Israel believes that each situation of transboundary harm caused by hazardous activities should be considered in its specific context while addressing the practical aspects of prevention and liability with respect to each case. Therefore, Israel believes that there would be no added value in formally codifying these principles and articles in the more binding form of a convention.

Thank you, Mr. Chairman.