

# ISRAEL

SIXTH COMMITTEE

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DELIVERY UPON REQUEST

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Statement by  
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Responsibility of States for internationally wrongful acts

Agenda Item 74

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United Nations, New York

**Statement before the UN General Assembly's Sixth Committee**  
**Responsibility of States for Internationally Wrongful Acts**

Mr. Chairman,

Fifteen years have passed since the General Assembly adopted Resolution 56/83 of 12 December 2001, which annexed the Draft Articles of the International Law Commission on the Responsibility of States for International Wrongful Acts and brought them to the attention of Governments. We would like once again to express our sincere appreciation to the International Law Commission for completing this monumental project in 2001.

The law on State responsibility is truly one of the fundamental pillars of public international law. Notwithstanding Israel's reservations on certain issues, the ILC Articles serve as an undeniable pertinent legal accomplishment, serving to enhance both the rule of law and stability amongst nations.

In its last debate over this item, the General Assembly adopted Resolution 68/104 which included the item in the Assembly's agenda of its seventy-first session, with a decision to further examine, with a view to taking a decision, "the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles."

The State of Israel wishes to reiterate its previously stated position concerning the formulation of the Articles into treaty form. In our view, negotiations on a convention at this time are likely to unravel the fragile balance struck in the wording of the Articles, and are thus inadvisable. Currently, the Articles adequately and effectively guide governments and international bodies seeking to resolve sensitive issues of international law. We share the desire, echoed by other States, for the progressive development of this important body of law. However, in our view the Articles should be permitted to develop organically – not through multilateral treaty negotiations or international conferences that are likely not to achieve universality, but rather, as stated by Professor Dinstein on behalf of the Israeli delegation in 2001, through their "affirmation in the marketplace of jurisprudential ideas."

The Articles are gaining the respect of scholars and the imprimatur of judicial and arbitral courts and tribunals. The influence of the Articles is further evidenced by the recourse that Governments have to them in formulating their legal views. In their non-binding form, the Articles have clearly shown themselves as a useful guide for States and practitioners, and it is therefore difficult to see what would be gained from the adoption of a convention at this juncture.

Thank you Mr. Chairman.