

ISRAEL

SIXTH COMMITTEE

CHECK AGAINST DELIVERY

Statement by
Mr. David Goldfarb
Director, Diplomatic and Civil Law Department
Ministry of Foreign Affairs

ISRAEL

Effects of armed conflicts on treaties

Agenda Item 86

20 October 2017

United Nations, New York

PERMANENT MISSION OF ISRAEL
TO THE UNITED NATIONS
800 Second Avenue, 15th Floor
New York, NY 10017

Tel: 212-499-5510
Fax: 212-499-5515
info-un@newyork.mfa.gov.il
<http://israel-un.mfa.gov.il>

Thank you Mr. Chair.

Israel appreciates the continued discussion in this committee on the important topic of the Effects of Armed Conflicts on Treaties. This matter has far-reaching effects and implications on various aspects of a State's conduct in its international affairs. Israel values and appreciates the ongoing extensive work of the International Law Commission on this issue, and would like to express its full support and cooperation with the Commission in this respect.

In its Resolution 69/125 the General Assembly rightly decided to include this subject in the current session's agenda, with a view to examining, inter alia, the question of the form that might be given to the Draft articles.

Israel considers that the question of form is still premature, since key issues regarding the Draft articles raise major concerns and fundamental difficulties that are yet to be resolved. In this regard, Israel would like to reiterate briefly its concerns.

Mr. Chair,

We would like to stress Israel's position once again, that the inclusion of an indicative *list of treaties* that the subject matter of which involves an implication that they continue in operation during armed conflict, as detailed in Draft Article 7, is not the most preferable approach. As stated by my delegation at the 69th session of the Sixth Committee, a more appropriate method would be to compile a list of general *criteria* that a treaty needs to meet in order to continue to apply in the event of an armed conflict, rather than listing specific treaties.

Moreover, the practical difficulties arising from Draft article 15 on the prohibition of benefit to an aggressor State yet remain. For example, in situations of extended

conflicts, the identification of an aggressor is quite complex. Furthermore, the very definition of "aggression" is a controversial matter and is subject to debate. Thus, Israel is of the view that the identification of a State as an aggressor should not be the sole factor taken into account when it comes to limiting the ability to withdraw from a treaty.

Mr. Chair,

In light of the above, Israel is of the view that further deliberation on the Draft Articles is still required. Only after the substantive hurdles have been overcome should the important question of desired form be addressed.

Thank you Mr. Chair.