



2 November 2022

Statement by Loureen Sayej, Third Secretary, before the 77th Session of the General Assembly Meeting of the Sixth Committee on the Report of the International Law Commission Cluster III:

Mr. Chair,

The topic “General Principles of Law” is of importance to the State of Palestine. The development and consolidation of international law, its treaties and conventions and other sources, are based on common understanding of general principles of law and valid through all kinds of human societies.

The State of Palestine is of the view that general principles of law are expressions of both national legal systems and international rules and principles. They are a core of legal ideas, the essence of all legal systems. They represent the common denominator of community of nations and ensure the evolutionary character of international law. In our dynamic body of international law, general principles are not limited to “gap-filling”

Their definitions and appraisals of their functional use require our careful attention and rigorous collective work. We are convinced of the importance of this topic and the need for an enhanced understanding of its scope and content and we look for the ILC for further guidance.

In this regards, the State of Palestine welcomes the ILC’s reaffirmation that general principles of law are a source of international law and we find it appropriate to include the second category in the draft conclusions. While general principles are indications of national legal policies and principles, they are only augmented by international recognition.

Critically, we appreciate the commentary on draft article 7 where the ILC stated that the methodology will be inductive with an analysis of relevant treaties, customary rules, and other international instruments such as General Assembly and Security Council resolutions and declarations at international conferences. We stress here the universal power of the General Assembly and the enforcement power of the Security Council and their indispensability to the formation and formulation of general principles of law.

To conclude, the text presents a good basis for future work and the State of Palestine looks forward to contributing to the draft articles.