

*Permanent Observer Mission
of the State of Palestine
to the United Nations*



البعثة المراقبة الدائمة
لدولة فلسطين
لدى الأمم المتحدة

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Statement by Loureen Sayej, Third Secretary, before the 78th Session of the General Assembly Meeting of the Sixth Committee on the Report of the International Law Commission Cluster I:

Mr. Chair,

Gaza has lost contact with the world. As we are speaking right now, we have lost contact with 2.3 million people in an already ruined and besieged city, being heavily bombarded, as troops of an occupying Power, announced a ground invasion, after it has already slaughtered and killed over 7000 Palestinians. Our people are being bombed in the darkness. Being annihilated. UNSG for humanitarian affairs just issued a statement saying, “the people of Gaza will face an unprecedented avalanche of human suffering”.

Last time we spoke in this room, we said “it feels like we are at the bottomless pit of hell, and it keeps getting more satanic more evil”, and would like to add this time more ridiculous and absurd. More ridiculous and absurd for Israel, to blatantly and unapologetically violate every international law, its principles and spirit, every resolution for 75 years, all while believing it is a State above the law, believing that it can come into international forums, such as this one, and legalize the illegal; rationalize the starvation of millions of people to death; justify a medieval siege over 2 million people, 1 million of whom are children; explain to you why ethnic cleansing is a necessity as it drops leaflets identifying civilians as “terrorist partners” condemning them to either displacement or death. Belittling and insulting every legal adviser.

An occupying Power posits it-self as a champion of the rule of law while it is singlehandedly contributing to its demise. An occupying Power, armed with nuclear weapons, painting it self as a victim of the people it has occupied for 55 years all while methodically and deliberately killing 14 Palestinians every hour, a Palestinian woman every 20 minutes, and a Palestinian child every 15 minutes. 3000 children slaughtered. How many more will you kill?

It is Israel that shows the world, every single day and even in the darkest of days, how little it cares not only about international law, but about the international community itself. A moral travesty. A legal catastrophe. We recall that once we remove the principles of humanity and distinction from the laws of war, nothing remains.

What Israeli delegate said in this room yesterday is consistent with the belief of his officials that we are sub-humans, or human animals, as they put it, or children of darkness, to be “eliminated” or “leave the world”. But surely you don’t share that belief. You do not believe our lives are less worthy, less sacred, more expendable. You do not believe that our lives matter only when our occupiers say so. You do not believe international law is optional. You do recognize, however, that what Israel is doing endangers all of us, undermines systematic integrity of our multilateral order, and nullifies

years of hard work to protect people. Who wants to live in a world that legitimizes the starvation of people and the systematic violations of the laws?

The ILC is a story of progress, development, and codification of international law; a story of a world based on a common language, rule of law, and peaceful relations; a world guided by the principles and purposes of the United Nations Charter.

Building upon the achievements of the past, the ILC continues to ensure flexibility and efficacy of its deliberations and continues to hold the thin line between stability and advancement. The State of Palestine reiterates that the ILC is uniquely and authoritatively placed as the universal body tasked with analyzing international law; its direct institutional relations with the Sixth Committee must be protected and advanced.

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 and the essence of all legal systems. They represent the common denominator of community of nations and ensure the evolutionary character of international law. General principles are not limited to “gap-filling” they are intrinsic to the international legal system; they do not supplant customary law they complement them.

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.

On sea-level rise in relation to international law, the State of Palestine welcomes the list of topics identified by the Study Group on the protection of displaced persons and the preservation of legal right of States affected by sea level rise.

The State of Palestine also recognizes that the ILC is responding to unprecedented challenges and filling gaps that will determine the very source of life in an inclusive and shared framework. In this regards, the State of Palestine is of the view that relevant principles and rules, including international human rights law, are applicable, including the right to a clean, healthy and sustainable environment.

We also reiterate that the right to self-determination of peoples affected is unassailable. Indeed, sovereignty lies with the people.

The State of Palestine is committed to sea governance and to the resilience of millions of the communities whose livelihoods and viability depend on them. Our commitment to the sea and comradery solidarity with the affected communities stems from the universality and the unified character of UNCLOS as the main legal framework for all sea-related activities. We emphasize here the central role of UNCLOS in the ongoing deliberations and response from the ILC.

In this regard, the State of Palestine welcomes the request for an advisory opinion on climate change. The request for an advisory opinion embodies our conviction that humanity will rise to the challenge by clarifying the obligations that lie upon us today and by ensuring we uphold them from this day forward.