



SIXTH COMMITTEE

CHECK AGAINST DELIVERY

Statement by

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Mr. Chairperson

We would like to start our statement today by giving a short update on the situation in Israel. Regrettably, there is a lot of disinformation and exaggeration around the war between Israel and Hamas, in this room as well as around the UN in general. For this reason, we think it would be beneficial for the legal advisors in this room to receive first hand verified information about the latest developments.

Today is the 26th day that our 240 hostages have been held by Hamas, including 33 children – the youngest of which being **9 months old**. We first and foremost call for their immediate release. 1400 Israelis have been brutally murdered on October 7th. 5400 have been wounded. 250 thousand Israeli civilians have been internally displaced from their homes around Israel.

Additionally, over 8500 missiles have been fired indiscriminately by Hamas into Israeli civilian towns – hitting homes, hospitals and other specially protected objects, as well as civilians all over Israel.

As we have stated in this room and other fora in the UN – our fight is not with the Palestinian people. In this regard, Israel is making every effort to avoid civilian casualties and is taking every precautionary measure to mitigate unintended civilian harm – above and beyond the letter of the law.

In this regard, Israel is closely monitoring the humanitarian situation in Gaza, and makes every effort to provide for the civilian population in the Gaza Strip. Israel has increased the flow of water in the pipes that transfer water from Israel to Gaza – so far providing over 28 MILLION liters of potable water every day. Additionally, Israel has facilitated the transfer of humanitarian aid through the Rafah crossing – as of last night, 260 trucks carrying food, medicine and other aid materials have entered Gaza, and 80 more are expected today. This rate of aid provision will continue and is only expected to grow.

Mr. Chair,

It should be emphasized that under the Law of Armed Conflict – Israel has no obligation to provide for the needs of its enemy – Hamas. Hamas is in possession of **500 thousand, (half a million)** liters of fuel – which it uses for powering its terror underground tunnels as well as for firing rockets into Israel, instead of powering hospitals or electricity for the civilian population in Gaza. Any claims regarding fuel shortages in Gaza should be addressed to Hamas, demanding it return the fuel it stole to the residents of the Gaza Strip as well as from UNRWA facilities. Hamas systematically uses civilian infrastructure, schools, hospitals and mosques to conduct its military activity, contrary to every rule of IHL – one example that comes to mind is the intelligence released last week by the IDF regarding the extensive

military base and terror tunnels under the Al Shifaa hospital in Gaza city.

Hamas is using, and has been using the civilian population in Gaza as human shields for 16 long years.

These are the challenges we are facing – an organization so well embedded in the civilian population that an entire city of terror is built under a hospital.

Such illegal actions should be unequivocally condemned by any state who cares about the Palestinians in Gaza.

We implore this esteemed committee not to be susceptible to erroneous and deceptive information.

We may now turn to the item at hand.

Mr. Chair,

Regarding the topic "Subsidiary means for the determination of rules of international law," Israel wishes to express its gratitude to the International Law Commission and the Special Rapporteur, Mr. Charles C. Jalloh, for their efforts thus far. Similar to other topics related to the sources of international law, Israel places great importance on and seeks to contribute to the Commission's work on this subject.

Mr. Chairperson,

As the Commission discusses the topic "Subsidiary means for the determination of rules of international law" for the first time, Israel would like to make several preliminary comments. As the Commission's work on this topic progresses, Israel will continue to monitor the proceedings and provide necessary feedback.

Firstly, Israel acknowledges the crucial distinction between sources of law and subsidiary means for determining rules of international law. The Commission itself recognized in draft conclusion 2 that judicial decisions and teachings aid in determining these rules but are not sources of law in themselves. It may be essential to emphasize in the Commentaries to draft conclusion 3 that the significance of national or municipal

judicial decisions in determining rules of international law should correspond to the position of the court in the domestic judicial hierarchy.

Furthermore, while the general wording in draft conclusion 2(c) is comprehensible, the current text seems overly broad and perhaps too flexible. For a more balanced phrasing, it might be advisable to insert "and consistently" after the term "generally" in draft conclusion 2(c).

Secondly, Israel acknowledges the criteria proposed by the Commission in draft conclusion 3 for evaluating the weight assigned to subsidiary means. Israel generally concurs with these criteria, which include assessing the quality of reasoning in a given work, the level of consensus among those involved, reception by States, and the mandate granted to the body responsible for the work.

Moreover, Israel believes that it would be appropriate, as part of evaluating a given work, to examine the objectivity and impartiality of those involved in the work. Similar to the previous criteria, assessing objectivity and impartiality is crucial for determining the overall credibility of a given work, which, in turn, influences the weight attributed to it.

I thank you Mr. Chairperson.