

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



البعثة المراقبة الدائمة
لدولة فلسطين
لدى الأمم المتحدة

30 October 2024

Statement by Loureen Sayej, Third Secretary, before the 79th Session of the General Assembly Meeting of the Sixth Committee on the Report of the International Law Commission Cluster II Settlement of disputes to which international organizations are parties; Subsidiary means for the determination of rules of international law:

Mr. Chair,

On “Settlement of disputes to which international organizations are parties”, the State of Palestine commends the Special Rapporteur on the second report which offers an overview of the practice of settling international disputes to which international organizations are parties and looks forward to the third report in 2025. We commend the ILC for the adoption of four more Draft Guidelines and the commentaries thereto. The State of Palestine offers the following comments:

1. reiterates that Parties to a dispute are obligated to seek a peaceful settlement and takes this opportunity to reaffirm its consistent position and longstanding adherence to all peaceful, political, legal, and diplomatic means for peaceful settlement of dispute.
2. recognizes that the great majority of the disputes of a public international law character of international organizations, specifically the United Nations, concern the interpretation or application of bilateral agreements to which the Organization is party or disputed with respect to the application of privileges and immunities and related facilities. These draft guidelines are a useful contribution to this area and are timely.
3. on draft guidelines 4, we reiterate that the non- existence of a hierarchy between the modalities of peaceful settlement, as outlined in the UN Charter.
4. as for 7, “Where an international organization has the capacity to appear before an international court”, we recall that international organizations, in some cases, also have an obligation to appear before an international court, i.e. the UN vis-à-vis convention on privileges and immunities, and this must be expanded and mentioned in the text.
5. a dispute should not just mean a disagreement concerning a point of law in which a claim is met with refusal, or a disagreement concerning a fact in which an assertion is met with denial, but also a dispute arising out of contract.

On subsidiary means for the determination of rules of international law, the State of Palestine is particularly interested in this topic. We recognize and support important contentious and advisory role of international courts and tribunals in authoritatively clarifying and stating international law rules. This is why we welcome the explanation in draft article 4 paragraph 5 that the term ‘international courts and tribunals’ should be interpreted broadly and we encourage to consider expanding the definition to other bodies who are mandated to assess and determine the law.

We support the reference to the ICJ, as the principal judicial organ of the United Nations, reiterates the authoritative nature of its advisory and contentious products with legal effect. We also agree that the scope of “decisions” to also include advisory opinions and provisional measures along others as they are

authoritative in nature, clarify the law, or orders its applicability.