



13 October 2025

**Statement by Loureen Sayej, Second Secretary, before the 80th Session of the General Assembly Meeting of the Sixth Committee on Responsibility of States for Internationally Wrongful Acts (Agenda Item 76)**

Madam Chair,

The State of Palestine aligns itself with the statement made by Egypt on behalf of a group of States.

The State of Palestine congratulates our colleague Mr. Pedro Sloboda of Brazil, for his appointment as Chair of the Working Group and assure him of the State of Palestine's cooperation and support throughout the discussions.

Madam Chair,

The State of Palestine is a strong supporter of the Draft Articles on Responsibility of States for Internationally Wrongful Acts and has always described the Draft Articles as one of the most significant contributions of the ILC to the development of international law.

The State of Palestine reiterates its long-standing position that the Draft Articles on Responsibility of States for Internationally Wrongful Acts lay out customary legal rules for the conduct of States, their organs, public and even private entities and persons for which a State is responsible. The Draft Articles also, of equal importance, and in no uncompromising terms, lay out the rules of legal responsibility of third States and international organizations in relation to wrongful act of another State, especially as they relate to peremptory norms.

These customary rules and principles are derived from UN Charter, treaties, State practice, and international courts and tribunals.

We stress that moving towards a binding convention on the basis of the Draft Articles will only strengthen the enforcement and punishment mechanisms, further consolidate the responsibility of States for wrongful acts, and contribute to international peace and security. We also support discussing the substantive and procedural issues in relation to the Draft Articles at annual basis.

The international community has collectively identified and consistently reaffirmed for, nearly 25 years, the importance of the Draft Articles in the resolutions we have adopted. International and national courts have also increasingly invoked the draft articles as part of a legal framework for determining the responsibility of States, including most notably by the ICJ.

Madam Chair,

The State of Palestine takes pride in the fact one of the first uses of the ILC Draft Articles was in the ICJ Advisory Opinion on the Wall in 2004- which is considered the first and one of the most authoritative reviews of the ILC Draft Articles. The Court addressed the content of the legal obligations on Israel, arising from its wrongful acts and breaches of peremptory norms and erga omnes obligations, including the right of the Palestinian people to self-determination.

The Court also reaffirmed the principle that restitution, compensation, and satisfaction, are the primary forms of reparation for breaches of continuing and serious character violating peremptory norms, as per Articles 34-37 of the ILC Draft Articles. The Court relied on Article 41 of the ILC Draft Articles and explained that: 1. All States can be held to have a legal interest in the protection of the peremptory norms and rights involved and put an end to any impediment to their respect; 2. All States are under an obligation not to recognize the illegal situation or render aid or assistance in maintaining the situation.

The Advisory Opinion on the Wall has been instrumental in advancing the Draft Articles and in affirming that every State has not only a duty to abstain from committing breaches, but also a positive duty to act as required in order to put an end to such breaches. No one can evade their responsibilities and everyone has a duty towards that end.

Building on this, the ICJ in 2024 Advisory Opinion on the illegal presence of Israel in occupied Palestinian territory, referred further determined the scope and content of the Draft Articles and the existence of obligations of State to put an end to a wrongful act and concluded that,

With regard to the Court's finding that Israel's continued presence in the Occupied Palestinian Territory is illegal, the Court considers that such presence constitutes a wrongful act entailing its international responsibility. It is a wrongful act of a continuing character which has been brought about by Israel's violations, through its policies and practices, of the prohibition on the acquisition of territory by force and the right to self-determination of the Palestinian people. Consequently, Israel has an obligation to bring an end to its presence in the Occupied Palestinian Territory as rapidly as possible.... the obligation of a State responsible for an internationally wrongful act to put an end to that act is well established in general international law, and the Court has on a number of occasions confirmed the existence of that obligation.

The ICJ also affirmed that "Israel is also under an obligation to provide full reparation for the damage caused by its internationally wrongful acts to all natural or legal persons concerned...reparation must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed... Reparation includes restitution, compensation and/or satisfaction." The Court also clearly identified the obligations of third States and international organizations arising from Israel's wrongful act, including non recognition, not to render aid or assistance, to ensure that any impediment resulting from the illegal presence of Israel in the Occupied Palestinian Territory to the exercise of the Palestinian people of its right to self-determination is brought to an end.

Madam Chair,

In conclusion, the ICJ rulings as they relate to Israel's wrongful acts demonstrate the indispensable role of the Draft Articles to hold States accountable for their violations and obligations of third Parties to put an end to these wrongful acts; for reaffirming that might does not make right; that violations of international obligations must not go unaddressed; that victims have enforceable right to reparations; and that accountability is the minimum necessary for collective international peace and security.

Upholding international law is the responsibility of States; their policies and practices either advance or undermine it and the Draft Articles rightly established the general rules for its breach and, most importantly, the consequences that flow from such a breach. We have two options: either we collectively embark on the process of progressive codification of the Draft Articles to consolidate and amorphous field; or we risk embarking on the process of progressive erosion of the Draft Articles-one of the structural pillars of the international legal order and therefore risk enforcing international obligations. The State of Palestine joins others in embarking on the former.