



SIXTH COMMITTEE

CHECK AGAINST DELIVERY

Statement by

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Report of the International Law Commission

on the work of its seventy-ninth session

Cluster III

79 Agenda Item

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Thank you, Mr. Chair,

Israel appreciates the opportunity to address the topic “Non-Legally Binding International Agreements” and “Prevention and repression of piracy and armed robbery at sea”. We extend our gratitude to the International Law Commission for its diligent efforts on both of these important topics and congratulate the Commission for the progress made this year

Mr. Chair,

With regard to the topic “Non-Legally Binding International Agreements”, Israel welcomes the report by the Special Rapporteur, Mr. Mathias Forteau.

Regarding the title of the topic, international practice indicates that the term “Agreement” is usually reserved for the title of binding texts, and that other words, such as “Arrangements” or “Instruments” are used for non-legally binding international texts.

Reiterating this practice, according to the Report, in the course of discussions held on the topic in the UN General Assembly Sixth Committee, several Members suggested that the title of the topic should be changed from “Agreements” to “Instruments” or “Arrangements”, in order to avoid confusion and distinguish between non-legally binding texts and legally binding texts.

Using terms other than “Agreement” for non-legally binding texts is also consistent with the practice of the State of Israel in this respect. Using the term “Arrangement”, in particular, is in line with the Guidelines of the Attorney General of the State of Israel on Becoming a Party to International Agreements, as well as with Israeli Government and Parliament Regulations- which refer to non-legally binding texts that do not require ratification as “Implementation Arrangements”.

Furthermore, we concur with the stance expressed by the Special Rapporteur in the Report, that the term “Instrument” for this topic may unduly broaden it so as to include all types of documents of legally binding nature. We therefore suggest that the title of the topic be changed to either “Arrangement” or “Instrument”, preferably “Arrangement”.

Mr. Chair,

Regarding the scope of the topic, according to the Report, legally binding texts that have ‘a normative component’ should be at the heart of the ILC’s work on this topic. We are of the opinion that non-legally binding texts, as such, and as a matter of principle, do not contain any normative component, in the sense that they don’t constitute or create any legally-binding norms or give rise to any legally binding normative implications, effects or expectations.

We agree with the Special Rapporteur's recommendation in paragraph 102 of the Report, that the topic should be limited to

Mr. Chair,

Concerning the final outcome of the ILC's work on this topic, our position is that it should take the form of a report or, ~~de~~ deemed necessary, recommendations. In our view, it would be best to avoid framing the outcome as draft conclusions, guidelines or model clauses on the topic.

Mr. Chair,

Regarding the topic "Prevention and repression of piracy and armed robbery at sea", Israel thanks the Special Rapporteur, Mr. Yacouba Cissé, and the Commission, for their work thus far on this important topic.

Mr. Chair,

With respect to the issue of national laws criminalizing piracy and armed robbery at sea, Israel advocates for extended deliberations within the Commission, with the aim of developing a more adaptable framework that can effectively accommodate the diverse legal systems and traditions of Member States. Israel strongly advocates for this approach, inter alia in light of views raised by some members of the Commission as described in the report. This is relevant, for instance, to the issue of statute of limitations.

Given the