

22. Israel

Statement made in the Sixth Committee, Sixty-seventh session (2012), 23rd meeting, 6 November 2012:⁴⁸

[T]he practice in Israel is that, while there is a possibility for the use of provisional application of treaties, it is applied only in exceptional circumstances.

Statement made in the Sixth Committee, Sixty-eighth session (2013), 25th meeting, 5 November 2013:⁴⁹

[T]he practice in Israel is that, while there is a possibility for the use of provisional application of treaties, it is applied only in exceptional circumstances. For example, provisional application may be relevant in cases of urgency or if exceptional flexibility is needed, or where a treaty is of great political significance or it is important not to wait for the completion of the lengthy process of compliance with States' constitutional requirements for the approval of a treaty. As a general policy, however, Israel does not provisionally apply treaties.

Statement made in the Sixth Committee, Sixty-ninth session (2014), 25th meeting, 3 November 2014:⁵⁰

As noted in previous meetings, the provisional application of treaties does not fall within Israel's general policy with regard to treaty law. However, in exceptional circumstances only, a treaty may be provisionally applied. Such exceptional circumstances may include cases of urgency and cases in which there would be a great political or financial significance for the prompt application.

Any such provisional application would require prior approval by the Government of the State of Israel which would include a statement as to the extraordinary circumstances that would justify the provisional application of the treaty in the specific case. All treaties that were provisionally applied by Israel thus far were approved in advance by the Israeli Government. The Government of Israel's decision included the approval of the treaty itself and of its provisional application.

Statement made in the Sixth Committee, Seventieth session (2015), 25th meeting, 11 November 2015:⁵¹

As noted in the past, Israel does not provisionally apply treaties. However, there are exceptional circumstances in which the provisional application of treaties may be permitted. These include situations in which there is a clear financial or political significance for the provisional application of a treaty; cases in which there is a need for exceptional flexibility; or instances in which it is important not to wait for the completion of the lengthy internal requirements for the approval of the treaty. This practice is not part of the written legal framework but is rather a matter of uncodified practice.

In any case, the Government of the State of Israel must approve the treaty and its provisional application prior to the date in which the agreement is provisionally applied. The Government's decision must contain special approval for provisional application before the treaty enters into force. The explanatory note submitted to the Government prior to its decision, must include a statement that the approval of the provisional application deviates from the general practice, and states the reasons for the exceptional approval in the specific case.

⁴⁸ Full text available at: https://www.un.org/en/ga/sixth/67/pdfs/statements/ilc/israel_3.pdf.

⁴⁹ Full text available at: https://www.un.org/en/ga/sixth/68/pdfs/statements/ilc/israel_3.pdf.

⁵⁰ Full text available at: https://www.un.org/en/ga/sixth/69/pdfs/statements/ilc/israel_3.pdf.

⁵¹ Full text available at: https://www.un.org/en/ga/sixth/70/pdfs/statements/ilc/israel_3.pdf.