



PERMANENT MISSION OF JAMAICA
TO THE UNITED NATIONS

INTERVENTION BY

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ON THE REPORT OF THE INTERNATIONAL LAW COMMISSION (ILC)
TO THE UNITED NATIONS GENERAL ASSEMBLY

IN THE SIXTH COMMITTEE

SEVENTEENTH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

CHAPTER VII: Subsidiary means for the determination of rules of
international law

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to produce decisions in both contentious proceedings, by way of its Appellate and Original jurisdiction, and in cases where an advisory opinion is requested by Member States. We also noted the inclusion of other regional judicial bodies namely, the

Union, the Economic Community of West African States (ECOWAS) Court of Justice, the European Court of Human Rights and the Inter-American Court of Human Rights in the report, and recommend the inclusion of the Caribbean Court of Justice in this list.

We, however, wish to highlight that the Jamaican delegation is not prepared, at this juncture, to comment on the ability of treaty rights bodies also being classified as

Mr. Chairman, my delegation notes that the purpose of conclusion 3 is to aid the Court in determining the weight that should be given to each subsidiary means. The criteria, in the view of the Jamaican delegation, is not conjunctive. We understand that each subsidiary means may be applied on a case by case basis as well as having regard to the relevant source of international law. We also appreciate the degree of flexibility that may be applied. Nevertheless, my delegation to the issues and f or another formulation should be inserted as a criterion, for the purposes of clarity. This criterion would likely be important where a decision is on all fours with the matter that is being considered. In such a circumstance, the court or tribunal may elevate the weight of that particular subsidiary means.

In conclusion, Mr. Chairman, my delegation applauds the International Commission and Mr. Charles Chernor Jalloh, Special Rapporteur,