Sixth Committee

United NationsGeneral Assembly th

Mr Chairman,

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Report of the International Law Commission. I will limit my comments to the topic of Subsidiary Means for the Determination of Rules of International Law

2. Ireland wishes to thank the Special Rapporteur, Professor Jalloh, for his work on the elaboration of draft conclusions and accompanying commentaries We also wish to express our appreciation for the work of the Drafting Committee.

3. Ireland has taken an active interest in this topic and submitted information earlier this year concerning the use of subsidiary means for the determination of rules of international law in decisions of the Irish superior courts, Irish legislation and in international courts and tribunals.

Mr. Chairman

4. At the outset, we agree that conclusions are the appropriate form of product for the This to date of the other elements of Article 38 of the Statute of the International Court of Justice The the identification of customary international law and on general principles of law

6. With respect to draft conclusion 4, Ireland welcomes the explanation in paragraph 5 of the commentary that the term broadly. We encourage the Commission to consider expanding the definition to bodies exercising arbitral powers, where such bodies are called upon to determine the existence and content of a rule of international law.

7. Turning to the second paragraph of draft conclusion 4, we encourage greater consideration in We note that paragraph 18 of the commentary to this in

11. Finally, with respect to draft conclusion 8, we also suggest that some commentary on the status of courts within national judicial hierarchies be provided, including on the questions of whether a judgment of a national court is one from which there is no appeal or, indeed, is currently under appeal.

12. To conclude, Mr. Chairman, we thank the Special Rapporteur for his work on this topic and we look forward to further engagement with the Commission, the Sixth Committee and Member States as the text develops.