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UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,
SEVENTY-NINTH SESSION, AGENDA ITEM 79,
REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK
OF ITS 75TH SESSION: PART 2 (A/79/10)
CHAPTER IV (SETTLEMENT OF DISPUTES TO WHICH INTERNATIONAL
ORGANIZATIONS ARE PARTIES)
CHAPTER V (SUBSIDIARY MEANS FOR THE DETERMINATION OF
RULES OF INTERNATIONAL LAW)

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Thank you Chair,

1. On the topic '**Settlement of disputes to which international organizations are parties**' we thank the Special Rapporteur Mr. August Reinisch and his colleagues for their work, and we are grateful to the Commission for its careful consideration of this topic.
2. We welcome the draft guidelines which we consider are a useful contribution to this area. We thank the Special Rapporteur and Secretariat for the Second Report and the detailed analysis of past practice in this area. We look forward to considering the third report in 2025.

Chair,

3. Turning to the topic '**Subsidiary means for the determination of rules of international law**', the United Kingdom is grateful to the Special Rapporteur, Mr. Charles Jalloh, for his impressive second report, and to the Secretariat for their detailed and comprehensive memorandum.
4. Questions concerning sources of international law are particularly suitable ones for consideration by the Commission. Given the importance of such questions to the international legal system the United Kingdom

considers that it is imperative that the Commission approaches them with the utmost caution and allows time for States to contribute fully.

5. In respect of the normative value of the proposed output, the United Kingdom reiterates the importance of the Commission making clear in the commentaries the status of specific provisions. The United Kingdom calls on the Commission to identify where provisions are intended to reflect codification and where they are aimed at progressive development of international law. The United Kingdom urges the Commission to maintain an open mind as to the form of the final output.
6. In this respect, as regards the criteria set out in Draft Conclusion 8, the United Kingdom welcomes the recognition in the commentary that the factors “are meant to serve as a form of guideline instead of being mandatory elements.”
7. In respect of Draft Conclusion 7 the United Kingdom agrees that decisions of international courts or tribunals do not generally constitute legally binding precedent. The United Kingdom welcomes the recognition in the commentary of the general rule that there is no system of legally binding precedent, or *stare decisis*, in international courts or tribunals under international law.
8. The United Kingdom welcomes the confirmation in Draft Conclusion 6 that subsidiary means are not themselves a source of international law. The United Kingdom notes

again that in respect of Draft Conclusion 2 the Commission proposes a non-exhaustive list of categories, with a third broad category comprising “any other means generally used to assist in determining rules of international law”. The United Kingdom strongly agrees with the caution expressed by some members against an undue expansion of subsidiary means.

9. The United Kingdom thanks the Special Rapporteur, Mr. Charles Jalloh, and the Commission for their continued and valuable work on this important topic.

Thank you, Chair.