



**PERMANENT MISSION OF JAMAICA
TO THE UNITED NATIONS**

INTERVENTION BY

**MR. ANDRÉ COORE
LEGAL ADVISOR**

MINISTRY OF FOREIGN AFFAIRS AND FOREIGN TRADE OF JAMAICA

ON

AGENDA ITEM 82

**REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS
SEVENTY-SECOND SESSION – CLUSTER I**

**IN THE SIXTH COMMITTEE SEVENTY-SIXTH SESSION
OF THE UNITED NATIONS GENERAL ASSEMBLY**

OCTOBER 27, 2021

UNITED NATIONS, NEW YORK

Madam Chair,

My delegation expresses its appreciation to the International Law Commission for its continued efforts in the codification and progressive development of international law. Given the special role played by the ILC, Jamaica has traditionally and consistently supported the Commission and continues to attach significant importance to the work of the ILC.

My delegation wishes to thank Mr. Mahmoud Hmoud for introducing the Report of the Commission and more generally for his leadership over the 72nd session. Despite the continued impact of the Covid 19 pandemic on the way in which we work and interact, significant progress was made in a number of areas. We thank the members of the ILC for their commitment in advancing the programme of work during this time. We also wish to thank the Secretariat and all those involved in supporting the work of the Commission including those who were instrumental in the organisation and execution of the hybrid format of the meetings of the ILC's seventy-second session.

Turning to the substantive matters of the Report, my delegation wishes to make brief comments in respect of the Protection of the Atmosphere and other decisions and conclusions of the Commission.

Madam Chair,

Indeed, the protection of the atmosphere is essential for sustaining life on earth. At the outset, my delegation notes with appreciation that the draft guidelines expressly acknowledge the close link between the atmosphere and other important areas. The commentaries recall that extreme atmospheric conditions can lead to flood and drought and also acknowledge that the environment can be adversely affected by certain changes in the condition of the atmosphere.

As a small island developing state, Jamaica welcomes the language in the fifth and sixth preambular paragraphs which speak to the relationship between the atmosphere and the oceans. We note in particular that the sixth preambular paragraph addresses the issue of sea-level rise and welcome the fact that it draws particular attention to the special situation of low-lying coastal areas and small island developing States.

Every year, the Caribbean Region is impacted by a severe weather event. In recent times, the intensity and frequency of these events have increased. The impacts are not only felt in the physical environment, but adequate disaster response measures can significantly impact national economies and further slow the process of development. In this regard, the resilience of the people of countries and regions who have continuously grapple with the effects of weather events must be lauded. For its part, Jamaica has continued to take legislative, policy and practical measures to reduce risk and mitigate disasters.

Madam Chair,

While each state must make its own individual contribution to protect the atmosphere and the wider environment, as recognized in the guidelines, atmospheric pollution and atmospheric degradation, much like other matters that affect the environment are a “common concern of humankind”. Jamaica therefore welcomes the inclusion and retention of this expression, although we acknowledge there has been some diversity of views on this point.

Further in this regard, my delegation welcomes draft guideline 8. This guideline reaffirms the importance of cooperation in addressing an issue that affects all of humankind. The International Court of Justice in the Pulp Mills Case has underscored the importance of cooperation in managing the risks of damage to the environment. As a small island developing state, we welcome therefore the encouragement in the guidelines for states to cooperate in enhancing scientific knowledge.

While certain matters were excluded from its scope, we note that the draft guidelines do not limit the forms of cooperation and this flexibility is important to allow states to respond to

global needs as appropriate. For example, in addition to scientific and technical exchanges, the availability of adequate and appropriate financing towards risk reduction and disaster mitigation efforts is also a critical area in which states and international organizations can cooperate to support the protection of the atmosphere and the wider environment.

Madam Chair,

It is recalled that one of the seminal works of the ILC in recent times concerns the fragmentation of International Law. With international interaction becoming increasingly complex, there has a proliferation of specialised areas of law applicable on the international plane. Against this backdrop, my delegation welcomes draft guideline 9 which addresses the “interrelationship among relevant rules”.

As a small island developing state and the host country of the seat of the International Seabed Authority, the law of the sea is of particular importance to Jamaica. Jamaica played a key role in the negotiation of the United Nations Convention on the Law of the Sea, or as it is commonly referred to, the Montego Bay Convention. My delegation therefore notes with appreciation that paragraph 9 of commentaries in relation to draft guideline (9) at page 39 of the report acknowledges that the protection of the atmosphere is intrinsically linked to the oceans and the law of the sea owing to the close physical interaction between the atmosphere and the oceans.

In concluding on this item Madam Chair, my delegation wishes to express our appreciation to the Special Rapporteur, Mr. Shinya Murase, for his efforts in the preparation of the draft guidelines.

Madam Chair,

My delegation now wishes to make brief remarks on the other decisions and conclusions of the Commission. In particular, we welcome the decision to include the topic “Subsidiary means for the determination of rules of international law” in the long-term programme of work of the Commission. We also note, with appreciation, the annex prepared by Mr. Charles Jalloh in this regard. In light of the important work done in respect of the other areas relevant

to the sources of law, my delegation considers that it is appropriate for the ILC to consider this topic. We wish to encourage the Commission to continue to seek to identify topics of practical importance and which address the real world needs of Member States.

Madam Chair,

My delegation looks forward to continued discussions of the ILC topics over the remaining days and continue to follow closely the work of the Commission.