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Greece would like to express its appreciation to the Special Rapporteur, Mr. Charles Chernor Jalloh

the consideration of this topic at the present session, including the provisional adoption of draft conclusions 4 to 8, with commentaries thereto.

We would, thus, like to share some observations on certain points of these draft conclusions and commentaries.

First, regarding draft conclusion 4, Greece notes with appreciation the clarifications provided

exercising judicial powers. Additionally, Greece welcomes the fact that the national courts are treated with caution, as reflected in the wording of paragraph 2, since their findings on questions relating to international law may be limited and very specific. In this context, we recognize that the criteria for assessing their weight are crucial, including in particular whether a decision was issued by a higher national court.

Second, concerning draft conclusion 5, we support the approach according to which a subsidiary means for the determination of rules of international law, which should be understood in a broad way in order to reflect diversity and representativeness.

or assessing such representativeness is included in this draft conclusion, criteria already referred to in draft conclusion 3 (a).

Third, Greece is of the opinion that draft conclusions 6 and 7, which confirm some well-established principles, could contribute in addressing, on the one hand, the question of the relationship between the subsidiary means for the determination of rules of international law and the sources of international law, as well as, on the other hand, the possibilities of decisions of international courts and tribunals as regards their serving as precedent.

Turning to draft conclusion 8, we see that it is important to build on the non-exhaustive list of general criteria mentioned in the provisionally adopted draft conclusion 3 along with the three specific supplementary criteria included in the present conclusion on the weight of decisions of courts and tribunals. Nevertheless, we are of the view that the Commission might want to clarify further the relation between draft conclusions 3 and 8 so as to avoid possible duplication or overlapping. For instance, while the chapeau of draft conclusion 8 states that these criteria are additional to the ones contained in draft conclusion 3 (a), it does not introduce an additional element but rather specifies criterium 3 (f). Moreover, other criteria could be useful, such as whether a decision was issued by a full court or a

chamber, as well as whether it was adopted by a large majority of votes or accompanied by a series of dissenting opinions.

Finally, Greece believes that a change in the order of the draft conclusions could in some cases enhance their readability. Namely, draft conclusion 6 which incorporates more general remarks on all categories of subsidiary means could be moved after draft conclusion 3, while draft conclusion 4 could be followed by draft conclusions 7 and 8 which concern in particular the category of decisions of courts and tribunals.

Thank you.