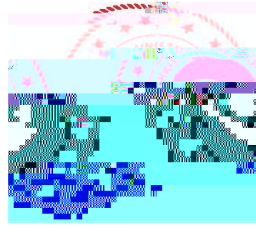


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Mr/Madam Chair,

I would like to thank the Special Rapporteur Mr. Charles Chernor Jalloh for his comprehensive first report on the “

I would also extend our thanks to the Secretariat for the preparation of the memorandum in response to the request by the Commission.

The memorandum covers a review of the Commission’s work since 1949 with a view to identifying the aspects most relevant to the use of judicial decisions and the teachings of the most highly qualified publicists of the various nations.

As such, the memorandum includes useful elements in the previous work of the International Law Commission that could be particularly relevant to the topic.

As pointed out in the first report of the Special Rapporteur, my delegation has expressed its support for the inclusion of the topic in the work programme from the very beginning.

The importance of the topic for both States and practitioners of international law as well as its close connection with various topics that were discussed or are being discussed by the Commission compels the work moving forward, rather rapidly.

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scope of the decision and/or the relevance or importance attached to it, the finalization of the reaction process might be prolonged in some instances.

According to the commentary, reaction is made “after the decision”. However whether the word “after” points out an immediate or distant behaviour on the part of States “and other entities” remains vague.

Lastly, we are of the view that clarification of the meaning and exact scope of the term “other entities” in subparagraph (e) would be useful.

Moving to subparagraph (d), although “the level of agreement among those involved” described in that subparagraph could be established, rather easily, in judicial decisions, in light of the dissenting and concurring opinions, determination of the level of agreement “among the scholars” may be subject to variety of potential interpretations

Finally, the commentary for subparagraph (f) refers to the significance of the mandate conferred on the body that took the decision being assessed. The concept of “mandate” should, in our view, be determined on the basis of the founding instruments of the bodies, rather the interpretation provided by the bodies, through their own judgments, decisions uÂ isions uÂ

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The scarcity of available State practice and prevalence of significant differences over the existing ones were among the points raised for the suitability of the subject as draft guidelines.

Türkiye's previously expressed concerns remain relevant today.

In that regard, we are pleased to see that the discussions within the Working Group established during the current session highlighted the shortcomings of the earlier work carried out on the topic.

We also noted the difference of views on the way forward as well as on the approaches to be adopted how to best proceed.

Finally, we expect that the