

Chapters IV (Settlement of disputes to which international organizations are parties)

1. Chair, please allow me to start with the topic 'Settlement of disputes to which international organizations are parties'. This topic is a priority for the Kingdom of the Netherlands, in particular insofar as it concerns disputes of a private law character to which an international organisation is a party. My Government would therefore sincerely like to thank the Special Rapporteur and the International Law Commission for the work on this topic thus far.
2. In many cases, for good reasons, the immunity of international organizations

4. The first time we have asked for advice on the work of the Commission in the early years of its consideration of a topic prior to its first reading, was for the present topic. We have done so

7. My Government will take the Advisory Committee's report into consideration when preparing its comments and observations on the topic at hand. In addition, my Government will share the report of the

10. My Government once more wishes to underscore that it agrees with the notion of the Special Rapporteur that subsidiary means for the determination of rules of international law are not sources of international law in the formal sense. Nevertheless, as reflected in Draft Conclusion 6, the function of subsidiary means is to assist in confirming or determining the meaning of a particular rule. As this is one of the most fundamental understandings of subsidiary means for the determination of rules of international law, my Government wishes to propose to move Draft Conclusion 6 on the "nature and function of subsidiary means" right after current Draft Conclusion 2, as a new Draft Conclusion 3.

11. Chair, my Government wishes to make three additional comments on the Draft Conclusions as presented in the ILC Report on the topic of subsidiary means.

12. First, with regard to the enumeration as included in Draft Conclusions 4 and 8, my Government supports the use of "inter alia" as this makes clear that the lists with criteria are not-exhaustive or exclusive. Furthermore, my Government supports the inclusion of the broader term of "decisions" so as to include a wider set of decisions from a wide variety of bodies.

13. Second, with regard to decisions of national courts and tribunals, referred to in paragraph 2 of Draft Conclusion 4, my Government supports the Commission's findings that these may be used in certain