



International Law Commission**Seventy-fourth session**

Geneva, 24 April–2 June and 3 July–4 August 2023

**Subsidiary means for the determination of rules of
international law****Titles and texts of draft conclusions 1 to 3 provisionally adopted by the
Drafting Committee****Draft conclusion 1****Scope**

The present draft conclusions concern the use of subsidiary means for the determination of rules of international law.

Draft conclusion 2**Categories of subsidiary means for the determination of rules of international law**

Subsidiary means for the determination of rules of international law include:

- (a) decisions of courts and tribunals;
- (b) teachings;
- (c) any other means generally used to assist in determining rules of international law.

Draft conclusion 3**General criteria for the assessment of subsidiary means for the determination of rules
of international law**

When assessing the weight of subsidiary means for the determination of rules of international law, regard should be had to, *inter alia*:

- (a) their degree of representativeness;
 - (b) the quality of the reasoning;
 - (c) the expertise of those involved;
 - (d) the level of agreement among those involved;
 - (e) the reception by States and other entities;
 - (f) where applicable, the mandate conferred on the body.
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