

Chapter III

SPECIFIC ISSUES ON WHICH COMMENTS WOULD BE OF PARTICULAR INTEREST TO THE COMMISSION

A. Responsibility of international organizations

27. Certain issues concerning international responsibility between States and international organizations have not been expressly covered either in the draft articles on the responsibility of States for internationally wrongful acts adopted by the Commission at its fifty-third session¹⁰ or in the draft articles on the responsibility of international organizations. These issues include the following questions: (a) When is conduct of an organ of an international organization placed at the disposal of a State attributable to the latter? (b) When is consent given by an international organization to the commission of a given act by a State a circumstance precluding wrongfulness of that State's conduct? (c) When is an international organization entitled to invoke the responsibility of a State? One could argue that these questions are regulated by analogy in the draft articles on the responsibility of States for internationally wrongful acts. However, one may wish that the Commission addresses these questions expressly. If the latter view is preferred, in what form (draft articles, report or other) should these questions be considered?

28. The Commission would welcome comments and observations from Governments and international organizations in this regard.

B. Expulsion of aliens

29. The Commission would welcome information and observations from Governments on the following points:

¹⁰ *Yearbook ... 2001*, vol. II (Part Two) and corrigendum, para. 76.

(a) the grounds for expulsion provided for in national legislation;

(b) the conditions and duration of custody/detention of persons who are being expelled in areas set up for that purpose;

(c) whether a person who has been unlawfully expelled has a right to return to the expelling State; and

(d) the nature of the relations established between the expelling State and the transit State in cases where the person who is being expelled must pass through a transit State.

C. Shared natural resources

30. The Commission is grateful to all Governments who responded to its 2007 questionnaire regarding relevant State practice, in particular treaties or other arrangements existing on oil and gas (A/CN.4/607 and Add.1). The Commission would welcome more responses from Governments, particularly from those that did not respond to the questionnaire, in order to make a full assessment of the practice. Accordingly, it requested to have the questionnaire on oil and gas circulated once more to Governments, while also encouraging them to provide comments and information on any other matter concerning the issue of oil and gas, including, in particular, whether the Commission should address the subject.