

Chapter III

Specific issues on which comments would be of particular interest to the Commission

A. Prevention and repression of piracy and armed robbery at sea

25. The Commission considers as still relevant the request for information on the topic “Prevention and repression of piracy and armed robbery at sea” contained in chapter III of the report of its seventy-third session (2022) and would welcome any additional information, by 1 December 2023,⁵ concerning:

(a) the legislation, case law and practice of States relevant to the topic, including in relation to articles 100 to 107 of the United Nations Convention on the Law of the Sea;

(b) the agreements entered into by States under which persons accused of piracy or armed robbery at sea are transferred with a view to prosecution; and

(c) the role of international, regional and subregional organizations regarding the prevention and repression of acts of piracy and armed robbery at sea.

B. Subsidiary means for the determination of rules of international law

26. The Commission considers as still relevant the request for information on the topic “Subsidiary means for the determination of rules of international law” contained in chapter III of the report of its seventy-third session (2022) and would also welcome any updates to information already submitted pursuant to such request, by 1 February 2024,⁶ concerning:

(a) decisions of national courts, legislation and any other relevant practice at the domestic level that draw upon judicial decisions and the teachings of the most highly qualified publicists of the various nations in the process of determination of rules of international law, namely: international conventions, whether general or particular; international custom, as evidence of a general practice accepted as law; and the general principles of law recognized by the community of nations;

(b) statements made in international organizations, international conferences and other forums, including pleadings before international courts and tribunals, concerning subsidiary means for the determination of rules of international law.

C. Sea-level rise in relation to international law

27. The Commission would welcome any information that States, international organizations and other relevant entities could provide on their practice, as well as other pertinent information concerning sea-level rise in relation to international law, and reiterates its requests made in chapter III of its reports on the work of its seventy-first (2019),⁷ seventy-second (2021)⁸ and seventy-third (2022)⁹ sessions.

28. At the seventy-fifth session (2024), the Study Group will focus on the subject of sea-level rise in relation to statehood and protection of persons affected by sea-level rise. In this connection, the Commission reiterates that it would appreciate receiving the following information, or any updates to information already submitted, by 1 December 2023:

⁵ *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 10 (A/77/10)*, para. 30.

⁶ *Ibid.*, para. 29.

⁷ *Ibid.*, *Seventy-fourth Session, Supplement No. 10 (A/74/10)*, paras. 31–33.

⁸ *Ibid.*, *Seventy-sixth Session, Supplement No. 10 (A/76/10)*, para. 26.

⁹ *Ibid.*, *Seventy-seventh Session, Supplement No. 10 (A/77/10)*, para. 28.

(a) in relation to the subtopic of statehood, information on the practice of States, international organizations and other relevant entities, and other pertinent information concerning:

- (i) appraisals and/or practice on the requirements for the configuration of a State as a subject of international law and for the continuance of its existence in the context of the phenomenon of sea-level rise;
- (ii) appraisals and/or practice regarding the nature of the territory of a State, including therein the land surface and the jurisdictional maritime zones, particularly in the context of the sea-level rise;
- (iii) practice related to the protection of the rights of peoples and communities, as well as to the preservation of their identity, that may contribute with elements or be considered by analogy when addressing the phenomenon of sea-level rise;
- (iv) practice regarding measures of a different nature adopted by States in relation to sea-level rise in order to provide for their conservation and with respect to international cooperation on the subject;

(b) in relation to the subtopic on protection of persons affected by sea-level rise, information on the practice of States, international organizations and other relevant entities, as well as other pertinent information concerning:

- (i) measures relating to risk reduction specific to the mitigation of the adverse impacts of sea-level rise;
- (ii) human rights implications of the adverse impacts of sea-level rise;
- (iii) regulation of the displacement of persons affected by sea-level rise;
- (iv) prevention of statelessness arising from the displacement of persons affected by sea-level rise;
- (v) international cooperation regarding humanitarian assistance to persons affected by sea-level rise.

D. Immunity of State officials from foreign criminal jurisdiction

29. The Commission recalls that it completed the first reading of the draft articles on the topic “Immunity of State officials from foreign criminal jurisdiction” in 2022 and had decided, in accordance with articles 16 to 21 of its statute, to transmit the draft articles, through the Secretary-General, to Governments for comments and observations, with the request that such comments and observations be submitted to the Secretary-General by 1 December 2023.¹⁰ Bearing in mind the importance of the topic for States in international relations, the Commission reiterates the importance it attaches to receiving such comments and observations from as many Governments as possible.

¹⁰ *Ibid.*, chap. VI.