

Chapter III

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

32. The Commission would welcome any information on the following issues, by 31 December 2018, in order for it to be taken into account in the respective reports of the Special Rapporteurs.

A. Peremptory norms of general international law (*jus cogens*)

33. The Commission considers as still relevant the request for information contained in chapter III of the report of its sixty-seventh session (2015) on the topic “Peremptory norms of general international law (*jus cogens*)”,³ and would welcome any additional information.

B. Immunity of State officials from foreign criminal jurisdiction

34. The Commission would welcome any information that States could provide on their national legislation and practice (of a judicial, administrative or any other nature) concerning procedures for dealing with immunity, in particular the invocation and waiver of immunity, as well as on mechanisms for communication, consultation, cooperation and international judicial assistance that they may use in relation to situations in which the immunity of State officials from foreign criminal jurisdiction is being or may be examined by their national authorities. Similarly, it would be useful to have any information that international organizations could provide on international cooperation mechanisms which, within their area of competence, may affect immunity of State officials from foreign criminal jurisdiction.

C. Protection of the environment in relation to armed conflicts

35. The Commission considers as still relevant the request for information contained in chapter III of the report of its sixty-seventh session (2015) on this topic,⁴ and would welcome any additional information in this regard. Furthermore, the Commission would appreciate receiving any information States may be in the position to provide concerning responsibility, liability or reparation for harm caused to the environment in relation to armed conflict, *inter alia* case law or agreements or arrangements between the parties.

D. Succession of States in respect of State responsibility

36. The Commission would appreciate being provided by States with information on their practice relevant to the succession of States in respect of State responsibility. The Commission would particularly appreciate receiving examples of:

- (a) treaties, including relevant multilateral and bilateral agreements;
- (b) domestic law relevant to the topic, including legislation implementing multilateral or bilateral agreements;
- (c) decisions of domestic, regional and subregional courts and tribunals addressing issues involving the succession of States in respect of State responsibility.

E. New topics

37. The Commission decided to include in its long-term programme of work two new topics, namely (a) Universal criminal jurisdiction; and (b) Sea-level rise in relation to

³ *Official Records of the General Assembly, Seventieth Session, Supplement No. 10 (A/70/10)*, para. 31.

⁴ *Ibid.*, *Seventieth Session, Supplement No. 10 (A/70/10)*, para. 27.

international law. In the selection of its topics, the Commission was guided by the following criteria that it had agreed upon at its fiftieth session (1998), namely that the topic: (a) should reflect the needs of States in respect of the progressive development and codification of international law; (b) should be at a sufficiently advanced stage in terms of State practice to permit progressive development and codification; (c) should be concrete and feasible for progressive development and codification; and (d) that the Commission should not restrict itself to traditional topics, but could also consider those that reflect new developments in international law and pressing concerns of the international community as a whole. The Commission would welcome the views of States on those new topics.

38. In addition, the Commission would welcome any proposals that States may wish to make concerning possible topics for inclusion in its long-term programme of work. It would be helpful if such proposals were accompanied by a statement of reasons in their support, taking into account the criteria, referred to above, for the selection of topics.