

Chapter III

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

26. The Commission wishes to recall the adoption, at its seventieth session in 2018, of the first reading text of the draft Guide to Provisional Application of Treaties, and the subsequent request for comments and observations from Governments and international organizations.³ The Commission would invite Governments and international organizations to consider also including comments and observations on the draft model clauses on provisional application of treaties, contained in annex A to the present report.

27. The Commission considers as still relevant the request for information contained in chapter III of the report of its seventieth session (2018) on the topic “Succession of States in respect of State responsibility”,⁴ and would welcome any additional information.

28. The Commission would also welcome receiving any information in response to the following questions and requests, by 31 December 2019 (except where stipulated otherwise), in order for it to be taken into account in the respective reports of the Special Rapporteurs and co-Chairs of the Study Group on sea-level rise in relation to international law.

A. Immunity of State officials from foreign criminal jurisdiction

29. The Commission would welcome any information that States could provide on the existence of manuals, guidelines, protocols or operational instructions addressed to State officials and bodies that are competent to take any decision that may affect foreign officials and their immunity from criminal jurisdiction in the territory of the forum State.

B. General principles of law

30. The Commission requests States to provide information on their practice relating to general principles of law, in the sense of Article 38, paragraph 1 (c), of the Statute of the International Court of Justice, including as set out in:

- (a) decisions of national courts, legislation and any other relevant practice at the domestic level;
- (b) pleadings before international courts and tribunals;
- (c) statements made in international organizations, international conferences and other forums; and
- (d) treaty practice.

C. Sea-level rise in relation to international law

31. The Commission would welcome any information that States, international organizations and the International Red Cross and Red Crescent Movement could provide on their practice and other relevant information concerning sea-level rise in relation to international law.

32. At the seventy-second session (2020), the Study Group will focus on the subject of sea-level rise in relation to the law of the sea. In this connection, the Commission would appreciate receiving, by 31 December 2019, examples from States of their practice that may be relevant (even if indirectly) to sea-level rise or other changes in circumstances of a similar nature. Such practice could, for example, relate to baselines and where applicable

³ *Official Records of the General Assembly, Seventy-third Session, Supplement No. 10 (A/73/10)*, para. 88.

⁴ *Ibid.*, para. 36.

archipelagic baselines, closing lines, low-tide elevations, islands, artificial islands, land reclamation and other coastal fortification measures, limits of maritime zones, delimitation of maritime boundaries, and any other issues relevant to the subject. Relevant materials could include:

- (a) bilateral or multilateral treaties, in particular maritime boundary delimitation treaties;
- (b) national legislation or regulations, in particular any provisions related to the effects of sea-level rise on baselines and/or more generally on maritime zones;
- (c) declarations, statements or other communications in relation to treaties or State practice;
- (d) jurisprudence of national or international courts or tribunals and outcomes of other relevant processes for the settlement of disputes related to the law of the sea;
- (e) any observations in relation to sea-level rise in the context of the obligation of States parties under the United Nations Convention on the Law of the Sea to deposit charts and/or lists of geographical coordinates of points; and
- (f) any other relevant information, for example, statements made at international forums, as well as legal opinions, and studies.

33. The Commission would further welcome receiving in due course any information related to statehood and the protection of persons affected by sea-level rise, as outlined in the syllabus of the topic,⁵ both of which will be considered by the Study Group during the seventy-third session (2021) of the Commission.

⁵ *Ibid.*, annex B.