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DRAFT REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FIFTY-SECOND SESSION

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CHAPTER III

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

1. In response to paragraph 13 of General Assembly resolution 54/111 of 9 December 1999, the Commission would like to indicate the following specific issues for each topic on which expressions of views by Governments either in the Sixth Committee or in written form would be of particular interest in providing effective guidance for the Commission on its further work.

A. State responsibility

2. The Commission completed its preliminary consideration of the draft articles adopted on first reading and received from the Drafting Committee a complete text of revised articles. It seeks views on the entire text of the draft articles, in particular on any aspect which it may need to consider further with a view to its completion of the second reading in 2001.

B. Diplomatic protection

3. The Commission would appreciate receiving from Governments comments and observations in answer to the following questions:

(a) May a State exercise diplomatic protection on behalf of a national, who has acquired nationality by birth, descent or bona fide naturalization, when there is no effective link between the national and the State?

(b) Is a State that wishes to exercise diplomatic protection on behalf of a national obliged to prove that there is an effective link between the individual and that State?

(c) May a State exercise diplomatic protection on behalf of a national who has an effective link with that State when that national is also a national of another State, with which it has a weak link?

(d) Is it permissible for a State to protect a dual national against a third State of which the injured individual is not a national without proving an effective link between it and the individual?

(e) Should the State in which a stateless person has lawful and habitual residence be permitted to protect such a person against another State along the lines of diplomatic protection?

(f) Should the State in which a refugee has lawful and habitual residence be permitted to protect such a refugee along the lines of diplomatic protection?

C. Unilateral acts of States

4. The Commission would particularly welcome comments on points (a), (b) and (c) of paragraph 127 of chapter VI of its draft report (document A/CN.4/L.595/Add.1).

D. Reservations to treaties

5. The Commission would welcome any comments and observations by Governments on the 14 draft guidelines included in the part of the fifth report of the Special Rapporteur concerning formulation of reservations and interpretative declarations (A/CN.4/508/Add.3 and Add.4) and on which the Commission decided to postpone the debate to the next session due to lack of time.

E. International liability for injurious consequences arising out of acts not prohibited by international law (prevention of transboundary damage from hazardous activities)

6. The Commission would like to draw attention to paragraphs 9 to 54 of chapter VIII of its draft report (document A/CN.4/L.597), and, in particular, the annex containing the draft preamble and draft articles referred to the Drafting Committee. The Commission would welcome any comments that Governments may wish to make in that respect.
