



PERMANENT MISSION OF THE REPUBLIC OF
SIERRA LEONE TO THE UNITED NATIONS

STATEMENT

by

H.E. Mr. ALIE KABBA
Ambassador and Permanent Representative

On behalf of the African Group
Before the Sixth Committee
74th Session of the United Nations General Assembly

Under Agenda "Item 79"

"Report of the International Law Commission
on the work of its Seventy-first session"

October 28, 2019

New York

please check against delivery

336 East 45th Street, New York NY 10017
TEL: (212) 688-1656 – FAX: (212) 688-4924 – sierraleone@un.int

Chair,

My delegation has the honour to deliver this general statement on the agenda item: "Report of the International Law Commission on the work of its seventy-first session" on behalf of the African Group. I take this opportunity to welcome Members of the Commission to this year's International Law Week in New York, as this follows a rich tradition to actualize the symbiosis and optimal extensive engagement between the Sixth Committee, legal advisers from Capital and Members of the ILC.

At the outset, let me thank the Chair of the Commission for the 71st session, **Mr. Pavel Šturma** of the Czech Republic, for introducing the report A/74/10. The African Group would like to express profound gratitude to the Commission for its report. We congratulate the Commission on the progress made on the various items on its current programme of work. We appreciate the efforts of the Codification Division of the Office of the Legal Affairs, acting in the capacity as the Secretariat of the Sixth Committee and the ILC, for the extended briefing in September of Sixth Committee Experts, covering among other things, the report of the Commission on the work of its 71st session. The briefing follows through on the request of Members States, particularly the African Group, for a more elaborated and extended briefing by the Secretariat.

Chair,

The African Group attaches great value and importance to the mandate of the International Law Commission in assisting the General Assembly in initiating studies and making recommendations for the purpose of promoting the "progressive development of international law and its codification" as set out in the ILC's 1947 Statute, derived from article 13 (a) of the United Nations Charter. The process of progressive development and codification of international law must always be inclusive and all-embracing in the consideration of law texts, State practice, precedents and doctrines as required by the ILC Statute. Efforts in that regard ought to also draw inspiration from the main principal legal systems of the world, including African customary law. Our increasing engagement with the work of the Commission is to ensure those important aspects are duly realised. Our Group is committed to multilateralism and the rules-based international legal system, and we value the effective contribution of the Commission in maintaining this multilateral system, taking into account the views of all Member States.

The report clearly indicates that the Commission was engaged in a productive session, with the consideration of seven (7) substantive topics, namely: 'Crimes against Humanity'; 'Peremptory Norms of General International Law (*Jus*

Cogens’; ‘Protection of the Environment in Relation to Armed Conflicts’; ‘Succession of States in Respect of State Responsibility’; ‘Immunity of State Officials from Foreign Criminal Jurisdiction’; ‘General Principles of Law’; and ‘Sea Level Rise in Relation to International Law’.

The African Group pays tribute to the Commission, its Bureau, Members and the Special Rapporteurs, especially **Mr. Sean Murphy** of the United States of America for the adoption of the draft articles on the prevention and punishment of Crimes against Humanity with the commentaries on *second and final reading*; **Mr. Dire Tladi** of South Africa on the adoption of the draft conclusions on peremptory norms of general international law with commentaries and **Ms. Marja Lehto** of Finland for the adoption of the draft principles on the protection of the environment in relation to armed conflict with commentaries, both on *first reading*. We express gratitude to Mr. Murphy, Mr. Tladi and **Mr. Charles Jalloh** of Sierra Leone for taking time to also brief legal advisers of the African Group on the Commission’s work this year.

We appreciate the progress made by the Commission on the other substantive topics, including the adoption of three draft articles, on scope (draft article 1), definitions (draft article 2) and draft article 5 with commentaries thereto on the topic Succession of States in respect of State Responsibility; the consideration of the topic immunity of State officials from foreign criminal jurisdiction addressing procedural aspects and safeguards on invocation and waiver of immunity; and the consideration of the first report of the Special Rapporteur on general principles of law. The African Group looks forward to strong procedural safeguards to help ensure that the exercise of any type of foreign jurisdiction in relation to immune officials is not abused for political purposes. We also take note of the draft model clauses on Provisional Application of Treaties annexed to the report with a view to receiving comments from States. In honouring the work of the Commission and the Special Rapporteurs, respective delegations of the Group will comment on the specific substantive issues.

Chair,

The African Group takes note of the Commission’s decision to place the topic Sea-level rise in relation to international law on its current agenda, and we congratulate the five co-chairs of the study group, **Mr. Bogdan Aurescu** of Romania, **Mr. Yacouba Cissé** of Cote d’Ivoire, **Ms. Patrícia Galvão Teles** of Portugal, **Ms. Nilüfer Oral** of Turkey and **Mr. Juan José Ruda Santolaria** of Peru, all five appointed to lead the Commission’s study of the topic on a rotation basis. We hope that having now established the study group, and the agreement on its composition, working methods and programme of work, the Commission will now have the opportunity to expedite work on this important topic to Member States.

We reiterate the view that in light of the clear threats posed by sea-level rise to islands and other coastal areas within our Group as well as to the livelihoods of our people, and in recognition that the international community has not addressed the legal implications of sea-level rise in a comprehensive manner, the accelerated consideration of the topic is extremely appreciated. We take note of the Commission's request for information and practice of States on the sea-level rise topic, and we look forward to the comments by States.

The Group further takes note of the decision of the Commission to place two topics on its long-term programme of work, namely "Reparations to Individuals for Gross Violations of Human Rights Law and Serious Violation of International Humanitarian Law, based on a proposal by Mr. Claudio Grossman of Chile, and "the Prevention and Suppression of Piracy and Armed Robbery at Sea" proposed by Mr. Yacouba Cissé. These are important topics for which individual delegations will comment on. On the part of the Group, we have consistently voiced out the problem of piracy and need to strengthen maritime security in various platforms at the United Nations, including the 29th Meeting of States Parties to the Convention on the Law of the Sea (SPLOS 29) in June this year. The topic on "the Prevention and Suppression of Piracy and Armed Robbery at Sea" is therefore of relevance to Members of the Group.

We note the pending conclusion of a number of topics on the Commission's current agenda. We equally note that only one African member is currently serving as a special rapporteur. We call on the Commission, when deciding to add new topics, to consider a balanced approach to topics in terms of interest as well as in the selection of special rapporteurs. This could help to enhance the legitimacy of the Commission's work.

In closing, **Chair**, the African Group wishes to thank the Commission, its Members and the entire staff for their tireless work. We assure the Commission of our unwavering support.

Welcome to New York and best wishes for a fruitful International Law Week.

I thank you.