



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

**AFRICAN GROUP  
STATEMENT**

by

**H. E. DR. ALIE KABBA  
PERMANENT REPRESENTATIVE**

On

**“Report of the International Law Commission on the work of its seventy-  
second session”  
(Agenda item 80)**

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**Mr. Chair,**

My delegation has the honour to deliver this statement on the agenda item: “Report of the International Law Commission on the work of its seventy-second session” on behalf of the African Group. I take this opportunity to welcome Members of the Commission joining us virtually and on the 26 October, in observance of International Law Day, following a rich tradition to actualize the symbiosis and optimal extensive engagement between the Sixth Committee, legal advisers from capitals and Members of the ILC, in spite of the challenges related to the Coronavirus 2019 (COVID-19) pandemic.

At the outset, let me thank the Chair of the Commission for the 71<sup>st</sup> session, **Mr. Pavel Šturma**, and the Chair-designate for the 72<sup>nd</sup> session **Mr. Mahmoud Hamoud** for their work and for introducing the oral reports. The African Group would like to express gratitude to the Commission for the oral reports. Although we do not have the traditional report on the work of the Commission, given the postponement of the Commission’s 72<sup>nd</sup> session to 2021, the African Group expresses appreciation for the work done by Members of the Commission within the last 12 months on the various items on its current programme of work.

We also 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, and its indispensable assisting role in the consultations that led to the unprecedented General Assembly decision 74/566, “*Extension of the term of office of the current members of the International Law Commission and other related matters*” of 12 August 2020.

On the General Assembly decision 74/566, the African Group reiterates its exceptional nature, owing to the unprecedented circumstances arising as a result of the COVID-19 pandemic. The decision we affirm is without prejudice to article 10 of the ILC Statute and does not constitute a precedent for neither the ILC nor other bodies of the United Nations with elected members. The African Group further shares the understanding that decision 74/566 does not affect the date for elections of members for the next quinquennium, as we fully endorse the 17 August 2020 letter of the Chair of the Sixth Committee for the 74<sup>th</sup> session, **Ambassador Michal Mlynar**, Permanent Representative of the Slovak Republic, on holding the elections for the next quinquennium on the anticipated November 2021 date. We thank Ambassador Mlynar for his excellent work as Chair of the Sixth Committee and as Facilitator of the informal consultations. We therefore note with appreciation the Secretary-General's 23 October 2020 communication on the issue.

**Mr. 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 (1) (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.

We note the pending conclusion of a number of topics on the Commission's current agenda, and we express appreciation for the extension of the deadline for States to submit comments and observations on the draft conclusions on peremptory norms of general international law (*jus cogens*), and the draft principles on the protection of the environment in relation to armed conflicts from 1 December 2020 to 30 June 2021. On the aspect of equitable geographical representation in the work of the Commission, we note that only one African member is currently serving as a special rapporteur, and another as co-chair of a study group. 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, **Mr. Chair**, the African Group wishes to thank the Commission, its Members and the Secretariat for their tireless work. We assure the Commission of our unwavering support.

**Je vous remercie Monsieur le Président.**

**I thank you.**