



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

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STATEMENT

by

H.E. DR. MICHAEL IMRAN KANU
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at the 75th Session of the United Nations General Assembly

Agenda Item 80:
**“Report of the International Law Commission
on the work of its seventy-second session”**

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Mr. Chair,

Sierra Leone aligns this statement with the statement of the African Group delivered by my delegation and add these comments in our national capacity.

We begin with our appreciation for the dedication of all 34 members of the International Law Commission to the mission of promoting the progressive development of international law and its codification, despite the challenges stemming from the COVID-19 pandemic. We thank the current chair of the Commission, **Mr. Pavel Sturma**, as well as the incoming Chair designate **Mr. Mahmoud Hamoud**, for their work to ensure plans are in place to progress the Commission's work during this difficult period.

Like the African Group, Sierra Leone attaches great importance to the ILC's mandate to assist 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 paragraph 1 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 States practice as well as African customary law. Sierra Leone's increasing engagement with the work of the Commission is to ensure those important aspects are duly realised. In this year that we are celebrating the seventy-fifth anniversary of the United Nations, Sierra Leone reiterates our steadfast commitment to the principles and purposes set forth in Article 1 of the Charter of the United Nations. We emphasise our commitment to multilateralism and the rules-based international legal order based on sovereign equality and respect for the principle of equal rights and self-determination of all peoples. We recall, with appreciation, that the ILC has made important contributions to the development of the present multilateral system.

Mr. Chair,

We understand the reasons why the Commission was unable to meet in Geneva this year due to the COVID-19 pandemic. We also missed the informal exchanges between Sixth Committee experts and members of the Commission

during our International Law Week tradition. Nonetheless, we appreciated the International Law Day on October 26, and the virtual briefing and interaction on October 28 with three special rapporteurs of the Commission and two of the five co-chairs of the study group on sea level rise in relation to international law. We welcomed the participation of many members of the Commission in that informal meeting and thank them all for their continued engagement.

Sierra Leone also appreciates the significant contributions of the five ILC special rapporteurs, who despite the disruptions of the COVID-19 pandemic, submitted timely reports on their respective topics. We especially thank Mr. Juan Manuel Gomez Robledo and Mr. Shinya Murase who, with their timely last reports, helped put the ILC on track to accomplish the second reading on provisional application of treaties and protection of the atmosphere respectively. We also welcome the Eight Report by Ms. Concepcion Escobar-Hernandez and the pending completion of the first reading on the important topic of immunity of State officials from foreign criminal jurisdiction. We also appreciate the first report by the two co-chairs of the study group on sea level rise in relation to international law. We are studying all these reports and look forward to the outcome of the Commission's debates on them in 2021.

We also thank the ILC for the six-month extension for States to submit comments 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. Sierra Leone plans on providing our comments and observations to the Commission by the end of June 2021. The ILC has often reminded us of the need for more State input to facilitate the successful completion of its work and the formulation of its final recommendations on topics for the General Assembly. We urge all States, especially from the African Group, to also provide their feedback on these first reading topics to enable the Commission to take their important views into account.

Mr. Chair,

Sierra Leone supports the Commission's goal to reconvene for its seventy-second session in Geneva in April 2021. As global health experts warn about a potentially devastating second wave of the COVID-19 virus, with likely disruptions to global travel in the first half of next year, Sierra Leone recalls the 6 August 2020 General Assembly resolution urging the Commission to further explore means to make progress on the topics in its programme of work in the absence of a formal in-person sessions. Sierra Leone notes that the International

Court of Justice and many other subsidiary bodies and organs of the United Nations, including the Sixth Committee, have all employed technological means to progress their work. We understand the Commission's work has some unique features. But we are confident that, with some flexibility and some creativity, the ILC would be successful in doing the same. We hope it will not miss the opportunity to do so.

Sierra Leone calls on the ILC Secretariat, consistent with the General Assembly resolution, to help prepare options in consultation with the Commission and its working group on methods of work on ways to effectively conduct sessions remotely or to otherwise make progress on the topics under discussion. This could include technological solutions such as virtual multilingual videoconferencing platforms, adjustments to the normal scheduling of meetings, exchanging plenary debate statements in writing, holding drafting committee meetings by virtual means and even perhaps adopting texts using the kind of silence procedure used by the General Assembly. Decisions can be taken, if need be provisionally, pending the formal meetings of the Commission. As was the case in the General Assembly itself. Due to the unpredictability of this ongoing pandemic, we consider it critical to have a contingency plan in place to avoid further disruptions of its work, especially in the event that the Commission is unable to hold in-person sessions in Geneva in 2021.

Sierra Leone notes the pending completion of several of the ILC's project. As you know, the ILC has several topics of keen interest to States on its long-term programme of work. Some of those topics found strong support amongst States. We hope the Commission will prioritise them over those without little or no support. We also urge the ILC to be deliberate when deciding which topics to inscribe into the current programme of work. In this regard, we recall Professor Monica Pinto's observation in the recently published 70th anniversary volume on the work of the ILC that of the "61 *Special Rapporteurs listed on the International Law Commission's website, 31 belong to the Western European and Others Group, 9 to Eastern Europe, 9 to the Latin American and Caribbean Group, 7 to the African Group and 5 to the Asia Pacific Group.*" A doubt may therefore arise whether, in light of these statistics and the terms of Article 8 of the ILC Statute, the Commission's work over the past seven decades has truly represented "*the main forms of civilization and of the principal legal systems of the world.*" The Bureau of the ILC should consider doing its part to contribute to redressing this imbalance.

Indeed, as the African Group has again stressed in its statement this year, it is imperative to match the global representativeness of the Commission with more

opportunities for members from across the five geographic regions and principal legal systems to contribute to the efforts on its substantive work. This could serve to enhance the legitimacy of the Commission's work and help to improve the global nature and acceptance of the results.

Mr. Chair,

At the same time, when it takes decisions on new topics, we encourage the ILC to monitor new developments to exert every effort to optimise the contributions it can make to States and the international community as a whole. One way the Commission might do so is to strike a better balance between traditional topics and newer and more pressing issues. For instance, the COVID-19 pandemic has caused significant damage to our global community. It has also revealed that there are some substantial gaps in the present international legal architecture that hinder our effectiveness in addressing the pandemic. Those gaps ought to be addressed by the relevant global institutions.

The United Nations must do its part. The General Assembly carries a special responsibility, given its mandate to promote international cooperation under Article 13 of the Charter of the United Nations. We consider that, as the only general international law expert body of the General Assembly, the Commission is well placed to help harmonize the disparate legal regimes that may be implicated by future pandemics. In this regard, Sierra Leone was pleased to co-sponsor, together with Chile, Portugal, Turkey and Vietnam, a side event on pandemics in international law. A representative group of ILC members spoke at that 16 October 2020 event. We invite the Commission, building on those discussions, to already consider whether it might be able to play a role to assist States in the progressive development and codification of relevant areas of international law with the view to addressing key gaps that could enhance the global response and global resilience in addressing future pandemics.

In closing, **Mr. Chair**, Sierra Leone wishes to once again thank the Commission. We wish the ILC much success in the resumption and conclusion of its work for the seventy-second session hopefully in 2021.

I thank you.