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**STATEMENT
BY
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AMBASSADOR AND PERMANENT REPRESENTATIVE
ON BEHALF OF THE AFRICAN GROUP**

**DURING THE SIXTH COMMITTEE'S CONSIDERATION OF AGENDA ITEM 82:
"REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS
SEVENTY-SECOND SESSION" AT THE 76TH SESSION OF THE UNITED NATIONS
GENERAL ASSEMBLY**

25 October 2021
United Nations HQ.
New York

Madam 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 and Legal Advisers from capitals to this year’s International Law Week in New York, following a rich tradition to actualize the symbiosis and optimal extensive engagement between the Sixth Committee, legal advisers from capitals and Members of the Commission, despite the continuing challenges of the COVID-19 pandemic.

At the outset, let me thank the Chair of the Commission of the 72nd session, **Ambassador Mahmoud Hamoud** for his stellar work and leadership in conducting the work of the Commission, as well as for introducing the report on the work of the Commission contained in document **A/76/10**. We congratulate the Commission on the progress made on the various items as detailed in the report. 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 Commission, for the extended briefing in September to the Sixth Committee, covering among other things, the report of the Commission on the work of its 72nd session. We recall that the briefing is a follow through on the request by Members States, particularly the African Group, for a more elaborated and extended briefing by the Secretariat.

Madam 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 Commission’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. **We also suggest for the International Law Commission to develop cooperative relationships with regional international law commissions such as the African Union Commission on International Law.**

Efforts 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 these important aspects are duly realised. Our Group is committed to multilateralism and the rules-based international legal system **founded on the Charter of the United Nations**, and we value the effective contribution of the Commission in maintaining this multilateral system, taking into account the views of all Member States.

Part of this commitment is nominating and electing every quinquennium the most qualified and most committed international jurists as members of the Commission as contained in its Statute. With the term of office of the present 34 Members of the International Law Commission due to expire at the end of 2022, the African Group is pleased to note the high number of nominations and quality of candidates for election as members of the Commission for a five-year term beginning on 1 January 2023, including the 9 seats allocated to nationals of the African Group.

Madam Chair,

The report clearly indicates that the Commission was engaged in a productive hybrid-session, the first ever, with the consideration of six (6) substantive topics, namely: “Protection of the atmosphere”, “Provisional application of treaties”, “Immunity of State officials from foreign criminal jurisdiction”, “Succession of States in respect of State Responsibility”, “General principles of law”, and “Sea level rise in relation to international law”. The African Group thanks the Commission, its Members, especially the Special Rapporteurs, Mr. Shinya Murase of Japan, on the adoption of draft guidelines upon second reading of the topic “Protection of the Atmosphere” and Mr. Juan Manuel Gomez Robledo of Mexico, on the adoption of draft guidelines, upon second reading of the topic “Provisional Application of Treaties”.

We note the progress being made on the other topics, with the Commission having provisionally adopted several draft articles on immunity of State officials from foreign criminal jurisdiction with commentaries, three draft articles, with commentaries, on the topic of succession of States in respect of state responsibility, three draft conclusions on General principles of law, while taking note of one draft conclusion, and for holding the first substantive meetings for the study group on the new topic Sea Level rise in relation to international law. In respect of the work of the Commission and the Special Rapporteurs, respective delegations of the Group will comment on the specific substantive issues. We use this opportunity to express our gratitude to Members of the Commission that took time to brief the Group at both the Ambassadorial and Experts levels on the Commission's work this year.

Madam Chair,

The African Group takes note of the decision of the Commission to place the topic "Subsidiary means for the determination of rules of international law", which is annexed to the report, on its long-term programme of work. This is based on a proposal by **Mr. Charles Jalloh** of Sierra Leone.

As the Commission has concluded a number of topics on the Commission's current agenda, we recall our statement on the issue of equitable geographical representation in the work of the Commission,

and 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 practical interest of Member States as well as in the selection of special rapporteurs. This could help to enhance the legitimacy of the Commission's work.

In closing, the African Group wishes to thank the Commission, its Members and the Secretariat for their tireless work, particularly in ensuring the meetings of the Commission were held using the hybrid format and the plenaries webcasted, thereby increasing accessibility to the work of the Commission. The African Group assures the Commission of its unwavering support.

I thank you.