



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

by

Ms. Hawanatu Kebe
First Secretary

at the 78th Session of the United Nations General Assembly

New York, 27th October 2023

Chair,

1. The delegation of Sierra Leone welcomes the debate on agenda item: "
", being the first session in this present quinquennium.
2. We also welcome to New York members of the International Law & R P P L V V L R Q ' & R P P L V V L R Q legal advisers from capitals to this year's International Law Week. It is a delight to see the continuation of the rich tradition of extensive engagement between the Sixth Committee, legal advisers, and members of the Commission.
3. Sierra Leone aligns this statement with the statement delivered on behalf of the African Group.
4. We thank the glass-ceiling breaking Co-Chairs of the Commission for its 74th session, Professor Nilüfer Oral and Professor Patrícia Galvão Teles for their conduct of the Commission • V Z R U N. This historic session, as well as for introducing the report on the work of the Commission contained in document A/78/10.
5. Last session my delegation was delighted to see the simultaneous leadership role of the African Chairs of the ILC and the Sixth Committee. As one of the delegations that have provided critical leadership on gender issues at the General Assembly, we are pleased that the Commission agreed to electing two-chairs. And, by so doing, elected the historic first female Co-Chairs, this being the second time the Commission is chaired by female members.
6. Sierra Leone congratulates the Commission on the progress made on the various topics discussed in the report. We thank the Codification Division of the Office of the Legal Affairs for their

14. Draft Conclusion 2 (Recognition) addresses the conditions under

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‘FRPPXQLW\ RI QDWLRQV from Article 15(2) of the

International Covenant on Civil and Political Rights, and replacing

the anachronistic

take note that the Commission determined that general principles may be formed within the international legal system, although not without controversy. 7KH XVH RI 'PD\· LV WKH UHIRUH SU understandable.

18. Draft Conclusion 4 (Identification of general principles of law derived from national legal systems), which speaks to an uncontroversial category, we note, spells out the objective two-step process for identification of general principles of law derived from national legal systems, which we fully agree with. Under the two-step process, we note that, one must, first, identify the existence and content of a general principle of law derived from various legal systems of the world, and second, having ascertained the existence of a principle that is common to the various legal systems of the world, engage in an assessment whether it is FDSDEOH RI 'WUDQVSRVLWLRQ LQ WKH international legal system.

19. Transposition, we also note, is a process aimed at establishing whether, and if so to what extent, a principle common to the various legal systems can be applied in the international legal system. This certainly leaves open the possibility that a principle may be found to exist, at the national level(o)-2(f)23eystound to exist, at

must be wide and representative, including different regions of the world. We note critically the double conditions under which transposition of a general principle derived from national legal systems may take place in draft Conclusion 6.

21. The adoption of draft Conclusions 7 (Identification of general principles of law formed within the international legal system), even with the controversy, the Commission was able to adopt the permissive provision stating that:

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22. Paragraph 1 **Z H Q R I W H** Without prejudice to the question of the possible existence of other general principles of law formed within the international legal system μ

23. **7 K H N H \ U H T X L U H P H Q W R I W K H S U L U Q F L S O H** international system has been justified by the Commission on the basis of the proposition being supported by judicial and State practice; the necessity of the international legal system to be able to generate general principles specific to itself, like any other legal system; and non-limitation in article 38(1)(c) or the drafting history to limit general principles to those derived only from national legal systems. My delegation, however, can only support this approach when the specific general principle embraces the current diversity and pluralism in contemporary international law landscape. My delegation, for example, can lend support to the principle of sovereign equality of States, as one such principles.

24. As Sierra Leone looks forward to commenting on the work of the Commission **R Q W K L V G W R S I P** Principles of law μ we pay tribute to the Special Rapporteur, Ambassador Marcelo Vazquez-

Bermudez, and the Commission in its previous as well as current composition for the overall excellence of the work done so far.

Chair,

25. I will now move on to the topic: Sea-level rise in relation to

road map to meet the expectations of States, including in determining the form and **FRQWHQW RI WKH 6WXG\ *URXS**.¹ Consideration of concrete solutions to the practical problems caused by sea-level rise should offer practical guidance to States and further reflect the responsiveness of the Commission.

28. As to the eventual product(s) of the Commission, my delegation at this stage will suggest a case-by-case examination of the sub-topics in the determination by the Commission. We welcome the suggested preparation of an interpretative declaration on the

warmly. This study of this topic will help clarify an area of interest to States.

31. We note that there are now 9 topics in the current agenda of the Commission. My delegation appreciating the internal process, including the staggering of topics and independence of the Commission, will highlight topics of significant interest that are still in the long-term programme of work that should be considered for addition to the current agenda ² taking into account the implications on the workload of the Commission and the Sixth Committee. One such topic, which has generated considerable interest also among other States, **LV '8QLYHUVDO FULPLQDO M 6LHUUD /HRQH LQ WKH '8QLYHUVDO MXB LVGLFV** Committee, in making this call, further expressed deep interest in the codification of the universal jurisdiction practice on the important issue of ensuring accountability for sexual and gender-based crimes. This is to address a critical gap in the exercise of jurisdictions or lack thereof on sexual and gender-based crimes. Paragraph 2 of General Assembly resolution 77/111 provides sufficient mandate for the Commission to take on this invitation.

32. In closing, Chair, Sierra Leone uses this opportunity to highlight and welcome progress on other aspects of the work of the Commission. We welcome the re-establishment of the Planning Group to consider its programme, procedures and working methods, and the re-establishment of the Working Group on the long-term programme of work, chaired by Ambassador Marcelo Vázquez-Bermúdez, and the Working Group on methods of work, chaired by Professor Charles Chernor Jalloh.

33. We particularly welcome the reconstitution of the Working Group on methods of work of the Commission, and the election of Professor Charles Chernor Jalloh as Chair. My delegation sees great merit in having a standing agenda for the five-year period which will guide the work. As part of this, we consider that it is vital to have

