



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

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STATEMENT

BY

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FIRST SECRETARY

AT THE 77TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY
(SIXTH COMMITTEE)

AGENDA ITEM 73:
**“RESPONSIBILITY OF STATES FOR INTERNATIONALLY
WRONGFUL ACTS”**

NEW YORK, 13TH OCTOBER 2022

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**Mr. Chair,
Excellencies,
Distinguished delegates,**

1. The delegation of Sierra Leone welcomes the opportunity to share our perspective on the agenda item “Responsibility of States for internationally wrongful acts”. We, however, bemoan the fact that we can only do so after 3 years from the last Sixth Committee plenary on the topic, despite its importance, and the need for practical measures to be taken to reach consensus on the question of future adoption of the articles on State Responsibility as a convention.

2. My delegation notes with appreciation the reports of the Secretary-General on the agenda item:
 - I. Document **A/77/74** being a compilation of publicly available decisions of international courts, tribunals and other bodies, and includes an analysis of a further 83 cases in which the State responsibility articles were referred to in decisions taken during the period from 1 February 2019 to 31 January 2022.

 - II. Document **A/77/198** reflects comments and information received from Governments pursuant to paragraph 2 of General Assembly resolution 74/180.

3. We commend Member States that responded to the request made by the Secretary-General for comments and observations; and also

commend the Secretary-General for the compilation of decisions, which without commenting on the merits, we repeat, is telling of the reliance being placed on the State responsibility articles.

4. Particular note is taken of the frequency, geographical coverage, and the multilateral nature of the courts, tribunals and other bodies that invoked the articles for the period under review.

Mr. Chair,

5. Sierra Leone continues to express the view that the text of the State responsibility articles represents a compromise, not perfect, but rather balanced and authoritative.

6. Initially, Sierra Leone had taken a precautionary approach on the question of convening a diplomatic conference with the view of concluding a convention. We, however, averred 3 years ago and will similarly assert and urge that given the length of time that has passed, the crystallization of the articles, and its influence in international law jurisprudence, we see value in taking concrete practical steps to resolve the question of the future adoption of the articles as a convention.

7. States still have the primary role in norm setting at the international level. The mandate of the International Law Commission (ILC) derived from article 13 (1) (a) of the Charter of the United Nations in 1947, and today, remains to "*initiate studies and make*

recommendations for the purpose of [...] encouraging the progressive development of international law and its codification".

8. As recipients of the recommendations of the ILC, the fundamental role of States to act on those recommendation remains vital for all ILC products, including the States responsibility articles.
9. Therefore, having taken note of the articles on State responsibility, our position is for the General Assembly to concretely pursue the other ambit of the recommendation by the ILC. Admittedly, the Sixth Committee has been given the short end of the stick to make the appropriate recommendation to the General Assembly, as it can only discuss the topic triennially.
10. Sierra Leone is of the view that States should have a more frequent opportunity to discuss the "question of adoption", as the present triennially debate cycle inhibits effective dialogue between member States on the two opposite sides, thereby hampering the prospect of reaching consensus any time soon.
11. Frequent debates may, for example, lead to some form of agreement on a package for negotiations, with due identification of aspects where States agree, and allowing States to find a balance on points of disagreement. The Sixth Committee may well commence discussions on this approach and procedural options regarding possible action on the basis of the articles in an annual debate format. This can only be the absolute minimum, if the Sixth

Committees wishes to accord the same respect for comparable ILC products.

12. In conclusion, **Mr. Chair**, Sierra Leone expresses support for the mandate given to the Secretary-General to continue the compilation of decisions of international courts, tribunal and other bodies, and information on the practice of States on the Articles. Notwithstanding where a State may find itself on the "question of future adoption", the usefulness of the information contain in the reports cannot be discounted.

13. I thank you.