



REPUBLIC OF UGANDA

**STATEMENT  
BY**

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**AT THE**

**DEBATE ON THE REPORT OF THE INTERNATIONAL LAW  
COMMISSION DURING THE 6<sup>TH</sup> COMMITTEE 78<sup>TH</sup> SESSION OF  
THE UNITED NATIONS GENERAL ASSEMBLY**

**25<sup>th</sup> October, 2023**

**NEW YORK**

*[Please check against delivery]*

**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-fourth session. My delegation aligns itself with the statement delivered by the distinguished representative of Sierra Leone 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, we appreciate the opportunity for optimal extensive engagement between the Sixth Committee and Members of the Commission, following a very rich tradition to actualize the symbiosis between the ILC and Member States in the Sixth Committee.

At the outset, let me to pay a special tribute to the Chairs of the Commission of the 74<sup>th</sup> session, **Professor Patricia Galvao Teles and Professor Nilufer Oral** for conducting the work of the Commission, as well as for introducing the report on the work of the Commission. My delegation is also pleased to celebrate the election of the first African female member, Professor Phoebe Okowa and wish her all the best during her tenure in the commission.

I congratulate the Commission on the progress made on several 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 74<sup>th</sup> session.

Allow me chair to also appreciate the special rapporteurs of the ILC topics for the tremendous work done on the topics.

**Chair,**

Efforts must be redoubled in order to draw inspiration from the main principal legal systems reflective of our contemporary 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. We further stress the importance for inscribed topics to bring an added value and be of interest and relevance to the international community as a whole.

**Chair,**

With regard to the “**General principles of law**”, which was the priority topic this year, We welcome the Commissions adoption, on first reading of the 11 Draft Conclusions on General principles of law, together with commentaries thereto. We welcome the decision to transmit the draft conclusions, through the Secretary-General, to Governments for comments and observations, with the request that such comments and observations be submitted to the Secretary-General by **1 December 2024**. Given the significance of the topic, Uganda is of the view that in the evaluations of general principles of law, the legislation and practice of African States and their legal systems which are often underrepresented in international law discussions, ought to also be considered.

We wish to highlight, in relation to general principles of law, that recognition only takes place when it includes norms also accepted in and by African legal systems; as well as in relation to the first category of general principles (those derived from the national level) the importance of both a wide and representative

evaluation of national legal systems being undertaken. Those elements should include the practices of African States, which far too often, are not necessarily considered.

**With 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 capable of “transposition” to the international legal system.

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, but in practice unsuitable for application in the international legal system. This is the part where we emphasize the need for the process to take account of the diversity in the reference to a principle being common to the various legal systems.

Draft Conclusions 5 (Determination of the existence of a principle common to the various legal systems of the world) and 6 (Determination of transposition to the international legal system), we note, address in greater detail the two-step process for the identification of general principles of law derived from national legal systems, as discussed in draft Conclusion 4. We welcome the comparative analysis of national legal systems approach, which 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.

On draft **Conclusion 7** *To determine the existence and content of a general principle of law that may be formed within the international legal system, it is necessary to ascertain that the community of nations has recognised the principle as intrinsic to the international legal system*".

Paragraph 1, we note, "is without prejudice to the question of the possible existence of other general principles of law formed within the international legal system".

The key requirement of the principle is "intrinsic" to the 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. In conclusion on this topic It would be an injustice not to pay tribute to the Special Rapporteur, Professor Marcelo Vázquez-Bermudez and the Commission for the overall excellence of the work done at this stage.

With regard to other topics chapter, Uganda notes that there are now 9 topics in the current agenda of the Commission. While, appreciating the internal process, including the staggering of topics and independence of the Commission. There is need to 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. Such topics include: Universal Jurisdiction, State Responsibility and Compensation, and immunities of foreign officials from jurisdiction.

My delegation also 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 merit in this Working Group developing rules to improve the method of work of the Commission, especially the simplification of the Commission's report, which had been requested by the African Group previously. We particularly welcome the endorsement of the recommendations of the Working Group that a new reporting practice be adopted whereby a brief summary of the Working Group's deliberations will be included in the Commission's annual report to the General Assembly.

On another note, my delegation would also like to thank the international law commission for engaging the participants of the 57<sup>th</sup> Session of the international law seminar in July which Uganda participated in, the seminar provided participants with key knowledge on the current Programme of work.

Furthermore, we must strive for inclusivity within international law education. The diversity of voices and experiences is a strength that must be harnessed. It is crucial to ensure that underrepresented groups are given the opportunity to enter and excel in the field of international law.

By fostering an inclusive environment, we can collectively work towards a more equitable and just international legal system. International law serves as the bedrock for the peaceful coexistence of nations and the protection of human rights. The current topics in the commission's work were of keen interest for all the participants and the presentations prepared will form the future work of the international law commission.

In conclusion, Uganda wishes to thank the Commission and the Secretariat for their tireless work, particularly in ensuring the meetings of the Commission were held using the in-person format and the plenaries webcasted, thereby increasing accessibility to the work of the Commission. Uganda assures the Commission of its unwavering support.

**I thank you.**