

**African Group Statement on the Report of the International
Law Commission on the work of its seventy-fifth session
(Agenda item 79)**

Chair,

1. 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” on behalf of the African Group.
2. 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 the optimal extensive engagement between the Sixth Committee representatives and Members of the Commission, following what has crystalized as a very rich tradition to actualize the symbiosis between the ILC and Member States in the Sixth Committee.
3. At the outset, let me thank the Chair of the Commission of its historic 75th session, **Mr. Marcelo Vazquez Bermudez, the Bureau, the Special Rapporteurs and Chairs of Working Groups**, for conducting a successful even if unusually shortened session of the Commission. We appreciate the Chair’s comprehensive introduction of the report on the work of the Commission contained in document **A/79/10** and look forward to a rich debate on it We took note with appreciation, given the concerns raised by African States in the past, about the Commission’s decision to have an extended Chapter II of its report containing a more detailed executive summary of the individual chapters of the 2024 report.
4. We congratulate the Commission on the commemoration of its 75th anniversary as well as the substantive 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 75th session. The African Group also thanks the African members of the Commission, **especially Professor Charles Chernor Jalloh, Professor Louis Savadogo, Professor Alioune Sall and**

Ambassador Ahmed Fathalla for taking time to brief the group on the progress of the work of the Commission this session. Their engagement with us underlines the importance of African States giving their feedback on the ILC report.

5. We use this opportunity to once more thank the members of the Commission for their devoted service to the codification and progressive development of international law.

Chair,

6. 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. In noting the particular steps being taken by the Commission to taken into account diversity of legal traditions, geographic and linguistic consideration in its work this session, we continue to reiterate that 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.
7. The African Group also welcomes the fact that the Sixth Committee has before it two sets of draft articles from the Commission, on respectively, the Protection of persons in the event of disasters from 2016 and the Prevention and punishment of crimes against humanity as submitted to the General Assembly in 2019. As States consider whether and how to take action on those two agenda items, on which we are optimistic for substantive progress, we see these contributions as underlying the importance of the Commission. It also indicates the strong cooperation and complementary roles between the Commission and the Sixth Committee in working together to achieving the mandate of the General Assembly under Article 13 of the United Nations Charter.
8. We continue to suggest for the International Law Commission to develop cooperative relationships with regional international law commissions, such as the African Union Commission on International Law (AUCIL). We took note that one of the consequences of the shortening of the Commission’s, by two weeks, session due to the

liquidity crisis was that the traditional exchange of views between the ILC and regional codification bodies under the standing cooperation agenda item was not possible this past year including in relation to the AUCIL. The African Group hopes that the Commission, which has a busy programme of work, will have its full 12-week session next year, and as part of that, return to this agenda item.

9. Further, in terms of its substantive work, the ILC must redouble efforts to draw inspiration from the main principal legal systems reflective of our contemporary world, including African sources and principles in its work. Our increasing engagement with the work of the Commission is to ensure these important aspects are duly realised. The African Group appreciates that the ongoing work on the Subsidiary means for the determination of rules of international law and a number of other topics is already beginning to reflect our call. 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,

10. This year's report, like last year, indicates that the Commission was engaged in a productive session in this new quinquennium. Respective delegations of the Group will comment on the specific substantive issues stemming from the report of the Commission.
11. In the previous session in the last quinquennium, in noting that the Commission has concluded a number of topics on the Commission's current agenda, the African Group recalled its statement on the issue of equitable geographical representation in the work of the Commission and note that only one African member was serving as a special rapporteur, and another as co-chair of a study group. We called 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 as this could help to enhance the legitimacy of the Commission's work. We are therefore pleased to

note the progress that has been made in this regard including the retention of the piracy topic by an African special rapporteur. We believe the next step is to ensure the necessary resources are made available to the appointed Special Rapporteurs to ensure they successfully lead the work of the Commission on their important topics. Here, we once again recall our strong support for the establishment of the Trust Fund to assist developing country special rapporteurs.

12. Like the Commission, the African Group expresses concern about the discontinuation and availability of the webcast to facilitate the engagement of delegates of the Sixth Committee. The webcasting was particularly helpful for smaller delegations, including those from our region, to follow the work of the Commission.
13. The African Group welcomes the decision of the Commission to meet here in New York in 2026. We believe this would enhance the dialogue with the General Assembly and facilitate direct contact between the Commission and delegates of the Sixth Committee. We support the Commission's call for the Secretariat to proceed with expediency in the necessary administrative and organizational arrangements to facilitate the holding of their first half session in 2026 in New York.
14. In closing, Chair, the African Group wishes to thank the Commission and the Secretariat for their tireless work. We believe that restoring the webcasting increases accessibility to the work of the Commission. The African Group assures the Commission of its unwavering support.

I thank you.