



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

STATEMENT

BY

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AT THE

80TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY,
SIXTH COMMITTEE PLENARY MEETING ON AGENDA ITEM 80:
REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK
OF ITS SEVENTY-SIXTH SESSION (CLUSTER II)

TRUSTEESHIP COUNCIL CHAMBER, UNHQ
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Chair,

1. The Delegation of Sierra Leone **aligns** itself with the statement made by the distinguished representative of **Cameroon on behalf of the African Group**. We thank the Chair of the International Law Commission, Mr. Mārtiņš Paparinskis, the Bureau, the Special Rapporteurs, and the Secretariat for their continued commitment to the Commission's demanding programme and for the detailed work reflected in its 2025 report.
2. The structure and substance presented across **Cluster II** demonstrate the Commission's careful effort to maintain inclusivity and sustained dialogue with Member States, even within the **constraints of a shortened session**. Sierra Leone therefore reiterates its

strong support for the restoration of the full twelve-week calendar, as the reduced length continues to restrict deliberation on complex subjects essential to the codification and progressive development of international law.

3. Sierra Leone **attaches particular importance** to the topics contained in **Cluster II** as they engage foundational questions of **State responsibility, immunities, dispute settlement, and the evolution of international law**, all of which directly shape the legal and institutional environment for small and developing States.

4. We recognize that the **seventy-sixth session** achieved significant progress despite time constraints, notably

the provisional adoption on second reading of a number of key draft articles and conclusions. Sierra Leone commends the Commission for maintaining discipline and collegiality under such conditions, ensuring that each topic moved forward on the basis of **consensus and sound legal reasoning**.

Immunity of State Officials from Foreign Criminal Jurisdiction

5. Chair, Sierra Leone welcomes the advancement toward completion of the second reading of the draft articles and commentaries on the immunity of State officials from foreign criminal jurisdiction. We extend appreciation to Special Rapporteur Mr. Claudio Grossman Guilloff and the Commission for the painstaking work reflected in the second report and in the debates held during the seventy-sixth session.

6. We note with satisfaction that the Commission provisionally adopted on second reading the initial set of draft articles **1, 3, 4 and 5**, together with their commentaries, and referred draft articles **7 to 18** to the Drafting Committee for further refinement. This step consolidates years of deliberation aimed at balancing State sovereignty and the imperative of accountability for international crimes.

7. Sierra Leone remains convinced that the rules on immunity must be applied in a manner that preserves accountability and ensures that they do not become a shield for impunity. We therefore welcome the Commission's articulation of exceptions grounded in grave international crimes and the affirmation that the

“without prejudice” clauses preserve the operation of special legal regimes such as diplomatic and consular immunity and the Rome Statute.

8. We further welcome the **inclusion of slavery** and the **slave trade** among the crimes under international law for which immunity *ratione materiae* shall not apply in draft article 7. Sierra Leone has proposed an amendment to the **Rome Statute of the International Criminal Court** to classify slavery and the slave trade as crimes against humanity and war crimes. Their inclusion in the draft articles strengthens the legal coherence of the regime and reinforces the universal obligation to ensure that no person may invoke official capacity to avoid accountability for such acts.

9. The limitation of ***immunity ratione personae*** to the Heads of State, Heads of Government and Ministers for Foreign Affairs corresponds with established customary law. We welcome the Commission's clarification that such immunity applies only for the duration of office and ceases upon its termination. This precision strengthens predictability and guards against politicization.

10. Sierra Leone further appreciates the Commission's effort to codify **procedural safeguards** including **notice, consultation, and the right of review** to ensure that national courts apply exceptions objectively and consistently. We particularly support the introduction of high thresholds, drawn from international criminal practice, for determining whether sufficient grounds

exist to override immunity in cases involving serious crimes.

11. We also commend the emphasis on timely review, which enhances fairness and confidence in judicial processes. The identification of **non-exhaustive factors** to guide national authorities, together with recognition of the role of courts in final determinations, reinforces impartiality.

12. On the **question of fair treatment**, Sierra Leone welcomes explicit references to the rights of accused officials, consistent with international human rights standards. This balance between accountability and due process is indispensable to safeguarding both justice and the dignity of persons subject to proceedings.

13. In regard **to transfer of proceedings and dispute settlement**, Sierra Leone encourages the Commission to further elaborate on mechanisms for cooperation among forum and third States, ensuring coherence with existing treaty regimes on **extradition and mutual legal assistance**. We support early publication of the commentaries to facilitate States' implementation and harmonization of domestic practice.

14. **Finally**, Sierra Leone supports the appointment of a successor Special Rapporteur to maintain continuity and institutional memory as the Commission moves to final adoption at its next session. The topic's sensitivity and practical importance require steady leadership and broad State consultation. Before we close on this topic, Sierra Leone wishes to pay a **special tribute** to

Prof. Conception Escobar-Hernandez of Spain, the former special rapporteur for this topic, whose passing this year was a huge loss. Her contributions to the codification and progressive development of international law, through her work on this topic and other contributions to the Commission more generally, would be remembered for many years to come. We extend our condolences to her family through Spain.

Subsidiary Means for the Determination of Rules of International Law

15. Chair, on the topics of Subsidiary means for the determination of rules of International Law, Sierra Leone commends Special Rapporteur Professor **Charles Chernor Jalloh**, our distinguished national, for his rigorous and inclusive approach to this topic, which examines the subsidiary means identified in **Article 38**

(1)(d) of the Statute of the International Court of Justice. We recognize his third report **(A/CN.4/781)** and the Drafting Committee's provisional adoption of draft conclusions **1 to 13** on first reading as a significant achievement. Sierra Leone welcomes all the 13 draft conclusions adopted by the Drafting Committee, underlining in particular, the need to maintain the three categories of subsidiary means and the five logical parts into which they have been structured. We will present detailed comments on the draft conclusions next year after they are adopted by the Commission as a whole on first reading. In the meantime, we congratulate Professor Jalloh and the members of the Drafting Committee, including its **Chair Mr. Mario Oyarzabal of Argentina**, for the achievement for the Commission of this critical milestone on this important topic despite the time constraints. We note that, as

special rapporteur, Professor Jalloh submitted a full set of commentaries on this topic but there was simply insufficient time to translate them this year.

16. The **third report referenced above (A/CN.4/781)**, which took into careful account the comments of States on this topic, deepened the analysis of teachings and scholarly writings, the work of expert bodies, and the role of resolutions of **international organizations and intergovernmental conferences** as subsidiary means for determining rules of law. It also addressed the relationship between subsidiary means and supplementary means of interpretation, and the imperative of ensuring coherence within the international legal system. Sierra Leone notes that the adoption of these draft conclusions was postponed solely due to the reduced session length.

17. Sierra Leone reaffirms the **centrality of judgments** of the **International Court of Justice** as the principal subsidiary means of ascertaining rules of law. At the same time, decisions of **regional and specialized tribunals, arbitral awards, and national court** rulings contribute to the development and clarification of international law, especially when they reflect diverse legal traditions and practice.

18. We commend the Commission's acknowledgment that **scholarly writings** should be evaluated not only for technical authority but for **representation across regions, languages, and legal systems**. African jurisprudence and scholarship remain under-represented in global citations; we therefore urge

greater use of regional law reports, continental juridical organs, and academic institutions in Africa and the Global South.

19. Sierra Leone also supports the call for **methodological transparency** in the selection and weight given to subsidiary means. States must understand why certain judgments or teachings are treated as authoritative and how they influence the Commission's work. We encourage the Commission to develop **non-binding guidelines or best practices** for referencing subsidiary means to enhance coherence and reduce fragmentation.

20. The relationship between **subsidiary means and supplementary means of interpretation** is an area that

merits continued attention. While the former assist in identifying law, the latter guide interpretation of treaties. Sierra Leone supports the Commission's careful distinction between the two and its recognition that they serve complementary functions in ensuring the unity and consistency of international law.

21. Finally, we commend **Professor Jalloh** for integrating capacity-building considerations into his approach. The inclusion of small States and developing countries in the production and use of subsidiary means is essential to the legitimacy of the international legal order. We look forward to the final commentaries and urge the Commission to adopt the draft conclusions on first reading at its next session.

Settlement of Disputes to Which International Organizations Are Parties

22. Chair, moving on to the topic of dispute settlements, Sierra Leone welcomes the continuing work on this topic, which has gained relevance as international organizations expand their mandates and enter into diverse legal relationships. We note that the Commission considered the third report of the Special Rapporteur (**A/CN.4/782**), focusing on disputes between international organizations and private parties, and held a preliminary exchange through a Working Group chaired by the Rapporteur.

23. Sierra Leone supports the **broad scope** of the topic, covering disputes arising under international and

domestic law, including contractual, employment, and treaty-based matters. Balancing organizational immunities with the right of access to justice for affected individuals is vital. We encourage the Commission to draw on the practice of the United Nations and regional administrative tribunals to identify best standards for independence, due process, and impartiality.

24. We also advocate that the Commission consider **innovative dispute-resolution mechanisms** such as **Ombudsperson and mediation processes**, which are cost-effective and accessible for less-resourced parties. Sierra Leone urges continued engagement with regional courts in Africa and beyond to ensure their experience is reflected in the Commission's guidelines.

Non-Legally Binding International Agreements

25. Chair, Sierra Leone acknowledges the growing importance of **non-legally binding international agreements** in modern diplomacy. We note that the Commission had before it the second report of the Special Rapporteur **(A/CN.4/784)** and established a Working Group for preliminary discussion owing to time constraints.
26. We commend the Commission for clarifying **terminology and scope** and for proposing six draft conclusions to differentiate such instruments from treaties. Sierra Leone supports this work as a means to enhance **transparency and accountability** while preserving the flexibility that non-binding arrangements provide for cooperation. We encourage States to adopt **national guidelines and registers** for non-legally binding agreements, ensuring **public access** and preventing overlap with treaty obligations. We also

recommend that the Commission collaborate with the **UN Treaty Section** to explore digital platforms for voluntary publication of such instruments.

Prevention and Repression of Piracy and Armed Robbery at Sea

27. Chair, Sierra Leone takes note of the Commission's initial consideration of this topic, **Prevention and Repression of Piracy and Armed Robbery at Sea** on the basis of a note by the Special Rapporteur (**A/CN.4/786**) and the establishment of a **Working Group** to review the major themes identified therein. We welcome the recognition that the threat of piracy and armed robbery remains acute, particularly in the Gulf of Guinea and West African waters.

28. Sierra Leone encourages the Commission to draw upon **regional frameworks** such as the **Yaoundé Code of Conduct and the Lomé Charter of the African Union**, which exemplify African-led responses to maritime crime. We urge further research on emerging forms of piracy, including cyber-enabled and uncrewed-vessel offences, and call for technical cooperation through the IMO and AU to strengthen regional capacity.

Succession of States in Respect of State Responsibility

28. Turning to the topic of Succession of states in Respect of States Responsibility, Sierra Leone notes that the Commission, through its Working Group chaired by **Mr. Bimal N. Patel**, held one meeting and took note of a draft report (**A/CN.4/L.1004**) addressing possible options for future work. We acknowledge that some

members favoured discontinuation of the topic due to limited State practice, yet Sierra Leone emphasizes that questions of **succession and responsibility remain of real concern, especially in regions facing potential State reconfiguration.**

29. We therefore encourage the Commission to consider issuing a brief set of **guiding observations summarizing lessons learned**, particularly on the allocation of responsibility and protection of third-party rights following succession. Codification in this area, even in skeletal form, would **promote legal stability and protect victims of wrongful acts.**

30. Finally, Sierra Leone further calls for mechanisms promoting **dialogue, reconciliation, and peaceful**

dispute settlement as integral elements of succession processes. This approach reflects our national experience that peace and justice must evolve together.

Conclusion

31. In closing Mr. Chair, throughout Cluster II, Sierra Leone's engagement remains anchored in the pursuit of **justice, legal certainty, and inclusivity**. We commend the Commission for maintaining transparency and for ensuring that small and developing States continue to participate meaningfully in the shaping of international law.

32. Sierra Leone reiterates its full commitment to the **UN Charter, the sovereign equality of States, and the imperative of a responsive and progressive**

international legal order. Our continued engagement in the Sixth Committee and the ILC's work will reflect these principles.

33. We thank in particular the Special Rapporteurs – Mr. Claudio Grossman Guilloff, Professor Charles Chernor Jalloh, Mr. August Reinisch, Mr. Mathias Forteau, Mr. Louis Savadogo, and Mr. Bimal Patel – for their stewardship and technical contributions. The deliberations of this session will influence international law for years ahead. Sierra Leone stands ready to contribute its perspectives and expertise, ensuring that international justice and codification serve all States – large and small, developed and developing alike.

34. Chair, we thank you, the members of the Bureau, the Special Rapporteurs, and the Secretariat for their dedication. Sierra Leone reaffirms its resolve to participate actively and constructively as the Commission resumes these discussions at its seventy-seventh session.

I thank you.

