



0 (12) 0570

Agenda Item 82:

5HSRUW RI WKH , QWHUQDWLRQDO /DZ & RPP
VHFRQG VHVLRQ

My delegation is pleased to join the debate on the third cluster of topics International Law Commission on the work of its seventy-chapters: VII (Succession of States in respect of State responsibility and VIII (General principles of law).

On added to the program of work of the Commission in 2017, Sierra Leone notes that the Commission had before it for the 72nd session the fourth report of the Special Rapporteur containing five new proposed draft articles. Sierra Leone in commending the work of the Commission and Special Rapporteur, **OU 3DYHO** of the **WXPED** Republic in the current challenging circumstances, further notes that the report was debated, and the proposals referred by the plenary to the Drafting Committee for its consideration, as the Commission continued its deliberation of articles held over from the previous (2019) session.

My delegation in noting the pace of work of the Commission on this topic, noted with appreciation the ultimate adoption of three draft articles this concluded session, namely: Acts having a continuing character (draft article 7), Attribution of conduct of an insurrectional or

the general rules, the State responsibility standards will continue to apply and should be followed.

The theme has been the question whether, as with succession to treaties, when it comes to succession to responsibility, a clean slate doctrine or an automatic succession rule in the context of an internationally wrongful act. Sierra Leone senses a change in position in the Commission, in that neither a clean slate rule nor an automatic succession rule should be accepted as general rules in relation to succession to responsibility. We will continue to study this change in position, whilst noting its significance in the project.

The , which appears to have resurfaced from debates in previous sessions, is the nature of the preferred outcome for this topic, particularly from the perspective of an African State. As proposed, and as the work continues, the outcome is meant to be draft articles. It is unclear yet whether that means that the Commission will be proposing that States negotiate a treaty in this area. We note the supportive view that has been advanced to the extent that the draft articles are intended to form the basis for a future convention, as this is considered appropriate since States may be given the basis to negotiate text for a possible convention and to signal their consent through signature and ratification. We note the other view, that the draft articles adopted could take a softer and less ambitious form of draft guidelines.

for States on the one hand and affirming the previous

on the other hand.
Timing is important and transparency relevant. The
Commission has to be clear on this issue given the

formed within the international legal system; and concludes with a consideration of subsidiary means for the determination of general principles of law. We further take note of the proposed six draft conclusions made by the Special Rapporteur in his report and the suggestions for the future programme of work on the topic.

As a general observation, Sierra Leone agrees that the starting point for this project is appropriately article 38 (1) (c) of the Statute of the ICJ. In further agreeing with the Special Rapporteur in reflecting the general agreement both within the Commission and the Sixth Committee that
and

inclusive and broad, covering the variety and diversity of national legal systems of the world.

On the future work programme, Sierra Leone looks forward to the Special Rapporteur's third report, which as proposed, will address the functions of general principles of law and their relationship with other sources of law.

In closing,