





Chair,

6. In this difficult moment, when the multilateral international legal order is under tremendous stress, Sierra Leone takes this opportunity to reaffirm the great value and importance we attach to the mandate of the 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.
  
7. We also reiterate and re-echo the view of the African Group in 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. Efforts in that regard ought to also draw inspiration from the main principal legal systems of our contemporary and pluralistic world, including African customary law

10. Sierra Leone congratulates and commends the Commission, and its Members, and pays tribute to Special Rapporteur Mr. Dire Tladi, on the adoption, on second reading, of the entire set of draft conclusions on identification and legal consequences of peremptory norms of general international law ( jus cogens ) μ comprising 23 draft conclusions and an annex containing a non - exhaustive list of jus cogens norms, together with commentaries thereto.

11. Sierra Leone commends the Special Rapporteur and acknowledges the steps taken by the Commission to consider the statements of delegations in the Sixth Committee with the same or equal value to written submissions, as invited between the First and Second Readings of the topic by the Commission . We had previously made preliminary observations on the topic, and on the adoption of the Draft Conclusions, the Annex and commentaries, after the First Reading, and we now wish to highlight the following :

12. First, Sierra Leone takes note of the recommendation of the Commission in paragraph 41 of its report, and as we continue to study the adopted draft conclusions , annex and commentaries, my delegation takes this opportunity to state that the conclusion of the work of the Commission , constitutes a significant development , and an accomplishment on a very important topic of international law . We note that this was done under the guidance of an African jurist.

13. Second , Sierra Leone agrees with the decision to change the title of the topic W R ' U D I W & R Q F O X V L R Q V R Q W K H , G H Q W Consequences of Peremptory Norms of General International / D Z μ Z K L F K F O H D U O \ G H V F U L E H V W K H V F R S H D Q Conclusions, as recommended by the Drafting Committee based on a suggestion made by the Republic of Italy.

14. Third, the compromise reached on Draft Conclusion 2 , in both placement and the further clarification of the meaning, by splitting

the two into two sentences was appropriate . Indeed, we appreciate the first sentence as explaining that peremptory norms reflect and protect fundamental values of the international community, which is important for my delegation; and the second sentence explains that these peremptory norms are universally applicable and superior to other rules of international law.

15. Fourth, and similarly on 'UDIW & RQFOXVLRQ 'EDVHV  
the delegation of Sierra Leone took note of the helpful  
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stifling of the emergence of new peremptory norms of general international law, to preclude the emergence of a new rule of customary law that runs contrary to an existing peremptory norm, as well as the further clarifications in the commentaries , are also well noted.

18. Seventh, on Draft Conclusion 16 , my delegation is satisfied with the underlining factor that no State has contested the substance of the legal principle that Security Council decisions were also subject to jus cogens norms. We agree that the language obligations created by resolutions, decisions or other acts of international organizations conflicting with a jus cogens norm is broad enough to cover the United Nations Security Council. The retention of the reference to the UN Security Council in the commentary is helpful to further clarify this issue, as this is in keeping with State practice.

Chair,

21. Similarly, to the *jus cogens* topic, Sierra Leone also commends the Commission, and its Members, and pays tribute to the Special Rapporteur Ms. Marja Lehto of Finland on the adoption on second reading, the entire set of draft principles on protection of the environment in relation to armed conflicts, comprising a draft preamble and 27 draft principles, together with commentaries thereto. We join the Commission to express our gratitude for the valuable contribution of the previous Special Rapporteur, Ms. Marie Jacobsson of Sweden to the work on the topic.
  
22. Sierra Leone takes note of the recommendation of the Commission in paragraph 55 of its report, and as we continue to study the preamble and 27 draft principles, together with the commentaries, we hereby make the following preliminary observations:

environmentally and culturally important in order to be protected.

We further note that the proposals included deleting the word

'PDMRU μ IURP WKH SKUDVH 'DUHDV RI PDMRU

FXOWXUDO LPSRUWDQFH μ WKHZSHOUDN DLG UOD

DUPHG FRQIOLFW μ RU 'LQ HYHQW are, at this PHG FRO

stage, content with the reading of the draft principle which states

DV IROG States should designate, by agreement or otherwise,

areas of environmental importance as protected zones in the

event of an armed conflict, including where those areas are of

cultural importance μ



'DQ DUHD DIIHFWHG E\ DQ is also helpful, and we note that it is inspired by the terms used in, inter alia, the United Nations Guiding Principles on Business and Human Rights and the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict -Affected and High -Risk Areas.

28. Fifth, and in Part Three on Principles applicable during armed conflict, the Commission extensively debated the use of the terms 'QDWXUDO HQYLURQPHQW' and 'DQG' in the URQP HC agreement for the deletion of the ZRUG 'QDWXUDO' ZKHQ UHI the environment in Draft Principles 13, 14 and 15. This may have been a pragmatic approach, to focus attention on the principles and not on the difference of views on the terms 'HQYLURQPHQW' D 'QDWXUDO' HQYLURQPHQW. The understanding in this regard is significant, in that, by the deletion, the Commission did not intend to alter the scope of the existing conventional and customary international humanitarian law, nor the Commission attempting to H[SDQG WKH VFRSH RI ZKDW LV PHDQW E\ 'QDW international humanitarian law, with the commentary explaining this understanding.

29. Sixth and finally on this topic, on Draft Principle 13 General Protection of the Environment During Armed Conflict, and in relation to the new paragraph 2 which was proposed by the Special Rapporteur, in response to State comments, appears to be an important addition. As the paragraph UH DG V '





35. In closing, Chair, Sierra Leone uses this opportunity to highlight and welcome progress on other aspects

accessibility to the work of the Commission. This innovation is useful for delegations and should be continued. We look forward to the Commission making further progress on the accessibility of its work.

39. Finally, Sierra Leone appreciates the dedication of the members of the Commission and the Secretariat, who despite the continuing challenges of COVID -19, made the personal sacrifices which enabled the Commission to resume its work in a hybrid format. That said, as in-person interactions both formally and informally are critical to progress the work, we underline the importance of resuming the usual working methods of the Commission on the normal schedule and in person meetings.
40. As this is the end of the current quinquennium, we use this opportunity to thank all the members of the Commission for their devoted service and contributions to the codification and progressive development of international law. For members serving their final term , Sierra Leone extend s her very best wishes in all your other endeavours. We most heartily c ongratulate our returning and newly elected members for the next quinquennium. We certainly join the African Group in expressing our satisfaction with the quality of the elected members of the Commission, a s we celebrate the election of the first African female member , Ms. Phoebe Okowa of Kenya .
41. I thank you.