



Chair,

The Republic of Sierra Leone would like to offer some preliminary remarks on Cluster II topics in relation to agenda item 79: “*Report of the International Law Commission on the work of its seventy-first session*”; namely, “protection of the environment in relation to armed conflicts”, “immunity of State officials from foreign criminal jurisdiction” and “sea level rise in relation to international law.”

On “Protection of the environment in relation to armed conflicts”

As this is our first time commenting on “*protection of the environment in relation to armed conflicts*”, since it was added to the ILC’s programme of work, Sierra Leone expresses its appreciation for the hard work of the first rapporteur for the topic, **Professor Marie Jacobsson of Sweden**, and **Ambassador Marja Lehto of Finland** – the current Special Rapporteur. We appreciate Ambassador Jacobsson’s role, leading the work on the topic and setting out the framework for the project. For her part, Ambassador Lehto’s two excellent reports and other contributions over the last two sessions have enabled the Commission’s consolidation and adoption, on first reading, of the complete set of the 28 draft principles along with the commentaries.

Our initial impression is that the draft principles contain provisions of different normative value. Some reflect customary international law while others are non-binding recommendations, all with the aim of enhancing protection of the environment before, during or after armed conflicts. Given that the environment constitutes part of the global commons and is not necessarily

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corporation given that the State of business/operation may itself be facing governance challenges during or in the aftermath of conflict. The natural resources are to be purchased or obtained in an environmentally sustainable manner, and in accordance with both the laws of the States concerned.

On this point allow me Chair to share our experience and reflect on our national statement on the ILC Report on its work in the 58th and 59th sessions, where proposals were made on the floor, by my delegation, for the Commission to add the following topics in its programme of work:

Firstly, the legal consequences arising out of the use of private security in internal conflicts.

Secondly, the legal consequences arising out the involvement of multilateral corporations in internal conflicts. **Thirdly**, the legal consequences arising out of the use of private security agencies in internal conflicts.

The topics were proposed “*not as an intellectual exercise but as a result of our own experience. These topics are important in our view in light of the ICJ’s judgment in the case – Application of the Convention on the Prevention and Punishment of the Crime of genocide (Bosnia and Herzegovina v. Serbia and Montenegro). This case which turns on the responsibility*

We support the ILC's adoption of the draft articles concerning immunities *ratione personae* and immunities *rationae materiae*. We underscore, however, that there may be potential

consider strong procedural safeguards including the institutions, invocation and waiver of immunity; but also going beyond them. This would be required for the adopted articles not to lead to other undesirable frictions in international relations.

In this regard, while we are very grateful to the Special Rapporteur for her excellent Sixth

and Seventh Reports, the latter being a summary of debates in the Commission and the Sixth Committee, we regret that the progress on the work in the Drafting Committee on the safeguards in the recently concluded session was not as substantial as we would have wished for. We call on the ILC to prioritise the topic next year, in view of its significance, and hope that the first reading will be completed, and that States and other observers will have sufficient time to provide written