



**Statement on behalf of
the Republic of South Africa**

by

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Agenda item 79

**“Report of the International Law Commission: Cluster
I”**

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Chairperson,

South Africa aligns with the Statement delivered by Uganda on behalf of the African Group, and I shall now deliver these brief remarks in my national capacity.

At the outset, I wish to thank the Chair of the Commission, Mr. Marcelo Vazquez Bermudez, for the comprehensive manner in which he presented the report of the Commission. South Africa reiterates its expression of support to the Commission and its work and congratulates it on its 75th Anniversary.

Chairperson,

In this Cluster, South Africa's intervention will focus on the topic "Sea level rise in relation to international law". We wish to express appreciation to the Commission on this important topic, together with the adopted sub-topics of statehood and the protection of persons affected by sea-level rise. South Africa extends its appreciation to the Co-Chairs of the Study Group, Ms. Galvão Teles and Mr. Ruda Santolaria, for their work leading to an additional paper to the second issues paper, which explored amongst others, issues related to the configuration of a State as a subject of international law and continued existence of the State.

Chairperson,

South Africa acknowledges the imminent threat caused by the rising sea level as an effect of climate change, which has the potential to affect the international community as a whole, either directly or indirectly.

In particular, South Africa notes the impact that a partial submersion or total physical disappearance of the territory of a State as a result of sea level rise and how these may call into question the traditional criteria or requirements for statehood as reflected under Article 1 of *the Montevideo Convention on the Rights and Duties of States*.

South Africa acknowledges the complex questions that rising sea levels raises in relation to international law, which bring with them many, and potentially unforeseen, implications that may present several practical challenges.

Chairperson,

On the issue of the protection of persons affected by sea-level rise, South Africa recognises the potential threat to human rights enjoyed by a population or a community of people as a consequences of sea level rise.

The rise of the sea-level presents a new challenge, one which the current legal frameworks are seemingly not fully equipped to resolve or do not comprehensively address. It would appear fitting for Member States to start considering the possibility of concluding bilateral or multilateral agreements between the most directly affected States and third States, or instruments that could be adopted within the framework of regional or universal international organisations, particularly in the context of the United Nations system.

Chairperson,

South Africa welcomes the innovative approach of the Commission in its consideration of alternative measures on how affected States can prepare for a partial or total submersion of its territory.

Furthermore, South Africa calls for Member States to consider the possibility of engaging in international cooperation through the provision of technical or logistical assistance, qualified human resources or financial assistance to States particularly affected by the phenomenon, and which lacked sufficient capacity of their own.

Chairperson,

In conclusion Mr Chair, my delegation again wishes to commend the valuable work that the Commission has carried out so far on this topic.

I thank you.