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THE UNITED REPUBLIC OF TANZANIA



**STATEMENT BY JOHN PANGIPITA, COUNSELOR PERMANENT MISSION
OF THE UNITED REPUBLIC OF TANZANIA TO THE UNITED NATIONS AT
THE 79TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY**

ON AGENDA ITEM 79

“Report of the International Law Commission”

24 October 2024

Mr. Chair,

Distinguished Delegates,

1. I have the honour to deliver this statement on behalf of the delegation of the United Republic of Tanzania. My delegation aligns itself with the statement delivered by Uganda on behalf of the African Group and would like to add few interventions at its national capacity.
2. Tanzania commends the International Law Commission (ILC) for its excellent work in the codification and progressive development of international law. We further commend the Chair of the Commission of its historic 75th session, Mr. Marcelo Vazquez Bermudez, the Special Rapporteurs and Chairs of Working Groups for the comprehensive report on the work of the Commission as contained in document A/79/10, and we look forward to engaging other members in the deliberation on this report.

Mr. Chair

3. While in this cluster, I will limit my interventions to chapter X, Sea Level Rise in Relation to International Law. My delegation takes note of the progress and divergent views expressed by delegations on the Draft Articles on Immunity of State Officials from Foreign Criminal Jurisdiction. It is our considered view that the Commission would consider and accommodate this view as we continue deliberation on this topic.
4. My delegation has closely reviewed the second issues paper on the subtopics "statehood" and "protection of persons affected by a sea-level rise" and the subsequent discussion within the Study Group, as summarised in Chapter X.

5. As a maritime state with several islands, including Zanzibar, Tanzania attaches great importance to and remains supportive of the Commission's work on this exceedingly important topic. Tanzania joins other delegations in underlining the need for the international community to consider this topic as a matter of crucial importance as it touches not only humankind's existence but also the islands themselves.
6. The recent High Level Plenary meeting on **addressing the existential threats posed by sea-level rise** held on September 25th, 2024, highlighted among other things the effects of the sea level rise on humankind including the continuation of statehood. It may be recalled that, during this meeting, delegations stressed the need to place Sea Level Rise at the top of the international agenda owing to its existential threats.
7. Sea Level Rise is fundamentally the result of climate change caused by non-environmentally friendly human activities. The Intergovernmental Panel on Climate Change (IPCC) has projected that sea level could increase between 15 and 30 centimetres by 20250. With this scientific data, guided by the principle of common but differentiated responsibility, states take reasonable measures to mitigate the sea levels rise.
8. In this context, my delegation welcomes the Advisory Opinion issued by the International Tribunal on the Law of the Sea issued on 21st May 2024, which underscores State's responsibility to protect the world's oceans from the impacts of climate change, such as ocean warming and sea level rise. While looking forward to another advisory opinion on the same matter by the International Court of Justice, Tanzania recommends

Commission, if deemed it fit, consider its this topic in relation to the ITLOS 's advisory opinion, as applicable.

Mr. Chair

9. On the subtopic "the protection of persons affected by a sea-level rise," Tanzania welcomes and commends the efforts of the Co-Chair in identifying legal frameworks and other policy and administrative ways that could apply when addressing the effects and assisting persons affected by sea-level rise. Therefore, Tanzania recommends that the Commission consider exchanging views with UN Agencies dealing with humanitarian affairs and displaced persons to address the likely effects of rising sea levels on humankind.

10. In addition, as we deliberate on the best way of protecting our fellows facing the devastating effects of sea level rise, my delegation is of the view that the Draft Articles on the Protection of Persons in the event of disasters may serve as the basis of negotiations. However, it is essential to reflect on states practices concerning the protection of individuals during disasters while upholding the principles of the principle of nonrefoulement and complementarity.

Mr. Chair

11. Turning to the subtopic "statehood", Tanzania would like to support the view expressed by members of the Study Group and Delegations that criteria for the establishment and existence of the State should be considered. The preservation of maritime zones and the rights and entitlements that flow from them in the face of sea-level rise should be considered and discussed in line with the United Nations Convention on the Law of the Sea ("UNCLOS") and the legal principles underpinning it.

12. Therefore, while appreciating the relevance of the UNCLOS as the constitution in ocean affairs, we welcome the Commission's decision to, among other things, consider other sources of relevant international law beyond the UNCLOS on Statehood, such as the **1933 Montevideo Convention**. We recommend that General principles and rules of international law, bilateral and multilateral treaties, dealing with a range of aspects of the law of the sea and concerning the different areas affected by sea-level rise, as well as the impact of the phenomenon on the state condition and the delimitation of maritime and land borders (for coastal states) should be taken into board while addressing this subtopic.

13. The Commission may consider engaging with International and Regional Organizations, including the African Union Commission on International Law, throughout its study work on this topic.

Mr. Chair

14. In closing, my delegation recommends that the Commission continues to deliver within its mandate by encouraging the progressive development of international law and its codification despite several prevailing constraints. We welcome the inclusion of two topics: ***Compensation for damages caused by international wrongful act and due diligence in international law*** in the Commission's program of work, and we stand ready to engage constructively in the deliberations of this item.

I thank you for your kind attention.