



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

**Ambassador, Mathu Joyini Permanent Representative
to the South African Permanent Mission to the UN
Before the Sixth Committee of the
76th Session of the United Nations General Assembly**

Under Agenda Item No. 82

**On the ILC topics: “Protection of the atmosphere” and
“Provisional Application of Treaties”**

New York, 25 October 2021

Chair

At the outset, we wish to associate ourselves with the remarks made on behalf of the African Group on the International Law Commission's draft guidelines on "**Protection of the Atmosphere**".

Protection of the atmosphere is essential for sustainable development and the well-being of people and the natural environment. The atmosphere is part of the global commons and human activities that are harmful to the atmosphere often have impacts beyond the national boundaries within which such activities take place. It is clear, therefore, that protection of the atmosphere should be a matter of international concern for which we require clear, ambitious and equitable international law norms that have the consent of all countries.

UN Member States have been actively engaged over many years in crafting such norms in various settings at the international and regional levels. The staggering number of international agreements that have resulted from these engagements is a clear indication of the importance of the issue, but it has made understanding the legal landscape in this area often quite difficult.

We therefore welcome the draft guidelines of the Commission on this issue and we thank the Special Rapporteur for his commitment and his work on this topic over many years. While the scope of the Commission's work on this topic was quite narrow in order not to interfere with the rules established and developed in other treaty regimes, we believe that the guidelines are a significant contribution in codifying generally

accepted principles and in bringing coherence to such a diverse field of law.

Chair

Following the work on this topic over the years has also been instructive, at least for South Africa, in how we engage in the multilateral processes – not only related to the atmosphere, but also in the broader field of the environment and sustainable development. We have learned that consistency and coherence across legal regimes is critical for the effectiveness of the rules that we craft. We intend to take this approach on board as we continue to engage on these issues outside of the Sixth Committee. We also believe that the Commission’s guidelines are a very constructive reference point that could be referred to in the process of developing new norms, or strengthening or reviewing existing ones.

Chair

Allow me to turn to “**Provisional Application of Treaties**”. South Africa welcomes with great appreciation, the report by the Special Rapporteur on this very important subject. The extensive work that has gone into the development of this report and the accompanying guidelines is commended and highly valued by my delegation. We also commend States and International Organizations that have provided comments and shared their practices on this subject. Learning from others is always fundamental in developing long lasting international practices.

The Provisional Application of Treaties, when done correctly, can contribute immensely to the speedy implementation of certain provisions of treaties. In order to ensure speedy implementation of provisions of treaties meant for the upliftment of the lives and livelihoods of our people, more states may consider the provisional application of treaties in so far as it is not inconsistent with their domestic laws and acquired treaty practices.

We believe the great work done on this matter will ensure proper interpretation of the legal prescripts and minimize the abuse of this provision.

South Africa reiterates, its support to the Special Rapporteur and the Commission as a whole.

I thank you.