



**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: “Sea Level Rise”

New York, 28 October 2021

Chair

At the outset, Sea-level rise is a real and growing concern that will have a global impact; whether directly or indirectly, every State is likely to feel the effects of sea-level rise.

The work of the International Law Commission on sea-level rise in relation to international law is both fitting and timely. We are grateful to the International Law Commission for its report, which we found to be very informative and thought provoking. We have additionally benefitted from reading the first issues paper and wish to express thanks to the Study Group for their work, and we are considering the discussion within the International Law Commission closely.

The subtopics to be considered by the Study Group, namely issues related to law of the sea, statehood and protection of persons affected by sea-level rise are all important and complex topics, that may have significant consequences for all States.

We note that similar work on baselines is being carried out by the International Law Association and wish to caution that work should be carried out in close consultation in order to avoid a fragmented approach.

Chair

We agree with the view that the mandate of the Study Group was to undertake a mapping exercise of the legal implications of sea-level rise and that it would not, as such, lead to the development of any specific guidelines or articles at this stage. We similarly agree with the importance of distinguishing between *lex lata*, *lex ferenda* and policy options.

We do not wish to undermine the importance of the matter at hand, however, it would be premature at this stage to consider preparing a set of draft articles that could be presented to States for negotiation of a global framework convention on legal consequences of sea-level rise. Further analysis of areas proposed, namely: sources of law, principles and rules of international law, practice and opinion juris; and navigational charts, would greatly benefit further discussion on this topic.

The impact of sea-level rise is far-reaching and it is thus important that a considered approach be followed and, whilst there is indeed urgency, a comprehensive study and analysis of the relevant law should not be compromised. We look forward to future reports regarding issues related to statehood and the protection of persons affected by sea-level rise.

I thank you for your attention.

