

**STATEMENT OF THE PERMANENT MISSIONS OF THE UNITED REPUBLIC  
OF TANZANIA TO THE UNITED NATIONS**

**ON AGENDA ITEM 77:**

**REPORT OF THE INTERNATIONAL LAW COMMISSION**

**NEW YORK, FRIDAY 01 NOVEMBER 2022**

**Mr. Chair,**

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 Nigeria on behalf of the African Group and would like to express its appreciation and attachment to the work of the International Law Commission (ILC).
2. I would like to applaud the Chair of the Commission of the 73<sup>rd</sup> session, **Prof. Dire Tladi**, for conducting the work of the Commission, submitting and introducing the well-detailed report contained in document **A/77/10**.
3. Tanzania extends its appreciation to all members of the Commission and the secretariat for their substantial efforts in preparing this report over the last year, despite the difficult conditions caused by the COVID-19 pandemic.

**Mr. Chair,**

4. My delegation has taken note of all topics in the report and supports the views and comments of the Delegations that have spoken before us. With this understanding, My Delegation would like to share a few remarks and general comments on Chapter IX - Sea level rise in relation to international law.

**Mr. Chair,**

5. With regards to the “Sea-level rise in relation to international law”, allow me to inform this esteemed Committee and the Commission that the United Republic of Tanzania is a coastal State with a coastline of 1,424 **kilometres**. Tanzania has several islands which, includes Zanzibar. Therefore, as a major maritime and coastal State, Tanzania attaches great importance and remains supportive of the Commission's work on this exceedingly important topic.
6. Tanzania, therefore, joins other small island developing States 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. My delegation has closely reviewed the second issues paper on the subtopics "statehood" and "the protection of persons affected by a sea-level rise" and the subsequent discussion within the Study Group, as summarised in Chapter IX, and would like to make general comments.
7. For the Small Island Developing States, the effects of the sea level rise in nature concern their very survival. This is not a new phenomenon; the World has faced this challenge, and there have been cases within the same States of the evacuation of the population from one island to another.
8. 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.
9. It is imperative to note and agree that legal minds cannot exclusively and exhaustively address this matter; it needs support from other disciplines. The

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effects of sea level rise may have serious, devastating consequences, including the displacement of persons. 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 the sea level rise on humankind.

## **Mr. Chair**

10. 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. Tanzania cannot over-emphasize the importance of the UNCLOS, particularly in maritime zones.
11. 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 UNCLOS on Statehood. 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 the board while addressing this subtopic.

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12. On procedural aspects, Tanzania has taken note of the Commission's intention to revert to the subtopic of the law of the sea in 2023 and the subtopics of statehood and the protection of persons affected by sea-level rise in 2024, intending to conclude the study and provide the report in 2025.
13. We recommend the Commission consider throughout the course of its study work on this topic, apart from Member States, to engage with International and Regional Organization and academic institutions across the World that is involved in diverse activities in the oceans but, most importantly, taking into account the interests of States, which are vulnerable to the threat of rising sea levels.

**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. Tanzania assures the Commission of its unwavering support and stands ready to engage constructively in the deliberations of this item.

**I thank you for your kind attention.**