



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

**by**

**Mantsho Annastacia Motsepe**

**before the Sixth Committee of the 77<sup>th</sup> Session  
of the United Nations General Assembly**

**Under Cluster 2**

***“Immunity of State Officials from Foreign  
Criminal Jurisdiction and Sea-level Rise in***

**New York, 1 November 2022**



prejudice to other challenges to any determination about immunity that may be brought under the applicable law of the forum State.

### **Chairperson**

Let me now turn to **Sea-level Rise in relation to International Law**. My delegation wishes to express our appreciation to the International Law Commission (“Commission”) on the decision to include this important topic of “**Sea-level rise in** together with the adopted sub-topics of statehood and the protection of persons affected by the sea-level rise in its current programme of work and the formation of a Study Group. South Africa extends its deepest appreciation to the Co-Chairs of the Study Group on the Sea level rise in relation to international law, namely, Ms Patrícia Galvão Tales, Mr Bogdan Aurescu, Mr Yacouba Cissé, Ms Nilüfer Oral and Mr Jaun José Ruda Santolaria, and would like to congratulate them together with the members of the Commission for their excellent work on this topic. For the issues paper for this year, our special gratitude goes to Ms Patrícia Galvão Tales and Mr Jaun José Ruda Santolaria.

### **Chairperson**

South Africa recognises the importance of urgently addressing this issue, and shares the view that the rise of sea level as an effect of climate change is a global phenomenon, which will directly and indirectly affect the international community as a whole. This view was supported by the United Nations General Assembly and resulted in the adaptation of resolution A/Res/72/217 on 20 December 2017.

South Africa welcomes the alternative measures proposed by the Commission in its report, Member States, and international organisations in their written comments to the Commission on how affected States can prepare for a partial or total submersion of its territory, which suggested *inter alia* the creation of artificial islands and the possibility of leasing out territories from other State.

### **Chairperson**

Our government recognizes the potential threat to human rights enjoyed by a population or a community of people that might have migrated to a territory of another State as a consequences of sea level rise. It is upon Member States in general to respect the protection of human rights, including the right to self-determination, a right which is valued in Africa, and protected under Article 20(1) of the African Charter on Human & Peoples rights.

South Africa appreciates the contributions made by Member States, in particular the low-lying and small island developing States, including international organizations and relevant entities for their work in promoting measures to assist States to be prepared to deal with issues concerning the protection of human rights during climate displacement. Our government will continue to support and pledge its participation in the respective discussions in promoting a development of an international legal framework or a possible convention, regulating the protection of persons affected by the rising sea level.

### **Chairperson**

In conclusion, we note the list of information requested by the Commission in preparation for its seventy-fourth and seventy-fifth sessions in 2023 and 2024 respectively, and our government assures the Commission of its participation and to providing the requested information within the timeframes as set out.

**I thank you for your attention.**