

Statement

Chair person ,

Thank you for affording us the opportunity to share our views on the report of the International Law Commission. My delegation wishes to express its gratitude to the International Law Commission for the work that it has carried out this year.

Chairperson,

In relation to the topic on general principles of law, South Africa would like to express its appreciation in particular to the Special Rapporteur, Mr Marcelo Vazquez-Bermudez, for his contribution on this topic. My delegation would also like to thank the Drafting Committee which, together with the Special Rapporteur, was able to conclude its first reading of the draft conclusions on general principles of law.

South Africa notes the importance of this topic and the need to have an improved understanding of the meaning of Article 38, paragraph 1 (c) of the Statute of the International Court of Justi

interpretations and be interpreted in a broad manner. We therefore urge the Special Rapporteur and the Commission to embark on a deeper study in this regard.

Chairperson,

In draft conclusion 11, the Special Rapporteur states that general principles of law, as a source of international law, are not in a hierarchical relationship with treaties and customary international law. This statement suggests that there is no hierarchy among the sources of international law as listed in Article 38 (1) of the ICJ Statute. Article 38 (1) of the ICJ Statute identifies the sources of international law, which include international conventions, international custom, and general principles of law.

Chairperson,

Article 38(1) does not explicitly rank these sources, but in practice it is understood that treaties take precedence over customary law and both treaties and customary law take precedence over general principles. We are aware of the different views by member states and therefore propose that draft conclusion 7 is explored further.

South Africa looks forward to hearing the views expressed by other delegations on this topic.

Chairperson,

In relation to the topic of sea level rise in relation to international law, my delegation wishes to express its appreciation to the International Law Commission for its work, and welcomes the opportunity to provide our comments on it.

South Africa extends its appreciation to the work of the Study Group on sea-level rise in relation to international law with key focuses on issues related to the law of the sea, which is chaired by Mr Bogdan Aurescu and Ms Nilüfer Oral, and would like to congratulate them together with the members of the Commission for their continued excellent work. We would like to

Chairperson,

South Africa recognises the necessity of addressing the issue of sea level rise, the adverse effects of which are exacerbated by storm events and normal high-water levels during spring tides, which recently caused severe damage in South Africa.

It is accepted that the States who stand to suffer the most from sea level rise had contributed the least to the problem. Equity is a fundamental principle that features in

providing concrete solutions to the practical problems caused by sea level rise, i.e. an adoption of a set of conclusions.

Chairperson,

In conclusion, we are encouraged by the number of dialogues held by Member States and experts in the field on this important topic, and our government assures the Commission of its continued participation in the respective discussions in promoting awareness.

I thank you.