



Statement on behalf of the Republic of South Africa

by

Ms Keke Mantsho Annastacia Motsepe

Principal State Law Adviser (International Law)

before the Sixth Committee of the General Assembly

under Agenda Item 81:

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Chairperson

We are grateful for an opportunity to share our perspective on the agenda item concerning the "Expulsion of Aliens", on which topic the International Law Commission adopted an entire set of Draft Articles in 2014.

Migration is a global phenomenon which results in the presence of foreign nationals on the territories of States. In certain instances, this necessitates the expulsion of individuals. Expulsion of aliens is an extreme measure with a profound impact on an individual's life and that of their family members. Such actions must therefore be undertaken within the confines of a sound legal framework, encompassing both international law and the domestic legislation of the concerned State. In this regard, we acknowledge that the Draft Articles, for the most part, align with the principles of South African law as it has evolved since the introduction of the South African Constitution and Bill of Rights in 1996, as well as its domestic statutes, notably the Immigration Act (Act 13 of 2002), the Extradition Act (Act 67 of 1962, as subsequently amended), and the Refugees Act (Act 130 of 1998).

Chairperson

The principles of upholding human dignity and the human rights of aliens, as articulated in Draft Article 13, along with the prohibition of discrimination as outlined in Draft Article 14, constitute fundamental tenets of South Africa's Bill of Rights. Given these considerations, we also endorse the inclusive approach of the Draft Articles, which extend protection to categories of individuals safeguarded by international law, such as refugees and stateless persons. This, however, is without prejudice to the distinct rules and regimes in international law that may govern their relationship with the host State.

Given the divergent views on the content and nature of the Draft, my delegation considers that the topic should _____ so that States may continue exchanging views thereon.

I thank you.