



Statement on behalf of
the Republic of South Africa

by

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Before the Sixth Committee of the 79th Session of the
United Nations General Assembly

Agenda item 79

Report of the International Law Commission: Cluster

III

29 October 2024

Chair

My delegation wishes to thank the Special Rapporteur for his first report on the topic of non-legally binding international agreements and the Commission for its work on this topic.

South Africa has, in its own experience, noticed that the number of legally non-binding arrangements signed with other States (at varying levels) and international organisations has been increasing over time and thus considers this topic to be appropriate and timely.

In determining the binding nature of an international agreement or arrangement, South Africa's definition of a treaty as provided for by the Vienna Convention on the Law of Treaties. It is ultimately the intention of the parties that determines whether an instrument constitutes a treaty that establishes rights and obligations under international law. Notwithstanding, certain terms are used to convey this intention implicitly. Therefore, South Africa uses specific terms, which it regards as non-binding.

In this regard, my delegation appreciates the exchange that took place in relation to the use of the term "non-legally binding" in the context of international law. South Africa's approach is to use the term "non-legally binding" interchangeably, and has a degree of flexibility in relation to which term ought to be used, although it prefers the term "non-legally binding" in its legally non-binding arrangements.

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In terms of the arrangements that are to be included in the scope of this topic, it would be preferable to consider arrangements between States and international

