

**9TH SESSION OF THE PREPARATORY COMMISSION FOR THE ESTABLISHMENT OF THE
INTERNATIONAL REGISTRY UNDER THE LUXEMBOURG PROTOCOL HELD AT BERNE,
SWITZERLAND**

**STATEMENT ON BEHALF OF THE GOVERNMENT OF
THE REPUBLIC OF SOUTH AFRICA**

Thursday, 08 April 2021

Delivered by Advocate André Smit, State Law Adviser (International Law), Office of the Chief State Law Adviser (International Law), Department of International Relations and Cooperation

**Esteemed Secretary-Generals, co-chairpersons and members of the Preparatory
Commission,**

It is South Africa's privilege to participate in the 9th session of the Preparatory Commission for the Establishment of the International Registry under the Luxembourg Rail Protocol and to deliver this statement. The world may have changed significantly the past 18 months, but the urgent need for rail financing has not changed. In this context and considering the imminent entry into force of the Luxembourg Rail Protocol, South Africa deems the 9th session as critical, timely and historic.

Co-chairpersons,

We thank the Intergovernmental Organisation for International Carriage by Rail (OTIF) and the International Institute for the Unification of Private Law (UNIDROIT) for convening this session and keeping the momentum 'on track' to be prepared for the imminent entry into force of the Luxembourg Rail Protocol notwithstanding the enormous challenges faced by all rail-loving nations during this COVID-19 global pandemic that continues to impact negatively on the well-being and livelihoods of all human beings. We also share the optimism of the Secretary-General of OTIF on the future of rail and the Luxembourg Rail Protocol, as mentioned in his opening address, although we recognise that countries are presently still grappling, not only with the

severe impact of the pandemic on the lives of its citizens, but also with the devastation that COVID-19 caused to their economies.

The Luxembourg Rail Protocol, once it enters into force, can make a huge contribution to the rebuilding and reconstruction of national, regional, continental, and global economies. This is especially true in Africa, and we take pleasure in reminding Preparatory Commission members of the African Union (AU) Summit approved project for an Integrated High Speed Railway Network. The reality is that the African Continental Free Trade Area that came into effect on 01 January 2021 will stand a much better chance of being a success if it is supported by intra-African rail.

We need better options to advance our rail agendas, and the Luxembourg Rail Protocol provides such an option to governments eager to serve our people better through rail. Regionally, the Southern African Development Community sees rail as a platform to further integrate the region and there is an intentional strategy to increase the private sector involvement. South Africa, too, is considering policy options and actions to expand and improve our rail industry, and the Luxembourg Rail Protocol has already been recognised as a supporting pillar for our endeavours.

Since the 8th session, South Africa has fallen two positions to the 13th position in world rankings measures by kilometres of rail. We are the only African country in the top 20, and one of only three African countries in the top 40. It is therefore significant that the Government of the Republic of South Africa has decided to sign the Luxembourg Rail Protocol with our African brothers and sisters in Gabon and Mozambique, and seven other States and one Regional Economic Integration Organisation. We are pleased to report that the very last step of obtaining the President's approval that authorises the Minister of Transport to sign the Rail Protocol was taken on 23 March 2021.

We have come to recognise that the sooner we all sign it, the quicker we will all benefit from it, and we would strongly encourage all States who have not yet done so to sign and ratify, or eventually accede to the Luxembourg Rail Protocol as soon as possible, for the reasons pointed out by the Secretary-General of UNIDROIT at the beginning of the session.

Co-chairpersons,

We thank the Rail Working Group and its Chair, Mr Howard Rosen, for the tireless and influential work that they have done since the 8th session. Their substantial role cannot be overlooked in driving this project forward. We note with satisfaction, the work undertaken since

the 8th session by the Ratification Task Force and thank OTIF and UNIDROIT for their - as always - efficient administration in preparing for and facilitating this meeting. Lastly, allow us to recognise the valued contributions of the co-chairpersons, Mr Antti Leinonen from Finland and Mr Peter Bloch from the United States of America (who has been carrying this load for so long), and with whom we share the eager expectation of the constituting of the Supervisory Authority.

Co-chairpersons and members,

The Luxembourg Rail Protocol has the potential to significantly help the post-COVID-19 world to flourish once again, and we must make it our urgent business to ensure that it enters into force as soon as possible.