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**Statement by H.E. Jane Chigiyal
Permanent Representative**

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Mr. Chairman,

This statement deals only with the topic of the protection of the atmosphere, as contained in Chapter VIII of Document A/69/10. Micronesia will discuss other topics in the Commission's Report at a later date.

Mr. Chairman,

Micronesia is grateful to the International Law Commission for producing a comprehensive and instructive Report of its sixty-sixth session. As international law feels the strains of fragmentation, there is a need for a body of eminent experts to identify, develop, and codify existing and emerging rules and principles of international law in an authoritative manner. The breadth and depth of the Commission's current projects testify to the expertise and continued relevance of the Commission.

Micronesia is particularly grateful to Special Rapporteur Mr. Shinya for spearheading the Commission's consideration of the topic of the protection of the atmosphere and welcomes Mr. Murase's first report on the topic. Of all the challenges facing humankind today, the protection of the atmosphere is perhaps the most pressing. It is certainly the gravest environmental issue of our lifetime, one that will very likely bedevil future generations if we do not address it in a comprehensive and effective manner in this generation.

When viewed from outer space, the Earth's atmosphere seems fragile, a mere envelope of gas that surrounds our planet. Nevertheless, this thin layer is what makes life possible for us in this world. Elements in our atmosphere regulate our global climate and shield us from harmful interstellar substances and energies. Not surprisingly, disruptions in the composition of our atmosphere affect our quality of life. Disruptions caused by humankind are particularly devastating. Air pollution from dirty carbon power plants triggers acid rain and produces suffocating smog conditions. The rampant use of hydrofluorocarbons and other coolants depletes the ozone layer and leaves us vulnerable to harmful solar radiation. And, of course, the unprecedented spewing of carbon dioxide and other greenhouse gases into the atmosphere undermines the ability of the atmosphere to regulate the Earth's temperature, leading to a warmer planet, rising sea levels, and a host of other environmental ills.

Micronesia therefore strongly agrees with Mr. Murase that the protection of the atmosphere is a “common concern of mankind.” While each State has sovereign rights to the airspace above it, this airspace is legally distinct from the atmosphere, which is a unitary whole spanning the entire globe that all States must strive to protect rather than discrete zones whose protection is parceled out to individual States. By necessary implication, each State has an *erga omnes* obligation to protect the atmosphere. By failing to uphold that obligation, a State jeopardizes its standing as a responsible member of the international community.

Micronesia also strongly supports Mr. Murase’s recommendation to focus the work of the Commission on air pollution, ozone layer depletion, and climate change. Those three issues are the subject of robust international environmental law regimes, but they are ultimately a patchwork of instruments rather than a unified regime covering the entire range of environmental challenges for the atmosphere. Nevertheless, the Commission can delve into those regimes and glean core rules and principles that can assist in crafting a unified regime. The precautionary principle should feature prominently in the Commission’s draft guidelines, given its central role in international environmental law. So too should the principle of sustainability; the ability of the present generation to meet its economic needs should not compromise the ability of future generations to meet their own needs, and the devastation of the Earth’s atmosphere for the sake of economic gain today will deprive future generations of their own livelihoods, if not their lives. The principle of international cooperation for the protection of the atmosphere must be emphasized as well; only through a collective global effect can the global atmosphere be shielded from further harm.

Micronesia has been an active participant in each of the three regimes identified by Mr. Murase. With air pollution, Micronesia has advocated for the wider use of the International Law Commission’s draft articles on the prevention of transboundary harm from hazardous activities. With ozone layer depletion, Micronesia has made a proposal to amend the Montreal Protocol on Substances that Deplete the Ozone Layer in order to phase down the production and consumption of hydrofluorocarbons, which are potent greenhouse gases whose elimination will have significant near-term climate mitigation effects. And, with climate change, Micronesia has joined ranks with its fellow small island States in pushing for a robust agreement in Paris next year that will move the international community beyond the Kyoto Protocol and arrest the alarming proliferation of climate calamities we face today. With all three regimes, Micronesia has embraced the concept of the atmosphere as a singular whole, a system whose components are all affected by the actions of a few States—or even a solitary one.

Mr. Chairman,

Micronesia acknowledges the understanding reached by the Commission in 2013 to limit the scope of Mr. Murase’s work in order to avoid interfering with ongoing political negotiations in certain international environmental regimes, particularly the UNFCCC process. In this regard, Micronesia supports Mr. Murase’s recommendation that the Commission ultimately adopt draft guidelines on the protection of the atmosphere, so as to aid States and international organizations during those political negotiations as well as provide the foundation for an all-inclusive international mechanism for the protection of the atmosphere. Mr. Murase has repeatedly assured the Commission that his work will not develop new rules or fill in gaps in current regimes, but will instead identify existing or emerging rules of international law as well as highlight gaps in current regimes without filling them. Micronesia sees no reason to distrust Mr. Murase’s assurances.

The international community has displayed a keen desire to cooperate to address atmospheric challenges in discrete international environmental law regimes. A comprehensive global regime for the protection of the atmosphere will galvanize those efforts as well as provide foundational principles to direct them. Micronesia encourages Mr. Murase and his fellow Commission Members to develop and adopt draft guidelines for the protection of the atmosphere in an expeditious manner.

I thank you, Mr. Chairman.