



Statement by H.E. Dr. Caleb Otto, Ambassador and Permanent Representative of the Republic of Palau on Agenda Item 78: Report of the International Law Commission on the work of its Sixty-Sixth session (Part 1) at the Sixth Committee of the 69th Session of the United Nations General Assembly

New York, Friday 31 October 2014

Mr. Chairman,

May I join others in congratulating you and members of the Bureau for your election to lead us in this very important work. I would like also to take this opportunity to thank the Chair of the International Law Commission or ILC and congratulate the Commission on the outcomes of its 66<sup>th</sup> session.

We wish to make comments only with respect to the ILC's consideration of the topic of Protection of the Atmosphere, discussed in Chapter 8, and at the outset, I would like to confirm Palau's support for this topic on the work programme of the ILC. We associate ourselves with the statement to be made by His Excellency the Ambassador and Permanent Representative of the Kingdom of Tonga, on behalf of the Pacific Islands Small Developing States and make this statement in our national capacity. We also wish to express our support of the statement made by the distinguished Ambassador and Permanent Representative of the Federated States of Micronesia.

Mr. Chairman:

Palau regards the protection of the atmosphere as a very important issue. We are a small island nation, and the protection of our natural environment is a key priority for us. The atmosphere is a fundamentally important natural resource, the integrity of which is inextricably linked with the health of all other natural resources, including our oceans. We as a country are committed to exploring ways to alleviate further degradation of the atmosphere that results in climate change, the depletion of the ozone layer and trans-boundary air pollution. Some of this work is accomplished through our active participation in the processes of the United Nations Framework Convention on Climate Change.

Accordingly, Palau was very pleased to see that the ILC adopted the topic of the Protection of the Atmosphere as an active agenda item in 2013 and appointed Professor Shinya Murase as Special Rapporteur for the topic. I was pleased to learn that this is an issue which has not only attracted the attention and interest of our national Congress but also action to be taken and, indeed, at its Sixth Regular Session in April this year the Senate adopted a Joint Senate Resolution which urged the President of Palau to express at the UN Palau's strong support for the ILC's current work on the protection of the atmosphere.

Madam Chair:

We have read with great interest both the report of the Special Rapporteur and the report of the Commission's engaged debate on the issue.

It is clear that protection of the atmosphere raises myriad and complex legal issues. The complexity of the issues reinforces the utility of the ILC, with its undisputed legal expertise, in continuing to explore these issues in further detail, perhaps even to consider an international convention that considers all the piecemeal efforts that have been taken so far, such as and including those mentioned in the report, and organizes them into a meaningful framework that can provide practical guidelines for protection of this most important global public good. In this respect, we support the point made by a distinguished delegate this morning. Palau believes that issues of obligations should not constrain our collective desire and greater responsibility to protect our planet and render it safe and healthy for our children and generations to come.

We consider that the topic requires, from a legal perspective, an integrated approach to treat the atmosphere as a "single global unit," because the atmosphere is a dynamic and fluid substance moving all the time across national boundaries. Ensuring inter-linkages with the "law of the sea" will also be extremely important, because the conditions of the oceans and atmosphere are so closely related and intricately linked.

In concluding, I would like to stress Palau's view that the protection of the atmosphere should be recognized as a common concern of humankind. The air connects us all at the most elemental level, and international cooperation has a fundamental role to play in combating atmospheric degradation. I therefore reiterate Palau's support for the ongoing work in this area.

Thank you Mr. Chairman.