



Permanent Mission  
of the Federal Republic of Germany  
to the United Nations  
New York

## **Statement by**

**H. E. Ambassador Dr. Michael Koch  
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The Legal Advisor**

**on the occasion of**

**the 70<sup>th</sup> Session of the  
United Nations General Assembly**

**6<sup>th</sup> Committee**

**Statement 67<sup>th</sup> ILC Report (2015)**

**New York, November 2nd, 2015**

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**Protection of the Atmosphere**  
**Special Rapporteur: Shinya Murase (JAP)**

Madam Chairwoman/Mr Chairman,

Germany follows with great interest the work of the ILC on this highly relevant topic. We thank the Special Rapporteur Shinya Murase for his highly informative second report on the “protection of the atmosphere”.

Just a short general remark and three points on the draft guidelines:

In our view, the understanding reached in 2013 to include the topic in the ILC’s programme of work only subject to certain thematic limitations is still highly pertinent. Respecting it is an essential prerequisite for ensuring the successful outcome of the project and for preserving the Commission’s outstanding authority. Germany has noted with satisfaction that both the report and the draft guidelines provisionally adopted clearly remain within this understanding.

Preamble:

Germany welcomes the decision of the ILC to acknowledge in the preamble the importance of the atmosphere and its essential role for sustaining life on Earth, human health and welfare and ecosystems.

We furthermore appreciate that the ILC recognises the urgency and the global character of atmospheric protection by calling it in the preamble a “pressing concern for the international community as a whole”. Indeed, no State will be able to protect the atmosphere on its own. Instead, this is a matter of concern for all States, and in fact for all people living on our planet. From our perspective, it may therefore also be justified to follow the initial recommendation by the Special Rapporteur and to classify atmospheric protection as a “common concern of humankind”. In the UNFCCC Convention and in UN General Assembly Resolution 45/53, climate change is already explicitly classified as a common concern of humankind. Ozone depletion can also be interpreted as a common concern of humankind given that the ozone layer is a common resource. Furthermore, once pollution affects our common atmosphere these pollutants should also be our common concern.

Draft guideline 5 lit. (a):

Finally, we also welcome the fact that draft guideline 5 lit. (a) stresses the obligation of States to cooperate for the protection of the atmosphere - an obligation contained for instance in Art. 2 para. 1b) of the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

Germany will continue to follow the further work of the ILC on this issue with great interest and we encourage other States to do likewise.

Thank you!