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**73rd Session of the United Nations General Assembly**

**22nd Meeting of the Sixth Committee**

**Agenda item 82:**

**Report of the International Law Commission on the work of its seventieth session**

**Statement by: H.E. Ambassador Jane J. Chigiya, Permanent Representative of the Federated States of Micronesia to the United Nations**

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**New York, 24 October 2018**

**Check against delivery**

Mr. Chair,

Micronesia aligns this statement with the statement delivered in this Cluster by Her Excellency Ambassador Amatlain Kabua, the Permanent Representative of the Republic of the Marshall Islands, on behalf of the Pacific Islands Forum.

As this is the first time that Micronesia is taking the floor this session, please allow me to congratulate you and your Bureau on your elections to your posts. Micronesia has full confidence in your abilities to lead this Committee and stands ready to assist you in the discharge of our work.

Mr. Chair,

Micronesia is grateful to the International Law Commission for producing an instructive and comprehensive report of its seventieth session. Micronesia welcomes every opportunity to engage with the Commission on its important work, particularly on issues of vital importance for the international community as a whole.

On that note, in this Cluster, Micronesia will comment on the Commission's decision to place the topic of "Sea-level rise in relation to international law" on its long-term programme of work.

Mr. Chair,

Micronesia welcomes the decision of the Commission to place the topic of "Sea-level rise in relation to international law" on its long-term programme of work. Last year, during the 72<sup>nd</sup>

session of the United Nations General Assembly, Micronesia delivered a statement in this Committee that reiterated the call of the Pacific Small Island Developing States for the Commission to place the topic on its long-term programme of work and briefly identified several issues that the Commission could examine as part of its study of the topic. In January of this year, Micronesia submitted a written proposal to the Commission that expanded on Micronesia's statement in the Sixth Committee, particularly with respect to the issues that the Commission could examine. Those issues included the implications of sea-level rise with respect to the law of the sea, Statehood, human rights, and human migration. Micronesia is pleased that the syllabus for the topic adopted by the Commission reflects all those issues. Micronesia reiterates the call of the Pacific Islands Forum for the Commission to move the topic to its current programme of work as soon as possible in order to commence its study of the topic with extreme urgency.

Mr. Chair,

Micronesia wishes to make five points with respect to the sea-level rise topic.

First, the syllabus for the topic proposes that the Commission will conduct its examination of the topic in the mode of a Study Group. It is Micronesia's view that this mode of work is ideal for the Commission's examination. A Study Group will allow for a comprehensive mapping exercise of the relevant legal implications of sea-level rise of the specific issues identified by the syllabus without being bogged down in the production of highly technical and potentially contentious draft articles, principles, or guidelines. The Study Group will produce a Final Report that will contain findings of its mapping exercise, and the international community can then decide whether to use any of those findings to pursue initiatives in other fora to address the implications of sea-level rise under existing international law. This will be the fourth Study Group that the Commission has established in its history. A Study Group is an accepted mode of work for the Commission.

Second, it is Micronesia's view that if the Commission's examination of the topic is to be of significant use to the international community, then States must be allowed to participate actively in the work of the Study Group. This means that, among other things, the Commission must solicit feedback and input from States at regular intervals during its work, including information on relevant State practice. This interaction should not be limited to statements in the Sixth Committee and the submissions of national Comments to the Commission, but could also include briefings, interactive seminars, and other informal modes of engagement, with particular consideration for the participation of representatives of small island developing States and other developing States with low-lying coastal areas.

Third, while it is undeniable that sea-level rise raises serious issues of international law with respect to small island developing States like Micronesia, it is Micronesia's view that sea-level rise is an issue that is of relevance to the international community as a whole. As just one example, sea-level rise could alter maritime baselines and maritime boundaries, which could in turn alter the entitlements of coastal States as well as landlocked countries under the law of the sea to various maritime zones whose parameters are based on such baselines and boundaries. As another example, sea-level rise could induce human migration, which is a matter of concern for

the international community as a whole, including States that are transition and destination countries for such migrants. A mapping exercise of what international law currently says about these and other illustrative scenarios will be of great use for the international community as a whole. The fact that over 100 States have spoken positively about the topic so far in the Sixth Committee this session—from all the major geographical regions of the world, from coastal States and landlocked countries, from continental States and small island States, and from developed and developing countries—is testament to the relevance of the topic to the international community as a whole rather than to just a small group of particularly vulnerable States.

Fourth, Micronesia acknowledges that the syllabus limits the scope of the topic, so that the Study Group will not consider the protection of the environment, climate change *per se*, causation, responsibility, and liability; and that the Study Group will not propose modifications of existing international law, including the 1982 United Nations Convention on the Law of the Sea. In light of these limitations as well as the focus of the syllabus on several key issues only, it is Micronesia's view that the syllabus should be sufficient to address the concerns of States with respect to the scope of the topic. The Study Group will discuss and map, but will not supplant, ongoing work in existing legal fora, including intergovernmental treaty bodies. Micronesia trusts that the Study Group will be able to conduct its work in a careful as well as complete manner.

Finally, Micronesia stresses the urgency of addressing the international law implications of sea-level rise. The Fifth Assessment Report of the Intergovernmental Panel on Climate Change as well as its recent Special Report on Global Warming of 1.5 degrees Celsius project that global sea-level rise will average nearly a meter by 2100, with certain regions of the world likely to experience sea-level rise sooner and more extensively than other regions during the current century; and that sea-level rise will likely continue beyond 2100 despite our best efforts. The international law implications of such sea-level rise must be examined in an objective and authoritative manner as soon as possible. The Commission's work is key to that examination and should begin with urgency.

I thank you, Mr. Chair.