



Permanent Mission of the Federated States of Micronesia to the UN

300 East 42 Street, Suite 1600
New York, N.Y. 10017

e-mail: fsmun@fsmgov.org

Telephone: (212) 697-8370

Facsimile: (212) 697-8295

<http://www.fsmgov.org/>

75th Session of the United Nations General Assembly

6th Meeting of the Sixth Committee

Agenda item 90: Strengthening and promoting the international treaty framework

Statement by: Clement Yow Mulalap, Legal Adviser, Permanent Mission of the Federated States of Micronesia to the United Nations

New York, 15 October 2020

Check against delivery

Mr. Chair,

As this is the first time that my delegation is taking the floor in this Committee this session, I extend to you and the rest of the Bureau our congratulations on your selection and assure you of my delegation's full support for the discharge of your work.

Mr. Chair,

Micronesia welcomes the report of the Secretary-General containing a review of the regulations to give effect to Article 102 of the Charter of the United Nations. Article 102 is clear as to the existence of the obligations of each Member of the United Nations with respect to registering treaties and international agreements with the Secretariat as well as the invocation of such treaties and international agreements before the United Nations. The regulations provide clarity as to how to carry out such obligations, including in light of developments in electronic communication technology and the establishment of treaty depository bodies other than the United Nations since the adoption of the Charter of the United Nations in 1945.

The report of the Secretary-General identifies a number of issues pertaining to the regulations that could benefit from further consideration by the General Assembly. One is the development of an online registration tool for treaties and international agreements on the basis of standardized requirements for registration. Micronesia notes that there persists a geographical imbalance in the registration of treaties and international agreements, with the Asia-Pacific region being a particular laggard. We tend to agree with the report of the Secretary-General that an online registration tool on the basis of standardized registration requirements could aid in correcting that imbalance, although this should be sensitive to the persistent information and communications technology challenges that small island developing States like Micronesia face.

The report of the Secretary-General further suggests that the General Assembly consider the option of adapting the *Treaty Series* into a digital format, including a searchable online database, in part to address the high costs shouldered by countries that attempt to maintain complete print collections of the *Treaty Series*. Micronesia welcomes a discussion on this, given our status as a developing country, but we reiterate our previous note about the need to be sensitive to the persistent information and communications technology challenges that small island developing States like Micronesia face.

Finally, Micronesia supports the suggestion made by Austria in its written comments that this agenda item be used to discuss further issues beyond the registration of treaties and international agreements but still related to international treaties and treaty law. Strengthening the international treaty framework requires, among other things, paying careful consideration to changing circumstances that could impact the integrity of treaties and international agreements that are registered with the Secretariat. In that connection, Micronesia expresses its view, as grounded in international law and practice, that a maritime boundary treaty that is registered with the Secretariat in accordance with Article 102 of the Charter of the United Nations is immutable absent formal amendment by the Parties to the treaty, even if such a treaty is premised on the identification of maritime baselines and other maritime features that change due to sea-level rise and other adverse impacts of climate change caused by anthropogenic greenhouse gas emissions. The Parties to the treaty shall be free to invoke such a treaty before an organ of the United Nations, regardless of such changes in the underlying maritime features. Additionally, if the Parties need to correct any errors in such a treaty text that they discover after the authentication of the text, then the Parties can carry out the necessary correction in accordance with Article 79 of the Vienna Convention on the Law of Treaties and then register with the Secretariat a certified statement under article 2 of the regulations indicating such a correction. However, it is Micronesia's view that changes in the underlying maritime features due to sea-level rise and other adverse impacts of climate change caused by anthropogenic greenhouse gas emissions cannot be deemed to be errors under Article 79 of the Vienna Convention on the Law of the Treaties.

Thank you, Mr. Chair.