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**69th United Nations General Assembly
Second Committee
Agenda item 78 (Part 2): Report of the International Law Commission**

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

New York, 29 October 2014

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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.

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 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