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

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Telephone: (212) 697-8370
Facsimile: (212) 697-8295

http://www.fsmgov.org/

Report of the International Law Commission on the work of its sixty-eighth session Protection of the environment in relation to armed conflicts

Statement by Jane J. Chigiyal
Permanent Representative

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Mr. Chairman,

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In this intervention, Micronesia wishes to focus on the Commission's consideration of the topic of the protection of the environment in relation to armed conflicts. Micronesia welcomes Ms. Jacobsson's third report on the topic and commends her on the comprehensiveness and care with which she produced the report.

Micronesia has a keen interest in this topic. The hundreds of islands that comprise Micronesia have a long history of being theaters of war and staging grounds for military activities conducted by foreign powers, especially in the prelude to and during World War II. Today, wrecks of military ships and aircraft as well as hulking weaponry and unexploded ordnances litter the land and sea of Micronesia, remnants of intense fighting during World War II and the massive buildup that preceded the hostilities. In Chuuk Lagoon, the former headquarters of the Japanese naval fleet in the Pacific prior to and during World War II, there are over 60 military wrecks in an area of only 40 miles wide, with large caches of oil that have reportedly begun leaking into the waters of the Chuuk Lagoon and posing major health hazards not only to the marine ecosystem but also to the population of Chuuk in the area. Clearly, the dangers posed by those wrecks and other remnants of armed conflicts to the natural environment of Micronesia-not to mention its local population-are persistent and significant. It is unconscionable that these wrecks and remnants of armed conflict have remained underwater for many decades without clear prospects of being removed or addressed

victim of war and an innocent bystander during major armed conflicts waged by foreign powers, as well as longstanding stewards of rich natural ecosystems crucial to the livelihoods and cultural identity of the people of Micronesia. The draft principles being developed and adopted by the Commission will go a long way toward ensuring that the environments of States like Micronesia are not marred for all eternity by the unchecked belligerence of foreign powers.

Micronesia notes that a suggestion was made in the Commission that the pre-conflict and post-conflict phases covered by the draft principles should be limited to the periods immediately before and immediately after an armed conflict, respectively. However, Micronesia strongly maintains the view that this limitation is irrelevant and should not be adopted. An armed conflict does not always occur spontaneously or in a vacuum, but instead 0l6 570 Tm (occur)ct

environmental consequences of their forces and missions in foreign territories, including in pre-conflict and post-conflict phases.

Micronesia welcomes the Drafting Committee's provisional adoption of draft principle 15, which encourages relevant actors in an armed conflict to cooperate with respect to post-armed conflict environmental assessments and remedial

language on the speedy removal of remnants of war can be found in article 10 of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices. If the obligations of States to protect the environment in relation to armed conflicts that they wage extend to the post-conflict phase, then they should cover the entire post-conflict phase rather than a certain segment of that phase.

Micronesia welcomes draft principle IV-1 as proposed by Ms. Jacobsson, dealing with the rights of indigenous peoples in relation to their natural environments. Micronesia notes the extensive debate in the Commission on the proposed draft principle and understands the concerns raised in the Commission about the relevance of indigenous peoples' issues to the topic at hand. However, it is Micronesia's strong view that the draft principles should clearly address the obligations of belligerents to take into consideration the traditional knowledge and practices of indigenous peoples in connection with their natural environments. Terrestrial and maritime areas and resources are typically of great importance for indigenous communities, being closely linked to their cultural practices, socio-political rankings, traditional identities, and basic sustenance in a unique manner. This is particularly true for indigenous communities that are bystanders in armed conflicts waged by other States in those areas. Protecting those natural environments is equivalent to protecting the indigenous communities that depend on those environments. Various hard and soft law instruments in international law underscore this connection. The interests of those communities should be respected throughout all phases of an armed conflict, including post-conflict remediation.

Finally, Micronesia looks forward to the Commission's future work on this topic, particularly on the issues of responsibility, liability, and compensation in