



**Permanent Mission of the Federated States of Micronesia to the UN**

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

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

e-mail: fsmun@fsmgov.org <http://www.fsmgov.org/>

**74th Session of the United Nations General Assembly  
24th Meeting of the Sixth Committee  
Agenda item 79 [Cluster 1]: Report of the International Law Commission on the work of its seventy-first session**

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

**New York, 29 October 2019**

**Check against delivery**

Mr. Chair,

In this Cluster, Micronesia will eqo o gpv'qp"vj g'Ego o kukpau'y qtm'qp"vj g'vqr ke"qh'oRgtgo r vqt { " norms of general international law (*jus cogens*)ö as well as briefly comment on the Eqo o kukpau'f gekukp"vq'r ræg'qp'ku'mpi -vgtö 'r tqi tco o g'qh'y qtm'vj g'vqr ke"qh'oT gr ctv'qp"vq" individuals for gross violations of international human rights law and serious violations of international humanitarian rxy Ø

Mr. Chair,

Micronesia congratulates the Commission on its adoption of draft conclusions on peremptory norms of general international law (*jus cogens*) on first reading as well as commentaries thereto. Micronesia particularly congratulates Mr. Dire Tladi for his outstanding work as Special Rapporteur on this topic. The draft conclusions and their commentaries are a major contribution to the study and implementation of international law, underscoring the notion that there are certain norms that command the attention and compel the action of the international community as a whole.

On that note, Micronesia appreciates the decision by the Commission to annex to the draft conclusions a non-exhaustive listing of norms of general international law that the Commission has referred to in previous sessions as having a peremptory nature. While a full listing of all existing peremptory norms of general international law is admittedly outside the scope of the Eqo o kukpau'y qtm'qp"vj ku'vqr ke.'k'ku'vkm'vughwnto have a sense of what the Commission itself has identified in its over seven decades of work as being *jus cogens*.

In that connection, in the commentary to draft conclusion 23, there is a reference to the Ego o kuukpau'gzr tguugf 'xkgy 'k' r cu'ugukpu'v'j cv'v' g'õqdrki cv'kpu' of essential importance for the safeguarding and preservation of the human environment, such as those prohibiting massive pollution of the atmosphere or of the seas. Micronesia fully endorses this view. The protection of natural environments of importance to the international community as a whole such as the Ocean and the atmosphere is, in accordance with draft conclusion 3, an objective that reflects and protects fundamental values of the international community, including ensuring safe and healthy natural environments for present and future generations. While such natural environments might be subject to various legal regimes that draw lines demarcating sovereignty and other State rights, it is indisputable that harmful impacts to any part of one such natural environment will very likely harm other parts of such a natural environment, regardless of artificial lines. The wide range of multilateral environmental agreements and processes pertaining to natural environments, including the Ocean

dependent on the enjoyment of a healthy environment. The ongoing work by the United Nations Special Rapporteur on Human Rights and the Environment is a very useful resource in this regard, as it canvasses existing law and practice in the international community to reinforce that notion in a convincing manner. If the Commission decides to actively examine the proposed topic, then Micronesia strongly encourages the Commission to broaden the scope of its consideration of international human rights law to discuss relevant international environmental law, including available and necessary reparations.