
76th Session of the United Nations General Assembly

17th Meeting of the Sixth Committee

Agenda item 82:

Report of the International Law Commission on the work of its seventy-second sessions **Statement**

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

New York, 26 October 2021

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Chair,

Micronesia welcomes the report of the International Law Commission on the work of its 72nd session.

to adhere to these approaches to the extent possible.

Additionally, also with regard to draft guideline 9, Micronesia welcomes the recognition of the need to afford special consideration atmospheric pollution and atmospheric degradation when dealing with the interrelationship between relevant rules of international law, including Indigenous Peoples and people of small island developing States affected by sea-level rise. As recognized by the commentary to draft guideline 9, such groups are routinely at the front-lines of the adverse impacts of atmospheric pollution and degradation, including those relating to climate change and the devastation of biological diversity.

Furthermore, Micronesia welcomes the clear recognition in draft guideline 4 that States have the obligation to ensure that an environmental impact assessment is undertaken by proposed

the atmosphere in terms of atmospheric pollution or atmosphere. As draft guidelines 4 and 7 and their commentaries make clear, there is a need to expand international law to include rigorous environmental assessments for activities that directly and adversely impact the atmosphere, including geo-engineering and other intentional large-scale modifications of the atmosphere to counter the climate crisis.

Finally, on draft guideline 3, Micronesia reiterates the view we previously expressed in this Committee that the obligation to protect the atmosphere is an obligation *erga omnes*, and failure to meet that obligation triggers State responsibility. As its commentary clarifies, the present formulation of the draft guideline is without prejudice to whether such an obligation *erga omnes* exists. In Micronesia, each State owes an obligation to the rest of the international community to take all appropriate measures to prevent, reduce, or control the pollution and degradation of the atmosphere, especially in this era of climate and biodiversity crises. As States, we must work for the betterment of all. Each of us who fails to do so bears an acute responsibility to the rest of us for that failure.

Thank you.