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International Commission on International Law
Committee
Annex to the Report of the International Commission on International Law
Trustees of the International Commission on International Law

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Chair

Micronesia aligns itself with the state in the Commission's adoption of the first reading of a complete set of draft conclusions and accompanying commentaries. We reiterate the views we expressed on the topic in this Committee last year. In particular, we stress our support for a draft conclusion recognizing the formation of general principles of law within the international legal system, underscore the challenge of understanding what is meant by those general principles of law being intrinsic to the international legal system, and we concur with the clarification that there is no formal hierarchy between general principles of law and the other sources of international law listed in Article 38 of the Statute of the International Court of Justice.

We also recall our references last year to the relevance of the customary laws and related practices of Indigenous Peoples and local communities to the international legal system, as well as to the international legal system. In this connection, we note paragraph 1 of draft conclusion 1 and the associated commentary which identify other relevant materials as forming part of a comparative analysis of national legal systems in order to determine the existence of a principle common to the various legal systems of the world. As the commentary indicates, such other relevant materials could include customary law and other things which Micronesia takes to include the customary laws and related practices of Indigenous Peoples and local communities such as those throughout the Pacific.

Micronesia also notes that with respect to identifying general principles of law within the international legal system the commentary to draft conclusion 4 refers to the methodology in draft conclusion 4 to 5 as being applicable to the intrinsic analysis in draft conclusion 4. It is Micronesia's view that such a methodology includes recourse to other relevant materials beyond treaty law and decisions of international tribunals similar to the approach in paragraph 4 of draft conclusion 4. This is not completely clear however and perhaps draft conclusion 4 and or its commentary should be revised to reflect this clarity.

On sea level rise in relation to international law Micronesia is grateful to Mr Aureescu and Ms Ora for producing an additional paper to their first issues paper on the topic focusing on issues relating to the law of the sea. We are also grateful for the robust and rich discussion on the additional paper and related matters by the Commission's Study Group on sea level rise in relation to international law. Micronesia wishes to focus on four of the issues addressed by the additional paper and the Study Group.

First on the issue of legal stability in relation to sea level rise with a focus on baselines and maritime zones. Micronesia highlights the report's reference to the declarations of the

