



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

Telephone: (212) 697-8370

Facsimile: (212) 697-8295

<https://unmission.fm/>

**79th Session of the United Nations General Assembly
Sixth Committee**

Agenda item 79: Report of the International Law Commission on the work of its seventy-fifth session [Cluster I]

Statement by: H.E. Jeem S. Lippwe, Permanent Representative

New York, 24 October 2024

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Chair,

Micronesia aligns itself with the statements delivered under this Cluster by Samoa on behalf of the Alliance of Small Island States and by Tonga on behalf of the Pacific Islands Forum.

We express gratitude to Mr. Marcelo Vazquez-Bermudez for his summary of the work of the International Law Commission (“Commission”) over the past year. We also congratulate the Commission on its landmark 75th session. The Commission’s work remains a key element in the fostering of orderly international relations and the fair and equitable development, interpretation, and application of international law. Micronesia looks forward to engaging actively with the work of the Commission for many more sessions to come.

Chair,

For this Cluster, Micronesia will focus on the topic of “Sea-level rise in relation to international law.” We are grateful for the work of the Study Group on the topic as well as to Ms. Galvao Teles and Mr. Ruda Santolaria for their additional paper to the second issues paper on statehood and protection of persons affected by sea-level rise.

On the issue of statehood, we have two main points.

First, Micronesia underscores that while climate change-related sea-level rise poses existential threats of a physical nature to the lives, livelihoods, security, and well-being of peoples and communities throughout the world, particularly in low-lying islands and atolls in small island developing States like Micronesia, such sea-level rise does not pose an existential legal threat to the statehood of States once already established under international law. This is a core element of the 2023 Pacific Islands Forum Leaders Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate Change-related Sea-level Rise, as well as the 2024 AOSIS Leaders Declaration on Sea-level Rise and Statehood. In this connection, Micronesia

takes issue with passages in paragraphs 69 and 88 in the additional paper as well as in paragraph 343 of the report of the Commission that characterize sea-level rise as an “existential issue” that poses “threats” to small island developing States and other coastal States. This is not a proper reflection of current understandings in international law with respect to the continuity of statehood once established under international law. We urge the members of the Study Group and the broader Commission to exercise greater caution when using language on “existential” threats to States in connection with climate change-related sea-level rise.

Second, Micronesia underscores that the continuity of statehood once established under international law is indeed a principle of international law. International law is premised in large part on the viability of States to function as States. Statehood cannot be extinguished except through a voluntary act by the population constituting the relevant State, particularly an act of self-determination. This is a necessary bar to clear if international law is to remain stable, equitable, and just.

On the issue of protection of persons affected by sea-level rise, we have two main points.

First, we welcome the elaboration in the additional paper of twelve possible elements for legal protection of persons affected by sea-level rise. We particularly support the elements on human dignity as an overarching principle; general human rights obligations implicated by sea-level rise; the duty of States to respect, protect, and fulfill the human rights of persons affected by sea-level rise, including persons in other States; and the protection of the cultural heritage of individuals and groups affected by sea-level rise. Weaving all of the elements in the additional paper into a comprehensive and coherent approach to protecting persons affected by sea-level rise will be a challenge, but the additional paper has given us a worthy roadmap to achieve that.

Second, we note the references in the additional paper and the Commission’s report to the relevance of the Commission’s draft articles on the protection of persons in the event of disasters. While we acknowledge the potential overlaps between those draft articles and the Commission’s work on sea-level rise, we caution against an over-reliance on the draft articles. As we stated earlier this month in this Committee’s Working Group on the draft articles, the draft articles take an approach to addressing sea-level rise as a disaster that would, in our view, limit the options available under international law to address both the impacts of sea-level rise as well as the anthropogenic greenhouse gas emissions that cause it. We would not support using the draft articles as the definitive instrument for comprehensively addressing under international law the protection of persons affected by sea-level rise.

Chair,

To conclude, Micronesia looks forward to the conclusion of the Study Group’s work on sea-level rise and its Final Report on the matter, which we trust will faithfully capture the current trends in international law on the matter and provide actionable recommendations for next steps for the international community.

I thank you.