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Sixth Committee**

Agenda item 78: Report of the International Law Commission on the work of its seventy-sixth session [Cluster I]

Statement by: Delegation of the Federated States of Micronesia

New York, 29 October 2026

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Chair,

As this is the first time that Micronesia is taking the floor in this Committee this session, we congratulate you and your Bureau on your elections, and we pledge our support to you in your endeavors.

Micronesia aligns itself with the statements delivered under this Cluster by Palau on behalf of the Alliance of Small Island States ("AOSIS"), and by Fiji on behalf of the Pacific Small Island Developing States ("PSIDS"). We thank Andreas Mavroyiannis for his summary of the work of the International Law Commission ("Commission") over the past year.

Chair,

For this Cluster, Micronesia will address the topics of "Sea-level rise in relation to international law" and "General principles of law", as well as the decision of the Commission to include in its current programme of work the topic of "Identification and legal consequences of obligations *erga omnes* in international law".

On "Sea-level rise in relation to international law," Micronesia continues to celebrate the Final Report of the Commission's Study Group on the matter. It is a landmark achievement, both in substance as well as in terms of the cooperative and responsive relationship between the Commission and this Committee.

While international law on the elements of maritime zones and statehood in connection with sea-level rise has greatly matured, the community of nations has yet to coalesce around a comprehensive and consistent approach to the protection of persons affected by sea-level rise. This is not a criticism, but is instead a call to action to all States. The Final Report has identified major principles that could guide this effort, including, as appropriate, in the

development of new global, regional, and subregional legally binding instruments to address the matter, such as human rights or mobility instruments. A permanent State and its stable maritime zones are ultimately meaningless if the persons inhabiting the State cannot, in a practical and physical sense, enjoy the rights and entitlements flowing therefrom.

Micronesia also acknowledges the recent adoption of the United Nations Declaration on Sea Level Rise. This political document is an important outcome, but it must not be the final act by the United Nations on the matter, including on legal elements. Micronesia supports future efforts to progressively develop or codify international law on these elements in a targeted fashion, building on the initial work done by the new Declaration as well as by the Pacific Islands Forum and AOSIS in our various normative declarations over the last several years, and capturing in an accurate way the prevailing, even overwhelming, views of the community of nations.

Chair,

On “General principles of law”, Micronesia acknowledges the adoption on second and final reading of the draft conclusions and associated commentaries on the subject. We wish to make five points in this regard.

First, Micronesia supports the reference to the “community of nations” in draft conclusion two. We find this phrase to be clearer and more inclusive than the phrase “international community”, as “nations” foregrounds the key actors in international law-making, whereas “international” could include a wider constellation of actors who might not be particularly relevant to the development of international law.

Second, the references to “various legal systems of the world” in the draft conclusions, including in draft conclusions four, five, and six, should not be read to refer to “principal” legal systems or imply any sort of hierarchy between the legal systems of all nations. Each nation’s legal system has equivalent value as any other nation’s legal system when determining the existence of a principle “common to the various legal systems of the world”.

Third, Micronesia supports the requirement in draft conclusion five that the comparative analysis must include “different regions of the world”. In this connection, we stress that the term “regions” should not be bound by the concept of the five regions commonly recognized by the United Nations, but should instead be more fluid and inclusive, recognizing that there are large groupings within each of the five UN regions that have their own vibrant legal systems of direct relevance to such a comparative analysis, including the Pacific islands.

Fourth, Micronesia supports the notion, as indicated by draft conclusion seven, that a general principle of law may be formed within the international legal system, based on “an analysis of existing rules in the international legal system . . . to find principles reflected in those rules or underlying them, and having an autonomous status”, including in “international instruments reflecting the principle, resolutions adopted by international organizations or at intergovernmental conferences and statements made by States and international

organizations.” The commentary to draft conclusion seven helpfully identifies a number of general principles of law formed within the international legal system, including the duty to cooperate, such as in international environmental law in order “to address the common problem of environmental degradation caused by human activities”; equity; and intergenerational equity. Micronesia supports the approach taken in this draft conclusion seven as well as the illustrative examples in the commentary to the draft conclusion.

Finally, with respect to draft conclusion 12, Micronesia supports the reference in its commentary to the possible emergence of general principles of law within regional and subregional legal systems or between a limited number of States. We further support the commentary’s point that such general principles of law would be limited only in terms of who they would apply to, rather than by their legally binding content. This means that between those States and legal systems bound by these general principles, the effect would be similar to that of general principles of law applicable to the international legal system as a whole. We also stress that the Pacific Islands region, inclusive of the Pacific Islands Forum and PSIDS, is an instructive region or subregion for the development and application of such general principles of law, including those pertaining to the stewardship of marine and terrestrial resources, peaceful uses of the Ocean, and the prominent role played by Indigenous Peoples, local communities, and their respective knowledge systems in various governance approaches throughout the Pacific.

Chair,

To conclude, Micronesia welcomes the inclusion of the topic “Identification and legal consequences of obligations *erga omnes* in international law” in the Commission’s current programme of work. We encourage the Commission, when undertaking its study of this topic, to pay particular attention to overlaps, if any, between these legal consequences and those flowing out of *jus cogens* obligations as well as obligations *erga omnes partes*. We also encourage the Commission to scrutinize how obligations *erga omnes* arise in the context of common problems of global environmental degradation caused by human activities, including those pertaining to the triple planetary crisis of climate change, biodiversity loss, and pollution; and what the legal consequences are for such obligations, including whether such legal consequences are heightened or are triggered more readily because of the degree of harm that is associated with such human activities.

Thank you.