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Sixth Committee**

Agenda item 83: Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm

**Statement by H.E. Jane J. Chigiyal
Permanent Representative**

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Mr. Chairman,
Excellencies,
Distinguished Delegates.

I would like to congratulate you and the other members of the Bureau for your election to your posts. Your personal and professional qualifications bode well for the success of this Committee's work.

Let me also express my delegation's gratitude to the Secretariat for its work on the prevention of transboundary physical harms by that State's hazardous activities on another State's territory. This prevention rule has a storied legacy in international law, dating back to the 19th century and emphasized in numerous multilateral declarations and decisions of international judicial bodies such as the International Court of Justice and the International Tribunal for the Law of the Sea.

The principles before us are the clearest iterations of that rule to date. They are the result of decades of work by the International Law Commission, in consultation with the States of the United Nations. They reflect and advance the formation of a new type of care and consideration that all States must have for each other in carrying out their lawful activities.

The adoption of a binding international convention incorporating the draft articles and the Convention will formalize important doctrines and ensure a uniform approach to the prevention of transboundary harms from hazardous activities. This convention must incorporate the views of all States to deal with the consequences of such activities, in light of the current realities.

According to Working Group I of the Fifth Assessment Report by the Intergovernmental Panel on Climate Change, it is “extremely likely” that human activities are driving climate change around the world. The physical effects of those activities are significant, including rising sea levels, the melting of massive glaciers, increased incidences of devastating storms, rapid desertification, and dangerous acidification of the world’s oceans. Such effects are, therefore, transboundary, afflicting all countries and all peoples.

Clearly, then, the prevention rule must play a central role in the fight against climate change. Each State is obligated under international law to ensure that its domestic activities do not inflict significant physical harms on other States. In order to uphold that obligation, each State must assess the degree to which its activities produce harmful greenhouse gas emissions and put into place measures that minimize those emissions to the greatest extent possible. International law recognizes that economic and social concerns can factor in those assessments, but they cannot be excuses for inaction. Due diligence for the prevention of transboundary harms is part of the corpus of international law, and no exceptions can be made for harms arising from activities that contribute to climate change.

Micronesia has done its part to put the prevention rule into action in the fight against climate chang