

**Statement by  
Sri Lanka Delegation  
Permanent Mission of Sri Lanka to the United Nations  
Before the Sixth Committee of the 73rd Session of the UNGA  
Agenda Item 82: Report of the International Law Commission on the work of its Seventieth Session  
(Cluster II – Chapters VI, VII, VIII)  
26 October 2018  
New York**

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Mr. Chairperson

Our intervention today is limited to Chapter VI “Protection of the Atmosphere.” The atmosphere is the largest single natural resource and listed as such in the 1972 Stockholm Declaration and the 1982 World Charter for Nature. This is a topic that presents issues and complexities of both science and law and an important one for the international community as a whole. We are pleased to note that the topic is moving forward in the right direction to its second reading and conclusion, with 12 draft guidelines and 8 preambular paragraphs together with the commentaries thereto, being provisionally adopted by the Commission this year. Apart from this general statement, Sri Lanka intends to submit, after further close deliberation, written comments on the guidelines, if necessary, before 15 December next year.

Let me begin by expressing our deep appreciation to Mr. Shinya Murase, Special Rapporteur on the Protection of the Atmosphere for his dedicated work and outstanding contribution to this topic and for his Fifth Report (A/CN.4/711) where he has addressed implementation of the draft guidelines at a national level, compliance at international level and the question of dispute settlement. The delegation of Sri Lanka firmly believes that this topic cannot properly be discussed or developed in isolation from the scientific community. We therefore compliment the Special Rapporteur on his previous initiatives and dialogues with scientists in this regard.

Chair

The World Health Organization has sent us a dire warning that over seven million people face premature death each year due to air pollution. Extremism has gone mainstream in many areas, and the weather has not been spared either. Island nations, particularly small island nations like our own, are particularly vulnerable to the impacts of extreme weather, atmospheric pollution and degradation and climate change. In the past decade or so, Sri Lanka has been devastated by nature driven tragedies. Human misery is unbelievable.

Today the international community has made much progress in recognizing the environment and its protection as the responsibility of *all* nations. We have largely accepted the connection between ecological management and the human condition. We have had many conferences, created many institutions for this purpose. Public awareness and concern about the atmosphere is wider than at any time in history. Yet, with all these developments, we have still a long way to go to reach the optimum level of global environmental sustainability.

Let me enumerate some of our immediate concerns with regard to the present preambular paragraphs and guidelines.

**First**, the fourth preambular paragraph, reads:

“Recognizing therefore that the protection of the atmosphere from atmospheric pollution and atmospheric degradation is a pressing concern of the international community as a whole,”

Chair

The Paris Agreement of 2015 considerably enhanced the efforts of the ILC in elaborating a comprehensive set of guidelines with regard to the challenges faced in the protection of the atmosphere. It may be particularly noted that the Paris Agreement declared that Climate Change is a “common concern of humankind” and Sri Lanka believes that this concept should be reflected in the present work of the Commission. We would urge the ILC therefore to consider replacing ‘pressing concern of the international community as a whole’ with common concern of humankind.

**Secondly**, my delegation welcomes the fifth preambular paragraph in reflecting considerations of equity and the special situations and needs of developing countries in line with several Declarations and Conventions, including in the UN Convention on the Law of the Sea, article 3 of the 1992 United Nations Framework Convention on Climate Change (UNFCCC) and article 2 of the 2015 Paris Agreement. This is entirely consistent with the current trend of legal instruments dealing with the global commons.

**Thirdly**, my delegation is of the view that the scope of the definition for the purposes of the present guidelines contained in Guideline 1 (b) referring to ‘atmospheric pollution’ as confined only to ‘substances’ released by humans directly or indirectly, should be enhanced to include ‘substances and energy’ as defined in article 1 paragraph 1 (4) of the United Nations Convention on the Law of the Sea. This widening of scope would also be in line with the 1979 Convention on Long-Range Transboundary Air Pollution (CLRTAP) which include photo pollution, noise pollution, radioactive contamination and heat pollution.

**Fourthly**, we have to bear in mind that the collective international efforts to define and correct the depredations of humankind on Planet Earth is a relatively recent effort. Therefore we need to be aggressive in our approaches if we are to save this planet for future generations.

One of the most devastating impacts of atmospheric degradation for all states is the sea level rise due to global warming. The recent report by the Intergovernmental Panel on Climate Change (IPCC) mandated by the UNFCCC was a ‘beware the Ides of March’ pronouncement to the international community. The report estimates human activities have already caused approximately 1 degree Celsius of global warming above pre-industrial levels. This increase has led to more extreme weather, rising sea levels and diminishing Arctic sea ice among other changes. To limit warming to 2 degrees C, the panel determined CO2 emissions would have to drop a huge 20 percent below 2010 levels by 2030 and ideally hit zero by 2075. Capping warming at 1.5C means net anthropogenic CO2 emissions must decline by 45 percent in the next

12 years and fall to zero by 2050. Both marks would require deep emissions cuts in every sector on an unprecedented scale, according to the Report.

Therefore, while we welcome preambular paragraph six we would like to see a strengthening of its language to reflect scientific warnings.

**Fifthly and lastly**, my delegation would like to refer to the eighth preambular paragraph that reproduces the 2013 understanding of the Commission on the inclusion of the topic in its programme of work at its sixty fifth session in 2013, as well as paragraphs 2 and 3 of Guideline 2 on the scope of the guidelines. My delegation is of the view that the Commission may wish to revisit its decision to include this reference to the 2013 Understanding in order to avoid redundancy.

Additionally, the language formulation in paragraph 2 of Guideline 2, ....'does not deal with, but without prejudice to' ....may be perceived by some as awkward due to the use of a double negative. Sri Lanka believes that the inclusion in the second reading of this paragraph should be carefully reconsidered.

Finally Mr. Chair Sri Lanka reiterates its appreciation to Mr. Shinya Murase, Special Rapporteur on the Protection of the Atmosphere for his devoted efforts and congratulates the International Law Commission, in concluding its first reading of this topic. Given the importance of the subject matter to the survival of humankind, Sri Lanka urges all states to express their views and comments from a global commons perspective for the basis of the second reading, which will take place I believe in 2020.

Thank you