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**Thirty-fourth Meeting of States Parties to the
United Nations Convention on the Law of the Sea**

Agenda item 14: Reports of the SG under article 319

**Statement by H.E. Jeem S. Lippwe
Permanent Representative of the
Federated States of Micronesia to the UN**

New York, 12 June 2024

Mr. President,

Micronesia welcomes the reports of the Secretary General under article 319 of the Convention. We wish to comment in connection to a number of issues raised in the reports, particularly through the lens of the current climate crisis.

First, the Ocean is in a severe crisis, to a degree that is unprecedented in recorded human history. Anthropogenic greenhouse gas emissions are a key stressor of the Ocean. As the International Tribunal for the Law of the Sea (“Tribunal”) confirmed in its advisory opinion in Case No. 31, such emissions qualify as pollution of the marine environment under the Convention. The Tribunal also underscored that limiting the rise in the average global temperature to 1.5 degrees Celsius above pre-industrial levels is key to meeting the obligations of States Parties under the Convention with respect to such pollution of the marine environment, and that merely satisfying the obligations and commitments under the United Nations Framework Convention on Climate Change and the Paris Agreement is likely not sufficient in this regard. Micronesia echoes the determination by the Tribunal that while all States Parties are obligated to address anthropogenic greenhouse gas emissions, those States Parties with greater resources and capabilities are obligated to take the lead in this regard, including with respect to mitigation of emissions and the provision of finance, technology transfer, capacity building, and other means of implementation to those States Parties with lesser resources and capabilities. The Tribunal also noted that international responsibility of States Parties is triggered for breaches of obligations under the Convention in this regard. States Parties are very far off the mark in discharging these obligations. States Parties must remain vigilant in discharging these obligations under the Convention as well as establishing accountability when breaches of those obligations occur.

Second, Micronesia recognizes the ongoing work of the International Seabed Authority (“Authority”) on its Mining Code, particularly its draft exploitation regulations and associated Standards and Guidelines. Micronesia has participated actively in that work. One of our guiding principles in that work is that addressing the needs of the present generation must not be at the cost of the needs of future generations. Another guiding principle is that haste makes wastes. In this connection, we acknowledge the need for the world to transition urgently away from fossil fuels, particularly in this current critical decade for climate action. However, replacing one form of harm to the marine environment — such as greenhouse gas emissions — with a different but also potent form of harm — such as poorly regulated exploitation of the Area — does not strike us as a responsible approach to Ocean management. Indeed, this could be a case of transforming one form of marine pollution into another form, and thus violate article 195 of the Convention, which the Tribunal touched on in its advisory opinion in Case No. 31. Micronesia urges States Parties to proceed with caution and careful deliberation in the work of the Authority, especially when there is relatively little data known about the Area at this point.

Finally, Micronesia celebrates the adoption of the BBNJ Agreement and strongly urges all States to ratify the Agreement as soon as possible. Micronesia was the first State to sign and the seventh State to deposit an instrument of ratification for the Agreement. In our instrument of ratification, we include a number of declarations, in accordance with article 71 of the Agreement. Among other things, we:

- 1) affirm that the Convention imposes no affirmative obligation to keep baselines and outer limits of maritime zones under review nor to update charts or lists of geographical coordinates once deposited with the Secretary-General of the United Nations;
- 2) proclaim that the maritime zones of the Federated States of Micronesia, as established and notified to the Secretary-General of the United Nations in accordance with the Convention, and the rights and entitlements that flow from them, shall continue to apply, without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise; and
- 3) stress that the identification of areas beyond national jurisdiction for the purposes of interpreting and implementing the Agreement must be fully in accordance with our declarations. We encourage other States to include similar declarations in their instruments of ratification for the BBNJ Agreement, particularly in this era of a climate crisis.

Thank you, Mr. President.