

FSM statement in the plenary of the ISA Council during the third part of its 27th Session [2022-11-10]

Mr. President,

My delegation welcomes and is grateful for the explanation provided by the delegation of France about the position of the French Government recently announced by President Macron. We particularly welcome the points raised about the urgency of protecting the Ocean and by extension all of humankind. It is very telling that President Macron raised France's position during COP27. The links between the climate system and the Ocean are clear, with modifications and impacts in one having clear modifications and impacts in the other. These links are particularly visible in the Pacific Island region, where sea level rise is accelerating, Ocean acidification is worsening, and the incidences of strong storms fueled by a warming Ocean are increasing, among other major climatic impacts that are tied to the Ocean. As a small island developing State, in this context, my country is particularly concerned about the cascading effects resulting from changes to the marine environment.

We also welcome the point raised by the delegation of France that the challenges of climate change and severe biodiversity loss today were likely not in mind when the Convention was adopted. In my delegation's view, this must have an impact on how we as States Parties to the Convention should interpret and apply the relevant provisions of the Convention and the Part XI Agreement, particularly those provisions where there is room for discretion and for alternative approaches while still upholding the fundamental role of the Convention in the orderly and principled management of all Ocean affairs under international law.

The concerns that appear to animate France's statement include a number of concerns that my delegation shares. As my delegation mentioned during the second part of the Council's 27th Session earlier this year, the Federated States of Micronesia has joined an Alliance of Countries for a Deep-Sea Mining Moratorium, alongside our fellow Pacific Small Island Developing States of Fiji, Palau, and Samoa. We have done so because, in our view, exploitation of the Area must not proceed until the Authority develops and agrees on a complete and clear set of regulations, standards, and guidelines that ensure the robust and effective protection and preservation of the marine environment, in line with the Convention and the Part XI Agreement. It is also our view that it is exceedingly difficult to develop (let alone agree on) such a set of regulations, standards, and guidelines unless there is a comprehensive suite of data, knowledge, and information about the Area and the surrounding marine environment that could be impacted by exploitation of the international seabed Area. It is clear to us that we are far from achieving such an objective.

Like the delegation of France, my delegation reaffirms our commitment to multilateralism. We also acknowledge the important work of the Authority on the Mining Code in line with the provisions of the Convention and the Part XI Agreement. Our delegation is an exceedingly small one, and it is a perennial struggle for us to cover the meetings of the Authority on top of many other processes of importance for our people, including the ongoing climate change conference in Sharm El-Sheikh. Nevertheless, we are here because we recognize the importance of the work of the Authority and its connection to many other important intergovernmental processes, and we retain the hope that members of the Authority will continue negotiating in good faith with the view to establishing a proper regulatory framework that is informed by the most robust suite of data, knowledge, and information about the Ocean before exploitation is allowed to proceed. Thank you.