



**Permanent Mission of the Federated States of Micronesia to the UN**

300 East 42 Street, Suite 1600  
New York, N.Y. 10017

Telephone: (212) 697-8370  
Facsimile: (212) 697-8295

e-mail: [fsmun@fsmgov.org](mailto:fsmun@fsmgov.org)

<http://www.fsmgov.org/>

---

**21<sup>st</sup> Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea**

**Agenda item 3: General exchange of views**

**Written Statement by: H.E. Ambassador Jane J. Chigiya, Permanent Representative of the Federated States of Micronesia to the United Nations**

**New York, 14 June 2021**

Co-chairs,

Micronesia aligns itself with the general statement by H.E. Ambassador Samuelu Laloni, Permanent Representative of Tuvalu to the United Nations, on behalf of the Pacific Islands Forum. We also express our congratulations and full support to both of you for leading our deliberations on the subject.

Micronesia welcomes the convening of this year's Informal Consultative Process ("ICP") on the theme of sea-level rise and its impacts. As the programme and the advance copies of the panel presentations for the ICP indicate, sea-level rise implicates a broad range of issues of importance to the international community as a whole, including coastal infrastructure and the coastal communities that inhabit and depend on them, human mobility, marine and coastal biological diversity, and the fight against climate change (not just in terms of sea-level rise being a result of the root causes of climate change, but also in terms of sea-level rise contributing to climate change through, among other things, the inundation of coastal mangrove systems and the undermining of their capacities as carbon sinks).

Additionally, the legal implications of sea-level rise cut across a significant swath of international law. Under the law of the sea, there are potential implications for maritime zones and the rights and entitlements that flow from them. Under human rights, there are potential impacts on the economic, social, cultural, civil, and political rights of coastal communities to enjoy marine and coastal spaces and biological diversity that are harmed by sea-level rise. There are also questions on whether/how international law contemplates rights, protections, and remedies for communities displaced (internally and externally) by sea-level rise. Additionally, does the partial or total inundation of landmasses that make up the territory of a State necessarily translate to a partial or total loss of Statehood for that State under international law?

In this connection, Micronesia is pleased that the International Law Commission is currently examining the topic of sea-level rise in relation to international law on its programme of work via a Study Group that will canvass the above-mentioned legal implications of sea-level rise. We

welcome the First Issues Paper of two of the Co-Chairs of the Study Group and the Paper's informative survey of law of the sea issues. We are particularly drawn to a number of preliminary observations in the First Issues Paper, including that the United Nations Convention on the Law of the Sea ("UNCLOS") does not expressly indicate that new maritime baselines or outer limits of maritime zones must be drawn by a coastal State when relevant coastal conditions change; and, that UNCLOS is concerned with ensuring and maintaining stability when conditions arise that could impact legal stability, security, certainty, and predictability. We look forward to the Commission's full examination of the First Issues Paper as well as its future work on the issues of Statehood and protection of persons.

As a small island developing State with hundreds of low-lying islands and atolls within our maritime boundaries and a long-standing dependence on the natural resources within our waters for sustenance, economic growth, and cultural practices, Micronesia is particularly concerned about sea-level rise. Given the above-mentioned array of implications from sea-level rise, Micronesia has strived to complete all of our technical and legal work necessary to secure our maritime zones and the rights and entitlements that flow from them. In recent years, we have compiled all of our lists of geographical coordinates of points for our maritime baselines and the outer limits of our maritime zones and completed all of our maritime delimitation agreements with all the States that neighbor us. We have deposited all relevant information pertaining to that effort with the Secretary-General of the United Nations, in accordance with UNCLOS as well as the United Nations Charter.

In depositing our lists of geographical coordinates of points with the Secretary-General of the United Nations, Micronesia attached a set of observations highlighting pertinent issues in connection with sea-level rise, including legal considerations. Those observations are reprinted in full below:

-----

*The Federated States of Micronesia, as a State Party to the 1982 United Nations Convention on the Law of the Sea ("UNCLOS"), assumes legal obligations and exercises all sovereign and jurisdictional entitlements as legal consequences of being such a State Party. As a State Party to UNCLOS, the Federated States of Micronesia is presently depositing with the Secretary-General of the United Nations lists of geographical points of coordinates, accompanied by illustrative maps, for all maritime baselines as well as for the territorial sea, contiguous zone, and exclusive economic zone of the Federated States of Micronesia, as defined under UNCLOS.*

*In this context, the Federated States of Micronesia notes that the applicable international law as reflected in UNCLOS bestows maritime zones to coastal States, and many small island developing States, such as the Federated States of Micronesia, have planned their development in reliance on the sovereignty, sovereign rights, and jurisdiction generated by such maritime zones. Sea-level rise and climate change challenge this careful planning, including in terms of their effects on relevant geophysical features. The Federated States of Micronesia, a country made up of 607 islands, many of which are*

*low-lying islands and atolls, is specially affected by such sea-level rise and climate change.*

*The Federated States of Micronesia states its understanding that it is not obliged to keep under review the maritime zones reflected in the present official deposit of lists of geographical coordinates of points and accompanying illustrative maps, delineated in accordance with UNCLOS, and that the Federated States of Micronesia intends to maintain these maritime zones in line with that understanding, notwithstanding climate change-induced sea-level rise.*

-----

In light of all of the above, and as reflected in the panel presentations for this year's ICP, sea-level rise poses a major test for international cooperation and coordination, both in terms of how to avert sea-level rise, including work done under the United Nations Framework Convention on Climate Change, where there is an ongoing effort to establish an Ocean-climate nexus; as well as how the international community can respond to those who are impacted by sea-level rise, including coastal States who have planned their economic, social, and cultural development in reliance on their maritime zones and the rights and entitlements that flow from them, as well as those communities displaced by sea-level rise, many of which are among the least responsible for the root causes of sea-level rise. While small island developing States like Micronesia are specially affected by sea-level rise, sea-level rise impacts all States and the communities therein to varying degrees. It behooves us as an international community to work in concert to tackle sea-level rise, starting with curbing its root causes and making sure to address all economic, social, cultural, civil, political, technical, and legal implications arising from sea-level rise.

Micronesia looks forward to engaging with all participants in this year's ICP.

I thank you.