

## TEMPLATE FOR COMMENTS

<i>Document reviewed</i>	
<b>Title of the draft being reviewed:</b>	Draft Standard and Guidelines on the development and application of Environmental Management Systems
<i>Contact information</i>	
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<i>General Comments</i>	
<p>1) Micronesia notes that the Legal and Technical Commission (“LTC”), in composing the present draft standard and guidelines on the development and application of Environmental Management Systems (“EMSes”), recognizes that the draft Standard and Guidelines are “connected to a number of other environment-related standards and guidelines under development, such as those related to environmental impact assessments, the environmental impact statement, environmental management and monitoring plan, baseline data collection and contingency planning.” Micronesia stresses that ongoing discussions about regional environmental management plans are also connected to the draft Standard and Guidelines on EMSes and should be consulted accordingly.</p>	
<p>2) Micronesia questions the recommendation of the LTC that auditing and reporting aspects of an EMS should be covered under the draft Guidelines as opposed to the draft Standard. Draft Regulation 46(2) mandates that an EMS shall, among other things, be capable of “cost-effective, independent auditing by recognized and accredited international or national organizations” as well as permit “effective reporting to the Authority in connection with environmental performance.” It thus appears that auditing and reporting are obligations under the Draft Regulation. As Standards are currently envisioned to be mandatory while Guidelines are currently envisioned to be voluntary, Micronesia recommends that the auditing and reporting aspects currently contained in the draft Guidelines (particularly in Parts VI and VII thereof) be moved (and revised, as necessary) into the draft Standard.</p>	
<p>3) Micronesia reiterates its longstanding position that Best Environmental Practices in the Draft Regulations include, among other things, the use of the relevant traditional knowledge of Indigenous Peoples and local communities in assessments and decision-making pertaining to activities in the Area, including as a complement to Best Available Science. This is fully in line with current international law and practice, including in multilateral environmental instruments and processes such as the Convention on Biological Diversity and its Protocols, the United Nations Framework Convention on Climate Change and its Paris Agreement, and the implementation plan for the United Nations Decade of Ocean Science for Sustainable</p>	

Development. This is also the current trend in discussions for an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, which has clear overlaps with the Draft Regulations and the work of the International Seabed Authority. We therefore view the reference to Best Environmental Practices contained in paragraph 24 of the draft Guidelines to include such an understanding pertaining to the relevant traditional knowledge of Indigenous Peoples and local communities, and we recommend that the glossary of terms in the draft Guidelines explicitly states that the definitions and abbreviations listed in Part IX of the draft Guidelines are explicitly tied to the relevant definitions and abbreviations in the Draft Regulations (rather than treated as being defined separately/differently from their apparent counterparts in the Draft Regulations). It is our view that a Contractor must be in a position to adequately communicate the relevance and utility of such traditional knowledge as part of its EMS, inclusive of internal and external communications, such as those contemplated in Part VIII(C) of the draft Guidelines. Any utilization of such traditional knowledge must comply with the principle of free, prior and informed consent pertaining to the holders of such traditional knowledge, in line with current international law and practice.


*Specific Comments*

<b>Page</b>	<b>Line</b>	<b>Comment</b>
15	550	<p>Please insert the following text under the header of “IX. DEFINITIONS AN ABBREVIATIONS”:</p> <p>“Each term listed below shall be defined in the same manner as it is defined in the Exploitation Regulations if it is also listed in the latter.”</p>