

SPECIAL COMMITTEE ON CLIMATE CHANGE NO. 19-11

RE: C.R. NO. 19-237

SUBJECT: RATIFICATION OF THE PARIS AGREEMENT

JULY 29, 2016

The Honorable Wesley W. Simina
Speaker, Nineteenth Congress
Federated States of Micronesia
Fifth Special Session, 2016

Dear: Mr. Speaker:

Your Committee on Climate Change, to which was referred
C.R. No. 19-237, entitled:

"A RESOLUTION TO RATIFY AS A TREATY THE PARIS
AGREEMENT CONCERNING THE NEED FOR AN EFFECTIVE AND
PROGRESSIVE RESPONSE TO THE URGENT THREAT OF CLIMATE
CHANGE.",

begs leave to report as follows:

The intent and purpose of this resolution are expressed in
its title.

This resolution is for the ratification of a treaty on
climate change, the Paris Agreement. This Agreement is the
result of years of negotiation among all the countries in
the world to replace the expiring Kyoto Protocol. The FSM
as part of the Small Islands States took part in the
negotiations. In December, 2015, after more than a decade
negotiations were concluded in Paris, and the treaty was
opened for signature on April 22, 2016. The President of
the FSM signed the treaty on the first day it was open for
signature. The treaty is now in front of Congress for
ratification.

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The Agreement calls for:

- Worldwide efforts to reduce the emission of green house gases with the objective of limiting the increase of global warming to less than 2 dec C
- Voluntary goals by each country for the reduction of such emission, with the goals becoming binding. The FSM's submitted goals are 28% unconditional reduction and 35% with conditions (such as availability of financial assistance).
- Commitment by the developed countries to assist developing countries in their emission

The Agreement does not address liability and compensation. These topics are to be left for further negotiations. The specifics of the financial assistance are also left for later clarifications. The Agreement by its own terms prohibits reservations.

Your Committee held a hearing on the above-mentioned resolution on July 27, 2016. Present at the hearing were the Secretary of Foreign Affairs, the Director of OEEM, assorted staff, and a representative of the Department of Justice.

Chairman Figir opened the hearing by stating that he is not in favor of ratifying new international agreements, in light of the problems of the FSM in subsequently meeting the requirements therefor.

The Secretary of Foreign Affairs acknowledged such problems in the past but stated that this particular agreement is an international priority. As a matter of fact the UN has scheduled a special day at the next General Assembly for countries that have already ratified the Paris Agreement to deposit their instrument of ratification at the UN.

The Director of OEEM testified that ratification is a logical continuation of the FSM's extensive involvement in climate change negotiations, not only for this Paris

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Agreement but also but the related Montreal Protocol.

When asked whether the obligations for 28% unconditional and 35% conditional reductions of emission are achievable the two cabinet officials testified that based on the Energy Policy of the FSM and input from consultants, they believed that yes the goals could be achieved. When asked what specific steps, they testified that not being technical people they could not discuss in details but their opinion was based on the Energy Policy and the consultants.

When asked whether the states were consulted both Secretary and Director mentioned that the states are involved and represented on several teams and task forces on climate change.

Both also suggested that Congress modify the resolution to ratify to include certain language related to damages and compensation. Chairman Figir pointed out the provision of the Agreement prohibiting reservations to the treaty, and requested the A.G. to look into whether the modification was permissible, and to submit a revised resolution if that is the wish of the Executive.

The Director of OEMM commits to continue addressing climate change issues. When asked whether it would help to have the OEMM become a department he said he would consult with the Executive on that. When asked why he did not submit a climate change budget in the past he stated he relied on budgetary instructions from his superiors.

Your Committee is in support of the Paris Agreement and notes that this is the only session of Congress that would allow participation in the deposit on instruments of ratification at the ceremony at the next UNGA. Although there is still some skepticism as to when or whether the Agreement would come into force, your Committee believes that ratifying the Paris Agreement represents a commitment to the Nation and to the world that the FSM address climate

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change as an issue. The FSM should join the 19 countries that have ratified so far to work toward the goal of an early entry, in force, of the Paris Agreement.

Your Committee would like to offer the following technical amendment to C.R. No. 19-237.

In the title, delete "as a treaty" because that is redundant.

Your Special Committee on Climate Change is in accord with the intent and purpose of C.R. No. 19-237 and recommends its adoption in the form attached hereto as C.R. No. 19-137, C.D.1.

Respectfully submitted,

/s/ Isaac V. Figir
Isaac V. Figir, chairman

/s/ Esmond B. Moses
Esmond B. Moses, member

/s/ Wesley W. Simina
Wesley W. Simina, member

/s/ Alik L. Alik
Alik L. Alik, member

Robson U. Romolow, member