United Nations

Framework Convention on Climate Change

Dear Madam/Sir,

The United Nations Framework Convention on Climate Change (UNFCCC) secretariat ("the secretariat") seeks to contribute to the report of the Secretary-General on oceans and the law of the sea, pursuant to General Assembly resolution A/74/19; in response to your invitation for contribution via the letter (Ref: LOS/SGR/2020/I/IGO) dated 16 December 2019.

The secretariat extends its cooperation and support to Parties to the UNFCCC, the Kyoto Protocol and the Paris Agreement in order to facilitate the implementation of legal instruments governing the climate, including as it relates to ocean; and facilitate interaction between experts, Parties and non-Party stakeholders to address the unique challenges at the interface of climate change and the ocean using the best available science.

The secretariat welcomes this opportunity to contribute to the Report of the Secretary-General on oceans and the law of the sea, particularly addressing sea level rise, given the interlinkages between the law of the sea and the international climate change regime. The ocean is linked to everyone: the ocean covers 71% of the Earth surface and contains ~97% of the water on our planet. It is a key component of the climate system that we depend on.

The Intergovernmental Panel on Climate Change (IPCC) Special Report on the Ocean and Cryosphere in a Changing Climate (SROCC) highlights the devastating impacts that climate change is having on the ocean and its ecosystems, including sea level rise risk and responses (for example see Figure SPM.5 of the report).

A further consequence of sea level rise is the question of outer limits of maritime zones and boundaries. This is a cause for concern particularly for countries with low-lying coastal areas, and small island countries, given their underlying vulnerabilities to alterations in maritime boundaries. It is foreseeable that these concerns could be accounted for in countries' adaptation and resilience planning. While the international legal regime affecting maritime boundaries and baselines is a question of law under the UNCLOS regime, sea level rise is precisely the kind of slow onset event which creates the need for enhanced collaboration between international legal regimes.

Under Article 4 of the UNFCCC, all Parties are to promote sustainable management, conservation and enhancement of the oceans as sinks and reservoirs of greenhouse gases, and conserve and enhance coastal and marine ecosystems. The Cancun Adaptation Framework as contained in Decision 1/CP.16 of the Conference of Parties to the UNFCCC (COP) recognizes the "need to strengthen international cooperation and expertise in order to understand and reduce loss and damage associated with the adverse effects of climate change, including impacts related to extreme weather events and slow onset events (including sea level rise, increasing temperatures, ocean acidification, glacial retreat and related impacts, salinization, land and forest degradation, loss of biodiversity and desertification)."

Building upon the Convention, the Paris Agreement aims to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 degrees Celsius. The Paris Agreement notes "the importance of ensuring the integrity of all ecosystems, including oceans, and the protection of biodiversity[1]" and requires Parties to "strengthen their cooperation on enhancing action on adaptation, taking into account the Cancun Adaptation Framework,

[1] Paris Agreement, preamble.

including with regard to: …c) Strengthening scientific knowledge on climate, including research, systematic observation of the climate system and early warning systems, in a manner that informs climate services and supports decision-making…"[2]

Accordingly, of the Nationally Determined Contributions (NDCs) submitted in 2015-2016 by Parties to the Paris Agreement, over seventy per cent of NDCs mention ocean-related issues, such as coastal impacts and marine ecosystem impacts. Commitments to net-zero by all Parties is a priority to protect oceans and the services they provide, slow down sea level rise and limit the risks due to climate change.

Enhanced action and support for adaptation and climate risk management is also urgently required to build resilience to ongoing sea level rise. The NAPs process enables countries to identify medium and long-term adaptation needs, including as they relate to sea level rise; and developing and implementing strategies and programmes to address those needs.

The Warsaw International Mechanism for Loss and Damage, established by COP decision 2/CP.19 and anchored in the Paris Agreement by its Article 8, assists countries to implement approaches to avert, minimize and address the risks associated with slow onset climate processes, such as sea level rise.

Theme (iii) listed in the invitation letter seeking this input, titled "opportunities in responding to the challenges of sea level rise, including through cooperation at all levels on scientific, technical, technological and financial aspects and capacity-building," is directly within the scope of the work of the UNFCCC. Details of these opportunities are highlighted below.

Opportunities in responding to the challenges of sea level rise including through cooperation at all levels on scientific, technical, technological and financial aspects and capacity-building

a. **Nationally Determined Contributions**

Over 50 Nationally Determined Contributions (submitted 2015-2016)[3] identify sea level rise and its impacts as a concern and risk factor in responding to climate change. For example, the current NDC submitted by Tuvalu states "[l]onger term impacts such as sea level rise could result in the unavoidable out-migration of some of Tuvalu's people, they have a right to pursue any and all means to ensure their nation survives and the legacy remains, with future generations living productive lives on these islands"

Parties to the Paris Agreement are invited to revise/update their NDCs in 2020. The process of revising and updating NDCs also provides Parties an opportunity to highlight the interlinkages between climate and ocean, including challenges, and their plans/contribution to responding to those challenges including through cooperation at all levels on scientific, technical, technological and financial aspects and capacity-building, for example Seychelles in its NDC has communicated its intention to reduce its vulnerability sea level rise, under their adaptation contribution.

b. **National Adaptation Plans**

The national adaptation plan (NAP) process was established under the Cancun Adaptation Framework (CAF). It enables Parties to formulate and implement national adaptation plans (NAPs) as a means of identifying medium- and long-term adaptation needs and developing and implementing strategies and programmes to address those needs. It is a continuous, progressive and iterative process which follows a country-driven, gender-sensitive, participatory and fully transparent approach

NAPs offer an effective approach for achieving coherence between the Paris Agreement, 2030 Agenda for Sustainable Development, Sendai Framework and other global, regional and national frameworks and agendas.

[2] Paris Agreement, article 7.
[3] https://www4.unfccc.int/sites/ndcstaging/Pages/Home.aspx.

In the **National Adaptation Plans**[4] submitted to date, a number of countries have identified adaptation projects to respond to sea level rise. For example:

Sri Lanka: Minimizing the impacts of sea level rise on agriculture in coastal zone;

Saint Lucia: Enhancing marine and terrestrial spatial planning to help balance fishery and aquaculture needs, terrestrial development and shoreline protection with rising sea level.

c. SBSTA agenda item – research and systematic observation[5]

Under the Subsidiary Body for Scientific and Technological Advice (SBSTA), the Global Climate Observing System (GCOS) implementation plan and its Essential Climate Variables (ECV) requirements are the basis for collecting long-term data sets to support the UNFCCC. The oceanic component, the Global Ocean Observing System (GOOS) led by IOC-UNESCO, provides the systematic observation and research required to understand the role of the ocean in climate change, predict changes and determine risk and corresponding appropriate action.

Opportunities to report on the most recent information and discuss cooperation and addressing gaps and needs include through the research dialogue (at the first negotiating session of each year) and the Earth Information Day (at the second negotiating session of the year). For example, at the 25th session of the COP, the Earth Information Day 2019 provided the opportunity to optimize engagement and connect information and requirements between the science community, Party and non-Party stakeholders to benefit the intergovernmental process and Paris Agreement.

The secretariat is committed to extending continued science-based support to Parties, and further collaboration with organisations within the UN system and other stakeholders, including to support realisation of the UN Decade of Ocean Science (2021-2030).

b. Nairobi work programme on impacts, vulnerability, and adaptation to climate change (NWP)

The Nairobi work programme on impacts, vulnerability, and adaptation to climate change (NWP) has focussed its activities 2019-2020 on the thematic area of oceans, coastal areas and ecosystems, including mega deltas, coral reefs and mangroves; all of which are directly linked to the threat and impacts of sea level rise. The 13th Focal Point Forum of the NWP on the topic of the oceans successfully took place at COP 25 on 6 December 2019 in Madrid (as mandated by SBSTA 50). As input to this forum, following the NWP's knowledge-to action methodology, a scoping paper titled "Adaptation of the Ocean, Coastal Areas and Ecosystems" was prepared by a group of experts.

The scoping paper[6] included several recommendations for Parties and stakeholders to address adaptation knowledge gaps in the context of the ocean, coastal areas and ecosystems. In regards to reforms in institutional, legal, and governance structures, which are particularly relevant, *inter alia*, in the context of sea level rise, these included:

- In order to strengthen the international response to sea level rise, ensuring the compatibility of global agendas and mainstreaming of climate change within international ocean governance is essential. This includes but is not limited to the legal and governance regimes introduced by the UNFCCC, the Sustainable Development Goals, the Sendai Framework for Disaster Risk Reduction, the Convention on Biological Diversity and the international legally binding instrument under the UN Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ), and Regional Sea Conventions. This international response can be further strengthened by the increased involvement of regions and member states in international discussions, through increased stimulation and accessibility of decision-making processes. This mainstreaming is essential to support Parties progressively increase their ambition on ocean-related governance and coastal management, within their NDCs which are the keystone to the ambition cycle under the Paris Agreement; and in the demonstrated ability of Parties to adapt to sea level rise, through their National Adaptation Plans.

[4] https://www4.unfccc.int/sites/NAPC/News/Pages/national_adaptation_plans.aspx
[5] https://unfccc.int/topics/science/the-big-picture/science-in-the-negotiations.
[6] Scoping Paper on the topic of Adaptation Knowledge and Knowledge Gaps on the Ocean, Coastal Areas and Ecosystems, https://unfccc.int/sites/default/files/resource/Scopingpaper_Finalest%20version.pdf (2019).

- Greater collection, management and use of data can prove to be vital in our response to sea level rise, starting with the importance of linking to data use and accessibility of information for relevant adaptation policies. Stronger data management systems, development of national coastal, ocean and climate data management plans and linking said systems to regional policy-making is necessary for evidence-based policy interventions, such as during the marine spatial planning process.

- Ensuring that responses and initiatives addressing sea level rise take into consideration the salient needs of local communities is important for their success, and that policy planning include strong civil engagement, and use traditional and scientific knowledge. Towards this, existing legal frameworks can be amended to include community-based adaptation approaches, strengthening engagement of civil society and local communities, and using local and traditional knowledge in national policy development and planning.

- Policy interventions require the support of supple and effective financial structures, which are consistent and long term, and bridge the gap between funding mechanisms and civil society. This also includes funds for long term financing towards ocean monitoring of international waters, use of regional trust funds, blended finance approaches and micro-financing for communities. Greater subsidies and incentives for technology enabling climate mitigation and adaptation is necessary towards alleviating sea level rise in the long term.

- For Parties to effectively address sea-level rise, introducing effectives changes in legal and policy instruments is quintessential. For instance, the Coastal Zone Management Act in Belize (1998) "establishes the legal framework for coastal zone management for cross-sectoral integration and coordination of resilience-building management interventions" and applies to "both Ecosystem Services Valuation and Marine Spatial Planning approaches to map, zone and allocate permissible human uses that promote a balanced mix of conservation and utilization." This resulted in Belize's Informed Management Strategy being able to support and enhance economic progress along with "long-term viability of ecosystem function and the delivery of ecosystem services." Further, legislative recognition and protection of nature-based solutions (NBS) should ideally be part of integrated coastal management, as it offers a "holistic, landscape-scale approach that recognizes benefits of the interventions to local communities as well as conservation benefits."

- Due to the nature of sea level rise scenarios affecting bordering basins, and the vast impacts from the consequent flooding, costal erosion, effects on ecosystems, responses to these threats may requires countries in bordering basins to increase knowledge sharing and "integration of governance arrangements" especially with respect to protection and monitoring of ecosystems.

c. Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (WIM)

The COP established the Warsaw International Mechanism at COP 19 (2013) in order to address loss and damage associated with impacts of climate change, including extreme events and slow onset in developing countries that are particularly vulnerable to the adverse effects of climate change (the Warsaw International Mechanism for Loss and Damage).[7] In the mandate the term 'slow onset events' includes **sea level rise.**[8]

The Executive Committee of the WIM draws upon, involves, and engages with a range of relevant communities of practice to co-develop and implement the work of the WIM. It currently has two functioning expert groups – displacement and comprehensive risk management approaches; and is launching three more expert groups during the course of 2020, including one on slow onset events.

The WIM promotes implementation of approaches to address loss and damage associated with the adverse effects of climate change. These include:

[7] FCCC/CP/2013/10/Add.1, Decision 2/CP19, para. 1.
[8] Decision 1/CP.16.

- The Compendium on Comprehensive Risk Management Approaches,9 categorized by types of intervention, such as risk assessments, risk reduction, risk retention and transfer, social protection, transformation/enabling environments.

- A database on slow onset events10 contains information about more than 160 organizations working on slow onset events, their geographic coverage, as well as descriptions of their institutional mandates and scope of efforts.

- A technical paper on showcasing existing approaches to slow onset events, including sea level rise, such as the relocation of communities11 and 'climate proofing' infrastructure[12] which can be achieved through evolution of planning and building regulations at the local and national levels. Methods and tools recommended in the technical paper towards slowing down sea level rise include restoration of coastal wetlands and beaches, development of lowland drainage systems, creation of vegetative buffers and setback areas, provision of fiscal incentives for changes to tourism infrastructure, mapping of flood zones and creation of zoning measures to limit development in flood zones, relocation of homes/businesses currently in flood zones, development of opportunities for alternative livelihoods, provision of local communities with customized information on flood risks, integration of traditional knowledge with scientific and technical information, and development of monitoring and evaluation programmes.[13]

- The Executive Committee of the WIM and the Technology Executive Committee (TEC) collaborated on an expert dialogue on technologies for averting, minimizing and addressing loss and damage in coastal zones in June 2019[14]. The Executive Committee and the TEC are further collaborating with experts to develop a policy brief on technologies for averting, minimizing and addressing loss and damage in coastal zones

At the 25th session of the COP, Parties mandated that the Santiago Network be launched in 2020[15] to connect those implementing various approaches in addressing loss and damage at the local, national and regional level with providers of technical assistance in relevant steps of those approaches, including in addressing loss and damage through sea level rise.

Also at COP 25, Parties invited the Green Climate Fund to continue providing financial resources for activities relevant to averting, minimizing and addressing loss and damage in developing country Parties with a view to enabling developing countries better access to finance the implementation of relevant approaches taking into account the WIMs strategic workstreams, one of which is slow onset events.

e. Paris Committee on Capacity-building (PCCB) [16]

Created in 2015, the Paris Committee on Capacity-building (PCCB) addresses current and emerging gaps and needs in implementing and further enhancing capacity-building in developing countries. The mission of the PCCB is to identify capacity gaps and needs and potential solutions, including enhancing the coherence and coordination of capacity-building efforts related to climate change. The PCCB fosters collaboration between actors at all levels (local, national, regional and global), strengthening networks and partnerships to enhance synergies and promote knowledge- and experience-sharing. Through its platform for capacity-building guidance and its communication tools, the PCCB facilitates access to information and knowledge for enhancing climate action in developing countries and for measuring progress on capacity-building to ensure continuous improvement over time.

[9] https://unfccc.int/sites/default/files/resource/FINAL_AA3_Compendium_September_2019%28revised%29.pdf.
[10]https://www4.unfccc.int/sites/NWPStaging/Pages/soe.aspx
[11] FCCC/TP/2012/7, Box 2. Technical approaches mentioned include "[f]field studies and the development of local digital elevation models" to determine "accretion and erosion rates relative to the local rate of sea level rise.", information which can then "feed into models to evaluate actions to address risks under a range of climate scenarios" and determining of "'hot spots' of vulnerability requiring enhanced protection measures."
[12] FCCC/TP/2012/7, para. 64.
[13] FCCC/TP/2012/7, Table 2.
[14] Information on expert workshop is available on: https://unfccc.int/topics/adaptation-and-resilience/workstreams/loss-and-damage-ld/workshops-meetings/expert-dialogue-on-technologies-for-averting-minimizing-and-addressing-loss-and-damage-in-coastal#eq-4
[15]Decision 2/CMA.2.
[16] https://unfccc.int/pccb.

The PCCB, together with other key partners is engaging with stakeholders including enhancing its engagement at regional level to exchange views and experiences on addressing capacity-building gaps and needs, with relevant stakeholders involved in the preparation and implementation of NAPs and NDCs with a view to accelerating climate action and ambition.

f. Global Stocktake

The global stocktake will take stock of the implementation of the PA to assess collect progress towards the long-term goals of the Agreement. Its outcome will inform Parties in updating and enhancing subsequent NDCs and international cooperation.

Decision 19/CMA.1 is on "Matters relating to Article 14 of the Paris Agreement and paragraphs 99-101 of decision 1/CP.21" details the modalities of the global stocktake and its sources of input. Parties decided that the global stocktake will consist of three components (paragraph 3):

a) Information collection and preparation, focusing on gathering, compiling and synthesizing information and preparing for conducting the technical assessment;
b) Technical assessment, focusing on taking stock of the implementation of the Paris Agreement to assess the collective progress towards achieving the purpose and long-term goals of the Paris Agreement, as well as opportunities for enhanced action and support to achieve its purpose and goals;
c) Consideration of outputs, focusing on discussing the implications of the findings of the technical assessment with a view to achieving the outcome of the global stocktake of informing Parties in updating and enhancing, in a nationally determined manner, their actions and support, in accordance with relevant provisions of the Paris Agreement, as well as in enhancing international cooperation for climate action.

The sources of input for the global stocktake are identified in paragraph 37 of the same decision and include the latest IPCC reports, relevant reports from UN agencies and other international organizations that should be supportive of the UNFCCC process, regional groups and institutions and non-Party stakeholders and UNFCCC observer organizations.

For the first global stocktake, inputs are expected to be submitted by March 2022, three months ahead of the commencement of the technical assessment component (May/June 2020). The technical assessment will take place in-session and conclude at the summer session in 2023.

Information pledged in NDCs/NAPs and reported through the enhanced transparency framework, on ocean and coastal-related mitigation and adaptation, as well as loss and damage, could be synthesized as an input to the global stocktake. UN agencies that prepare inputs to the global stocktake would also be eligible to participate in webinars, to be organized after the deadline for submissions of inputs above, to clarify methodologies and assumptions used to prepare such inputs and can participate in the technical dialogues between Parties and experts to be held during the technical assessment component of the global stocktake.

g. UN-Oceans Events

The secretariat since its inclusion, has been an active member of UN-Oceans, and through its initiative, organised and collaborated in the organisation of several UN-Oceans side events in recent years along the margins of the UNFCCC process. Through liaison with other UN-Oceans members, the secretariat was able to organise side events which had significant outcomes regarding furthering inter-agency cooperation and mainstreaming law and governance approaches to address the nexus between the ocean and climate change.

- 24th session of the COP (2018): The secretariat co-organized the UN-Oceans side-event titled **"**Optimising the integration of ocean-related issues in NDCs and NAPs for the achievement of SDG 14" wherein representatives from UN-Oceans member organisation built on the on the ongoing discussions under the UNFCCC process, and Parties' requirements and commitments under the Paris Agreement to raise awareness on the role of oceans in climate and climate change, and interlinkages and synergies for action.

- 50th sessions of the SBI and SBSTA (2019): The secretariat organised a UN-Oceans roundtable discussion titled "International climate law and ocean governance" which focused on the multifaceted issues that arise from ocean governance within international climate law, and provided a platform for speakers representing key international organisations and stakeholders to enhance synergies in the implementation of climate and ocean legal instruments and cooperation amongst relevant institutional frameworks. The discussion provided important insights with respect to changing regulatory frameworks to address sea level rise, especially with respect to the effect on coastal ecosystems and both marine and terrestrial species, as was brought forth by representatives from the secretariat of the Convention on the Conservation of Migratory Species of Wild Animals.

- 25th session of the COP (2019): The secretariat co-organised the UN-Oceans side event titled "Raising ambition on climate and the ocean" which sought to further the discussion on and implementation of science-based solutions to challenges facing the ocean due to climate change; and mitigation and adaptation. During the course of the discussion, particular emphasis was placed on the need for Parties to introduce policy and funding mechanisms to increase monitoring capacity and the role of monitoring capacity in disaster risk responses. Representatives from the World Meteorological Organization (WMO) and the Intergovernmental Oceanographic Commission of UNESCO (IOC-UNESCO) particular emphasised the role of science and data-driven policy changes to achieve "ocean literacy;" accelerated technology, media and communication outreach; and clear value chains leading to resourcing and commitment, to address the cause and effects of sea level rise through effective mitigation and adaptation techniques.

- The secretariat looks forward to supporting the UN-Ocean contact group for the preparation and implementation of the UN Decade of Ocean Science for Sustainable Development

h. Collaboration with the Centre for International Sustainable Development Law (CISDL)

In order to further the secretariat's support to Parties in implementing legislation and policies that effectively address the challenges faced by the ocean in the context of climate change, the secretariat entered into a collaboration with the Centre for International Sustainable Development Law, to facilitate the sharing of best practices in legislation and polices addressing these challenges. The collaboration included the organisation of the side event titled "Legal Innovations for sustainable investments and resilient oceans" along the margins of the 25th sessions of the COP.

As part of the side event, leading legal scholars presented the draft white paper titled "Climate Law and Governance Innovations for Resilient Oceans." Legislation addressing sea level rise analysed as part of this collaboration project includes Belize's multiple policies that guide regulatory systems in place to address multiple aspects of climate change, including risk management and disaster planning, and the National Climate Change Policy, Strategy and Action Plan, all of which involve integrated coastal planning in a context vulnerable to sea level rise. Similarly, Mexico's Fondo de Desastres Naturales (FONDEN) legislation while originally introduced as a budget legislation to fund rapid response to natural disasters, has over time been expanded its scope to include short and long-term disaster response planning and implementation, including the creation of mechanisms to prevent natural disasters, which is vital given the region's vulnerability to slow onset events including sea level rise.

i. Collaboration with the IOC-UNESCO

The secretariat collaborates closely with IOC-UNESCO. This is supported through the IOC mandate from 30th session of the IOC Assembly, UNESCO, Paris, 26 June–4 July 2019 which approved the Decision IOC-XXX/5.2 **Contribution to the United Nations Framework Convention on Climate Change** (UNFCCC).[17] This collaboration is particularly relevant under, but not exclusive to, the research and systematic observation agenda item under SBSTA (see c. above).

j. Ocean dialogue mandated at COP 25 to be held at SBSTA 52 (June 2019)

[17] See http://www.ioc-unesco.org/index.php?option=com_oe&task=viewDocumentRecord&docID=24911.

The 25th session of the COP, Madrid, 2-13 December 2019,[18] referred to as the Blue COP, highlighted the importance of the ocean as an integral part of the Earth's climate system, and of ensuring the integrity of ocean and coastal ecosystems in the context of climate change. A dialogue will be held at SBSTA 52 (June 2020) on the ocean and climate change to consider how to strengthen mitigation and adaptation action in this context. Submissions are being invited from Parties and non-Party stakeholders by the 31 March to inform the dialogue.

k. Continued Engagement in 2020

The secretariat is committed to supporting Parties and coordinating with other international organisations and stakeholders in strengthening action within the climate-ocean nexus. This includes participating in the Ocean Conference Preparatory Meeting in February 2020; engagement on the themes of "Aquatic biodiversity: state and challenges ahead" and "The ice-free Arctic - seeking solutions for the global hot spot of climate change" at the World Biodiversity Forum in February 2020; engagement at the World Ocean Summit 2020 in Japan, 2020; advancement of adaption ambition for the ocean at the NAP Expo 2020 in March 2002 in Botswana; participation in the 2020 UN Ocean Conference in Lisbon in June 2020, and continued organisation of events and support to Parties attending the SB sessions in Bonn in June 2020.

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[18] https://unfccc.int/cop25.