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## Oceans and Law of the Sea

### Contribution from the United Nations Framework Convention on Climate Change

#### I. Introduction

1. The United Nations Framework Convention on Climate Change (UNFCCC) secretariat (“the secretariat”) seeks to contribute to the United Nations General Assembly resolution entitled “Oceans and the law of the sea” (77/248), of 30 December 2022 for the report entitled “Oceans and the law of the sea” on developments and issues relating to ocean affairs and the law of the sea, including the implementation of the resolution in accordance with resolutions 49/28, 52/26 and 54/33. This report will cover the main recent developments in the UNFCCC process on oceans and law of the sea, for the reporting period between September 2022 to August 2023.
2. Parties have recognized the importance of protecting the ocean and its ecosystems in the Convention and Paris Agreement:
  - (a) In the [Convention](#) Parties agreed to protect the climate system (Article 2, Article 4.d), defined as the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions (Article 1.3);
  - (b) In the [Paris Agreement](#), Parties noted in its preamble the importance of ensuring the integrity of all ecosystems, including oceans, and the protection of biodiversity, recognized by some cultures as Mother Earth.
3. At COP 25, the [Chile Madrid Time for Action](#) 2019, governments recognized the need to strengthen the understanding of, and action on, ocean and climate change under the UNFCCC. COP 25 mandated the first [Ocean and climate change dialogue](#), drawing upon the knowledge and scientific findings from the IPCC [Special Report on the Ocean and Cryosphere in a changing climate](#).
4. At COP 26, in the [Glasgow Climate Pact 2021](#) (Decision 1/CP.26 paras. 60-61), building on the outcomes of the first ocean and climate change dialogue in 2020, Parties invited the relevant work programmes and constituted bodies under the UNFCCC to consider how to integrate and strengthen ocean-based action in their existing mandates and workplans and to report on these activities within the existing reporting processes. Parties also invited the Subsidiary Body for Scientific and Technological Advice (SBSTA) Chair to hold an annual ocean and climate change dialogue to strengthen ocean-based action.<sup>1</sup>
5. At COP 27/CMA 4, in 2022, the [COP Sharm el-Sheikh Implementation Plan](#) (Decision 1/CP.27 para. 50) and [CMA Sharm el-Sheikh Implementation Plan](#) (Decision 1/CMA.4 para. 79) continued to strengthen ocean-based action under the process and encouraged Parties to consider, as appropriate, ocean-based action in their national climate

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<sup>1</sup> See <https://unfccc.int/topics/ocean>.

goals and in the implementation of these goals, including but not limited to nationally determined contributions, long-term strategies and adaptation communications.

## **II. IPCC Synthesis Report 2023: Urgency for Ocean based climate action**

6. The IPCC Climate Change 2023 Synthesis report<sup>2</sup> identifies that climate change has already caused widespread impacts and related losses and damages on human systems and altered ocean ecosystems worldwide. Hundreds of local losses of species have been driven by increases in the magnitude of heat extremes. Ocean warming and ocean acidification have adversely affected food production from fisheries and shellfish aquaculture. In scenarios with increasing CO<sub>2</sub> emissions, natural ocean carbon sinks are projected to take up a decreasing proportion of these emissions. In the near-term every region in the world is expected to face projected increases in impacts including biodiversity loss and a decrease in food production.

7. The vulnerability of ecosystems will be strongly influenced by past, present, and future patterns of unsustainable consumption and production, increasing demographic pressures, and persistent unsustainable use and management of land, ocean, and water. Loss of ecosystems and their services has cascading and long-term impacts on people globally, especially for indigenous peoples and local communities who are directly dependent on ecosystems to meet basic needs. As warming levels increase, so do the risks of species extinction or irreversible loss of biodiversity in ecosystems including coral reefs and in Arctic regions.

8. Deep, rapid and sustained GHG emissions reductions are needed to limit global temperatures to 1.5 degrees C. However, this will not prevent continued changes in climate system components that have multi-decadal or longer timescales of response, such as ocean warming and sea level rise.

9. Maintaining the resilience of biodiversity and ecosystem services at a global scale depends on effective and equitable conservation of approximately 30% to 50% of Earth's land, freshwater and ocean areas, including currently near-natural ecosystems. Conservation, protection and restoration of terrestrial, freshwater, coastal and ocean ecosystems, together with targeted management to adapt to unavoidable impacts of climate change reduces the vulnerability of biodiversity and ecosystem services to climate change, reduces coastal erosion and flooding, and could increase carbon uptake and storage if global warming is limited. Coastal blue carbon management providing mitigation options can enhance biodiversity and ecosystem functions, employment and local livelihoods. Rebuilding overexploited or depleted fisheries reduces negative climate change impacts on fisheries and supports food security, biodiversity, human health and well-being. Whilst energy efficiency and reduced waste are becoming increasingly cost effective and are generally supported by the public.

## **III. Updates under the UNFCCC Process**

10. The NDC synthesis report 2022, identified that an increasing number of Parties (40 per cent) are targeting ocean-based climate action. Some Parties (26 per cent) include an ocean-based climate target, policy or measure. Ocean-related measures reported in the NDCs relate more often to adaptation than to mitigation, with an increase in adaptation measures identified related to fisheries and aquaculture.<sup>3</sup>

2. COP 27 and CMA.4, encouraged Parties to consider, as appropriate, ocean-based action in their national climate goals and in the implementation of these goals, including but not limited to nationally determined contributions, long-term strategies and adaptation communications (1/CP.27 para 50 and 1/CMA.4 para 79).

11. The National Adaptation Plan Process facilitates adaptation planning in least developed countries and other developing countries. Ocean-related supplementary information to the technical

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<sup>2</sup> IPCC. 2023. publisher: Intergovernmental Panel on Climate Change. Summary for Policymakers. In: Climate Change 2023: Synthesis Report. A Report of the Intergovernmental Panel on Climate Change. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change. Core Writing Team, H. Lee and J. Romero (ed.). Geneva, Geneva: IPCC. Available at <https://www.ipcc.ch/report/ar6/syr/>.

<sup>3</sup> See FCCC/PA/CMA/2022/4.

guidelines include those by the CBD and FAO.<sup>4</sup> The ocean and coastal zones are addressed in over 70% of new or revised NAPs.<sup>5</sup> The report on progress in the process to formulate and implement national adaptation plans (2022)<sup>6</sup> provides the latest overview.

12. Parties at COP 27, Decision 22/CP.27,<sup>7</sup> emphasized the need to address systematic observation gaps, particularly in developing countries and for ocean, mountain, desert and polar regions and the cryosphere in order to improve understanding of climate change, climate-related risks and tipping points, and adaptation limits and to ensure enhanced delivery of climate services and early warning systems. Parties noted with concern the existing gaps in the global climate observing system and recognizes the need to enhance the coordination of activities by the systematic observation community and improve its ability to provide useful and actionable climate information for mitigation, adaptation and early warning systems, as well as information to enable understanding of adaptation limits and of attribution of extreme events.

13. In the context of the Nairobi work programme (NWP), the UNFCCC knowledge-to-action hub on adaptation and resilience, the NWP expert group on oceans<sup>8</sup> has been working since 2019 to address the specific knowledge needs of countries in oceans, coastal areas and ecosystems and provide policy-relevant advice. Relevant publications on technology, finance and advice for NAP development include: *Enhancing resilience of oceans, coastal areas and ecosystems through collaborative partnerships* (2021),<sup>9</sup> Policy Brief on *Innovative Approaches for Strengthening Coastal and Ocean Adaptation: Integrating Technology and Nature-based Solutions* (2022),<sup>10</sup> and “Coastal adaptation and nature-based solutions for the implementation of NAPs: Considerations for GCF proposal development. A supplement to the UNFCCC NAP technical guidelines (2021).<sup>11</sup> Recent mandates have called for the NWP to address knowledge gaps on mountains, high latitude areas and the cryosphere.

14. The Local Communities and Indigenous Peoples Platform (LCIPP) highlights indigenous knowledge, traditional knowledge and customary practices of indigenous peoples in Small Island Developing States (SIDS), as an ocean-faring and ocean-dependent people, enhancing their resiliency, for adapting to climate change impacts in the coastal ecosystems affecting their livelihoods.<sup>12</sup>

15. The Technology Executive Committee (TEC) has been involved over the last few years in policy discussions around innovation and technologies for strengthening climate ambition and action in coastal zones and oceans, including hard technology measures or hardware, soft measures, and measures related to organizational technologies or org-ware. The TEC continues to put focus on adaptation solutions, for example on technologies for addressing loss and damage in coastal areas<sup>13</sup> and nature-based solutions for strengthening coastal and ocean adaptation.<sup>14</sup> It has also expanded its work to explore mitigation options and cross-cutting aspects of climate technology policies in the context<sup>15</sup> of the ocean and coastal zones, for example the use of digital technologies and ecosystem-based practices for innovative and transformational climate solutions in oceans and across the agri-food systems.<sup>16</sup> The TEC, as part of its rolling workplan 2023 - 2027, has envisioned work on oceans, and established a dedicated activity group, which includes both the TEC members, as well as representatives of the UNFCCC constituency groups.

16. Under the Glasgow–Sharm el-Sheikh work programme on the global goal on adaptation,<sup>17</sup> the fourth workshop focussed on communicating and reporting on adaptation priorities. Discussions at the workshop emphasised the importance of incorporating ocean and coastal-based adaptation priorities and actions in communicating and reporting on adaptation under the UNFCCC. Linking

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<sup>4</sup> See <https://www4.unfccc.int/sites/NAPC/Guidelines/Pages/Supplements.aspx>.

<sup>5</sup> See <https://unfccc.int/topics/ocean/ocean-action-under-the-unfccc>.

<sup>6</sup> See <https://unfccc.int/documents/621664>.

<sup>7</sup> Decision 22/CP.27 <https://unfccc.int/documents/626563>.

<sup>8</sup> See <https://www4.unfccc.int/sites/NWPStaging/Pages/oceans-page.aspx/>

<sup>9</sup> See <https://unfccc.int/documents/307871>.

<sup>10</sup> See <https://unfccc.int/documents/510426>.

<sup>11</sup> See <https://unfccc.int/documents/278047>.

<sup>12</sup> Examples of customary practices of indigenous peoples can be found here: <https://lcipp.unfccc.int/about-lcipp/un-indigenous-sociocultural-regions/pacific>.

<sup>13</sup> <https://unfccc.int/documents/210342>.

<sup>14</sup> <https://unfccc.int/tclear/coastalzones/>.

<sup>15</sup> <https://unfccc.int/tclear/tec/techandndc.html>.

<sup>16</sup> <https://unfccc.int/tclear/tec/workplan>.

<sup>17</sup> <https://unfccc.int/topics/adaptation-and-resilience/workstreams/glasgow-sharm-el-sheikh-WP-GGGA>.

to key messages from the 2022 ocean dialogue, the workshop reported how integrated ocean-based solutions can be reflected in national climate policies and strategies.

17. In discussions during the technical dialogues (TDs) of the technical assessment component of the Global Stocktake,<sup>18</sup> Parties highlighted the ocean-induced changes caused by climate change including sea level rise, ocean acidification, coastal flooding and erosion and impacts of climate change on marine ecosystems. A number of ocean-based climate solutions have been mentioned, including marine and coastal nature-based solutions (e.g., mangrove restoration), offshore wind energy, decarbonised shipping (e.g., blue hydrogen), spatial planning (e.g., blue infrastructure) and managed fisheries. In TD1.1, the ocean was mostly discussed in the adaptation round table including with respect to nature-based solutions and the need for spatial planning for marine, coastal and arctic ecosystems. In TD1.2, the ocean was only discussed in the mitigation round table. The need for sector-specific policies including in the fishery industry was also mentioned by participants in this round table. At the recent TD1.3, there was a call for the GST to provide recommendations and guidance to countries on how to effectively include more scientifically-proven ocean-based climate measures in their updated NDCs and NAPs.

18. As part of the implementation of the Marrakech partnership, the MP-GCA Ocean & Coastal Zones aims at leading the way to improve and operationalise the mobilisation of non-state actors to drive forward thinking and deliver on a fair, nature-positive and net-zero future. Following the launch of the Blue Ambition Loop report at COP 27, the MP-GCA Ocean is focussing on identifying breakthroughs in five key sectors: marine conservation, ocean-based transport, marine renewable energy, aquatic food and coastal tourism. Each of these breakthroughs will be science-based and include a finance component. One breakthrough launched at COP 27 is the 2030 Mangrove Breakthrough.<sup>19</sup>

#### **IV. The Ocean and climate change dialogue 2023**

19. The ocean and climate change dialogue is now mandated as an annual dialogue under the UNFCCC. The 2023 ocean dialogue follows on from the two previous ocean dialogues in 2020 and 2022, which, among other considerations, identified that the ocean-climate nexus is a place for sustainable climate-smart ocean and coastal solutions and actions, based on the best available science, that can be reflected in national climate goals, policies and strategies and effect a sustainable ocean economy.

20. The ocean dialogue 2023 was held on 13–14 June 2023 in conjunction with the Subsidiary Body session (5–15 June 2023), Bonn, Germany.<sup>20</sup> The co-facilitators Mr. Niall O’Dea (Canada) and Mr. Julio Cordano (Chile) proposed a solution-focused discussion at the ocean dialogue 2023 building on the outcomes of the dialogues in 2020 and 2022.

21. The ocean dialogue focused on how to step up action to build resilience to climate and to cut emissions within the ocean-climate nexus. It focused specifically on two topics: 1) coastal ecosystem restoration and blue carbon ecosystems, and 2) fisheries and food security. The co-facilitators are preparing an informal summary report of the event, which will be presented in conjunction with COP28.

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<sup>18</sup> See <https://unfccc.int/topics/global-stocktake>.

<sup>19</sup> See <https://racetozero.unfccc.int/system/breakthroughs> and <https://climatechampions.unfccc.int/system/mangroves>.

<sup>20</sup> See <https://unfccc.int/topics/ocean/ocean-and-climate-change-dialogue>