

The Ocean in the United Nations Framework Convention on Climate Change

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NOTE:

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- The English version includes some updates in the light of changes in the situation after the original article was published.

1. Introduction

The ocean plays an important role in the earth's climate system. The heat capacity and carbon content of the oceans are so immense that nothing else can compare to it, and the transportation of heat and other substances due to oceanic general circulation is essentially important to the climate system.

In recent years, the ocean has been changing significantly as a result of the emission of greenhouse gases. This has been proven by clear evidence. Seawater temperature and sea levels are rising, alongside the acidification and deoxygenation of the oceans; these have an impact on marine and coastal ecosystems as well as the lives of people living along the coasts. Research is also being carried out on projecting the ultra-long-term changes to the ocean over the next few centuries. Advancements in science have given us greater clarity on the nexus between climate change and the ocean, leading to the creation of a report by the Intergovernmental Panel on Climate Change (IPCC) focusing on the oceans and the cryosphere. This is the "IPCC Special Report on the Ocean and Cryosphere in a Changing Climate" published in September 2019.¹

Given that the ocean and climate are closely interrelated, there is a growing trend to focus on the ocean in the international community, including the United Nations Framework Convention on Climate Change (UNFCCC), which is an international regime for reaching agreements on policies and measures to tackle climate change. This paper first introduces recent ocean-related trends in the UNFCCC (Section 1). It then takes an overview of how the ocean was originally discussed within the UNFCCC framework and the negotiations process (Sections 2 and 3). Finally, the author offers her personal views on the future (Section 4), in anticipation of practical next steps for the Dialogue on Ocean and Climate Change under the UNFCCC Subsidiary Body for Scientific and Technological Advice (SBSTA).

¹ IPCC Special Report on the Ocean and Cryosphere in a Changing Climate, <https://www.ipcc.ch/srocc/> (Accessed on May 22, 2020. All the URLs shown below were also accessed on the same date.)

2. Recent Trends in UNFCCC Discussions from the Perspective of the Ocean

(1) What are the topics?

When discussing climate change issues from the perspective of the ocean, a wide range of topics is often addressed under the umbrella of the “ocean and climate change” issue. Some examples are science (the role of the ocean in the climate system), ocean-related mitigation (emissions reduction) measures, adaptation of marine and coastal areas, displacement of people from small island states and coastal areas as a result of the sea level rise, blue economy/blue finance, and support and capacity building for small island states, among others. Topics related to mitigation measures include the promotion of ocean-based renewable energy (offshore wind power, wave power, tidal power, etc.) and blue carbon (CO₂ uptake and carbon storage by certain marine and coastal ecosystems), and the reduction of emissions from the shipping sector, while topics related to adaptation include overall adaptation by coastal areas and adaptation by the fishery sector. Many discussions are also held on nature/ecosystem-based solutions for coastal areas (blue carbon is considered as one of them).

Recently the fishery sector is getting more attention. The IPCC Special Report on the Ocean and Cryosphere in a Changing Climate clearly states that the distribution of fishery resources is changing (and will continue to change going forward), while the report presented at the High-Level Panel for a Sustainable Ocean Economy in September 2019 positioned the promotion of the use of fishery resources as a protein source, as a mitigation measure.² Although discussions mainly take place in fora outside of the UNFCCC (such as the regional fishery management organizations), going forward, the fishery industry is likely to gain more attention as an issue that is linked to the ocean and climate change.

(2) Who are the stakeholders engaged in discussions?

Among the issues listed in (1) above, some are already being addressed as a part of the existing negotiation agenda under the UNFCCC, or could be addressed in the future, while some have not been included within any agenda items. Many issues that are related to mitigation, adaptation, and capacity building are discussed as a part of the existing negotiation agenda without any specific distinctions being made between the land and the sea. An exception is the issue of greenhouse gas (GHG) emissions from marine transportation, which is under the exclusive mandate of the International Maritime Organization (IMO) instead of the UNFCCC.³ However, there are also many stakeholders who wish to comprehensively

² Hoegh-Guldberg et al. 2019. “The Ocean as a Solution to Climate Change: Five Opportunities for Action.” Report. Washington, DC: World Resources Institute. Available online at <http://www.oceanpanel.org/climate>

³ The IMO commenced the application of the Energy Efficiency Design Index (EEDI Regulation) for new ships in 2013. This is an international regulation that stipulates that the fuel performance of a ship (CO₂ emission efficiency) must be below that of the regulation standard. In response to the Paris Agreement, the IMO strategy on reduction of GHG emissions was adopted in April 2018 with the aim of reducing emissions by 50% by 2050 (to achieve zero emissions as soon as possible during this century). At <http://www.imo.org/en/MediaCentre/HotTopics/Pages/Reducing-greenhouse-gas-emissions->

gather and provide information as well as engage in discussions, on topics that have been fragmented across multiple agendas/fora, by treating them as issues under the umbrella of “the ocean.”

In light of that, several informal groups under the UNFCCC are addressing issues related to the ocean and climate change in a comprehensive manner. Firstly, there are initiatives that are centered around state parties, such as “Because the Ocean,” set up informally at the 21st Conference of Parties (COP21), and “Ocean Pathway,”⁴ launched under the leadership of Fiji (chair of the conference at the time) at COP23 in 2017. “Because the Ocean” has established the goal of incorporating the ocean into the nationally determined contribution (NDC) of each country, and has received the signatures of 39 countries as of February 2020.⁵ (In the figure below, countries such as Fiji and Chile are playing a leading role in promoting the initiative.)

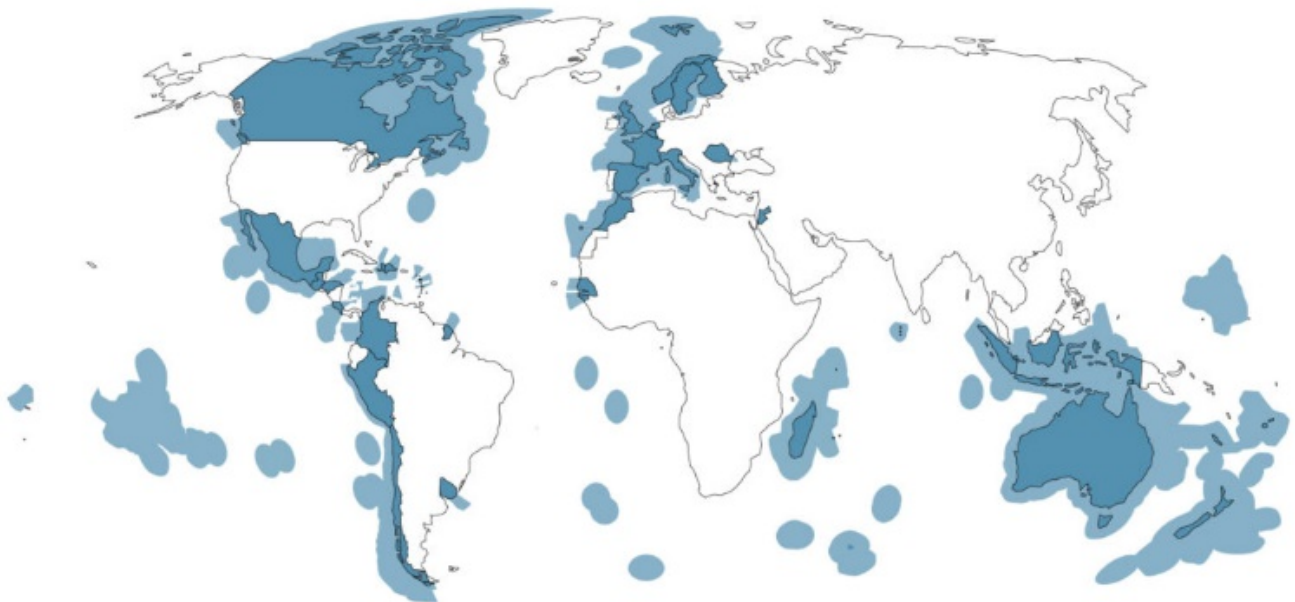


Figure 1: World map showing the signatories of “Because the Ocean”⁶

In addition to these, there is also “Roadmap to Oceans and Climate Action (ROCA),”⁷ a group consisting mainly of non-state actors (such as international organizations, NGOs, and scientists). In addition to organizations such as the Intergovernmental Oceanographic Commission of UNESCO (IOC-UNESCO)⁸, the Ocean Policy Research Institute (OPRI) of the

from-ships.aspx

⁴ Ocean Pathway website, at <https://www.oceanpathway.org/>

⁵ Aruba, Australia, Belgium, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Fiji, Finland, France, Guatemala, Guinea-Bissau, Haiti, Honduras, Indonesia, Italy, Jordan, Kiribati, Luxembourg, Madagascar, Marshall Islands, Malta, Mexico, Monaco, Morocco, the Netherlands, New Zealand, Norway, Palau, Peru, Romania, Senegal, Seychelles, Singapore, Spain, Sweden, United Kingdom.

⁶ “Because the Ocean” website, at <https://www.becausetheocean.org/>

⁷ ROCA website, at <https://roca-initiative.com/>

⁸ An intergovernmental committee on ocean science, established under the auspices of the United Nations Educational, Scientific and Cultural Organization

Sasakawa Peace Foundation also participates in ROCA as a core member organization, and carries out activities such as organizing side-events and making policy proposals. ROCA also contributes significantly to the implementation of the Marrakech Partnership for Global Climate Action (of the eight thematic areas, the area on the ocean and coastal regions). Established at COP22 based on a decision at COP21, the Marrakech Partnership is a mechanism to promote participation by non-state actors. When we say "ocean community" in the context of the UNFCCC, we mean a loose network of ocean-related stakeholders, made up of groups such as those described above.

(3) What do the discussions aim to achieve?

The UNFCCC's ocean community comprises a number of groups, as explained in (2); among the groups, there are many overlaps even if the participants or organizations may not be entirely the same. They include maritime nations, international organizations, NGOs, scientists, and other ocean-related stakeholders. Members of the community make appeals for the importance of comprehensively addressing issues related to the ocean and climate change in the UNFCCC, through organizing events such as side-events at UNFCCC conferences.

Chile, which is one of the driving forces behind the ocean community, assumed the Presidency for 2019 COP25. By the Presidency's initiative, COP25 was positioned as a "Blue COP," placing greater emphasis on the ocean and cryosphere. This led to many ocean-related events being held during the COP period.

At COP25, while the entire ocean community was actively engaged in the discussion about ocean mainstreaming, it became clear that the respective stakeholders did not necessarily share the same views. In order to achieve a "blue" outcome as a result of the "Blue" COP, active discussion had been conducted within the state-centered "Friends of the Ocean" group since the first half of 2019.⁹ Among these, some countries including Fiji moved¹⁰ to establish a negotiation agenda to engage in comprehensive discussions on ocean-related issues (as well as to formulate a work programme on the ocean to that end). While there were countries and organizations that supported its moves, many of the countries participating in "Because the Ocean," including Chile, distanced themselves from Fiji's initiative.¹¹

Ultimately, the COP25 decision became the first COP decision to mention the importance of the ocean as a part of the earth's climate system. At the same time, an agreement was reached to establish the Dialogue on Ocean and Climate Change ("Ocean Dialogue") at the

(UNESCO) in 1960. Cf. IOC-UNESCO's official website, <http://www.ioc-unesco.org/>

⁹ Secretariat of Because the Ocean Initiative, *Ocean for Climate*, (October 2019), pp.44-45 at https://www.becausetheocean.org/wp-content/uploads/2019/10/Ocean_for_Climate_Because_the_Ocean.pdf

¹⁰ The website of the "Ocean Pathway" initiative led by Fiji mentions the goal of expanding support for an effective work programme and potential agenda item on the ocean (see "Track one"), at <https://cop23.com.fj/the-ocean-pathway/>

¹¹ For example, at a workshop hosted by "Because the Ocean," it was mentioned that putting effort into the establishment of an agenda on the ocean can lead to significant delays in action, at https://www.becausetheocean.org/wp-content/uploads/2019/09/Remi_BtO_Bonn_PPT_16_June_2019.pdf

SBSTA 52 in June 2020.¹² This result was welcomed by all stakeholders of the ocean group. However, there were varying opinions with regard to the outcome (next step) that the Ocean Dialogue should aim to achieve, and further discussion is needed on this point. (Details in Section 4)

The next section provides an overview of the underlying legal framework (here, in addition to the Framework Convention/Kyoto Protocol/Paris Agreement, this also includes the COP/CMP/CMA decisions that defined the respective operational rules), as well as an overview of how the ocean theme was addressed in the negotiating process. It then considers the implications for future discussions on the ocean and climate change.

3. The Ocean in UNFCCC's Articles

Direct references to the ocean and ocean-related issues in the UNFCCC articles are limited. The ocean is only brought up explicitly in the preamble of the UNFCCC and Paris agreement, and Paragraph 1(d), Article 4 of the UNFCCC (on sinks and reservoirs) (Refer to Table 1). However, as set out at the beginning, the ocean is a part of the earth's climate system (UNFCCC Article 1(3)), while Article 2¹³ includes the reduction of GHG emissions to a level that would prevent dangerous anthropogenic interference with the ocean, as the ultimate objective of the UNFCCC.

Table 1 References to the ocean in the texts in UNFCCC

	Extract of contents (underlined emphasis by the author)
UNFCCC Preamble, Paragraph 4	"Aware of the role and importance in terrestrial and marine ecosystems of sinks and reservoirs of greenhouse gases,"
UNFCCC Preamble, Paragraph 12	"Recalling also the provisions of General Assembly resolution [...] on the possible adverse effects of sea-level rise on islands and coastal areas,"
UNFCCC Article 4, Paragraph 1(d)	"All Parties [...] shall: (d) Promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases [...] including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems ;"
UNFCCC Article 4, Paragraph 1(e)	(e) Cooperate in preparing for adaptation to the impacts of climate change; develop and elaborate appropriate and integrated plans for coastal zone management , water resources and agriculture [...];"
Paris Agreement Preamble, Paragraph 13	"Noting the importance of ensuring the integrity of all ecosystems, including oceans , and the protection of biodiversity [...] when taking action to address climate change,"

¹² UNFCCC, Chile Madrid Time for Action, Decision 1/CP.25, at https://unfccc.int/resource/cop25/1cop25_auv.pdf, para.30-31.

¹³ UNFCCC Article 2: "The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve [...] stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system [...]"

1) The ocean as a carbon sink (Paragraph 1(d), Article 4 of UNFCCC, etc.)

The text of the article unambiguously positions the ocean as a carbon sink (Paragraph 1(d), Article 4 of UNFCCC).

Although the Kyoto Protocol does not contain any wording related to the ocean, Article 3(3) and 3(4) (on sinks) and the rules for the calculation of the volume of emissions from/ sinks, prepared based on these Articles, also cover some coastal ecosystems, while it is prescribed that each country can utilize these under the Paris Agreement (Article 4(13) of the Paris Agreement). Article 5(1) of the Paris Agreement (on sinks) does not make any specific reference to the ocean, but its contents generally follow Paragraph 1(d), Article 4 of UNFCCC; combined with paragraph 12 of the Preamble, it can be interpreted as a call on all countries to conserve and strengthen sinks, including the ocean and ocean/coastal ecosystems.

2) Adaptation

“Coastal zone management” is mentioned in Paragraph 1(e), Article 4 of UNFCCC as an element of the adaptation plan. In contrast, no concrete examples are raised in Article 7 (on adaptation) of the Paris Agreement, which prescribes the broad framework for adaptation. However, adaptation in small island states and coastal regions has consistently come under review as one of the key discussion topics under the adaptation agenda after the adoption of the convention.

3) Sea level rise

The rise in sea levels has been brought up in the Preamble, as shown in Table 1. Furthermore, Article 8.1 of the Paris Agreement (on loss and damage) establishes the importance of averting and minimizing loss and damage associated with the adverse impact of climate change, and explains that these “adverse effects of climate change” include “slow onset events.” This is considered to include not only the rise in sea levels, but also the acidification of the ocean and loss of biodiversity.¹⁴ In addition, Article 8.2 of the Agreement endorses the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (WIM) which was originally established at COP19 (November 2013) in order to address loss and damage associated with impacts of climate change, including extreme events and slow onset events, in developing countries that are particularly vulnerable to the adverse effects of climate change. Under the WIM, activities to respond to the growing need for enhancing understanding of the adverse effects of slow onset events have been undertaken in accordance with its workplan.

¹⁴ FCCC, Decision 1/CP.16, para.25.

4) Others

As demonstrated by Article 8 of the Paris Agreement, even when there are no direct references made to the ocean, there are still many provisions that are related to the ocean, to a greater or lesser extent.

For example, Article 5 of the UNFCCC (Research and Systematic Observation) calls on state parties to support and develop research and systematic observation (Article 5(a)), and to engage in international cooperation to promote the use of research data in areas outside state jurisdiction including open seas (Article 5(b)). Thus, it promotes cooperation on the observation of climate systems including the ocean, through mechanisms such as the Global Climate Observing System (GCOS), in order to support the UNFCCC established in 1992.

GHG emissions from marine transportation have been exclusively reviewed by the International Maritime Organization (IMO), as prescribed in Article 2(2) of the Kyoto Protocol.¹⁵ On the other hand, under the Paris Agreement, a global stock-take (verification of the progress status worldwide) is implemented once every five years. Due to the nature of the global stock-take, it is considered vital to accurately capture the volume of emissions from international transportation in the FCCC. In this regard, there are also those who are of the view that IMO's initiatives based on Article 14(3) of the Paris Agreement can provide information to each country.¹⁶

4. The Ocean in the Negotiation Process

In the process of negotiations on the prescription or operation of the abovementioned articles for UNFCCC, how were discussions held on the ocean? This section takes an overview of the process by classifying it into three broad phases: (i) Up till the adoption of the UNFCCC; (ii) From the adoption of the Kyoto Protocol to the adoption of the implementation rules for the second commitment period, and, (iii) Up till the adoption of the Paris Agreement.

1) The ocean in the process of negotiations on Paragraph 1(d), Article 4 of the UNFCCC

In the negotiations leading up to the adoption of the UNFCCC at the negotiations conference in 1992, discussions were conducted on the treatment of sinks that are located in global commons such as the ocean.¹⁷ In discussions on the pros and cons of the "net-zero emissions" approach (the approach of deducting absorption volume from emissions volume), one of the

¹⁵ The IMO commenced the application of the Energy Efficiency Design Index (EEDI Regulation) for new ships in 2013. This is an international regulation that stipulates that the fuel performance of a ship (CO₂ emission efficiency) must be below that of the regulation standard. In response to the Paris Agreement, the IMO strategy on reduction of GHG emissions was adopted in April 2018 with the aim of reducing emissions by 50% by 2050 (to achieve zero emissions as soon as possible during this century). At <http://www.imo.org/en/MediaCentre/HotTopics/Pages/Reducing-greenhouse-gas-emissions-from-ships.aspx>

¹⁶ J.Friedrich, "19.Global Stocktake (Article 14)" in *The Paris Agreement on Climate Change: Analysis and Commentary*, Klein et al. (eds.)m Oxford U. Pr.,pp.319-337, p.333, 2017.

¹⁷ D.Bodansky, "The United Nations Framework Convention on Climate Change: A Commentary", *Yale Journal of Int'l Law*, 18(2),(1993),p.519-520.

points at issue was how absorption volume in the global commons can be distributed among the respective countries.¹⁸ The developing country group even proposed the principle of states having equal rights to the ocean as a carbon sink.¹⁹ Although this principle was ultimately not adopted, it is surprising that there had been a proposed approach to share the ocean's absorption (non-anthropogenic absorption) among the countries in the early phase of the negotiations when the framework of the convention had not yet been fixed.

Looking at the drafting process of the convention thereafter, the subject that came under the most intense discussions for its role as a sink was forests. The parties failed to reach an agreement on the standalone article on forests due to opposition from forest nations that were concerned about being subjected to the obligation to control forest decline. Consequently, they compromised on a provision that includes a wide range of ecosystems, such as Paragraph 1(d), Article 4 of the UNFCCC. With regard to the provision in the article to promote sinks including the ocean, experts had apparently raised the opinion then that it is a dangerous provision for marine ecosystems as it does not take into consideration the difficulty of artificially manipulating the ocean's carbon storage capacity. However, there are no records showing that a more in-depth discussion was held, and the result is the provision that is in place at present.²⁰

2) The ocean in negotiations from the adoption of the Kyoto Protocol, to negotiations on implementation rules for the second commitment period

The Kyoto Protocol was a framework aimed at imposing legally binding emissions reduction targets on Annex I countries (developed countries). For this reason, there are no explicit provisions related to matters on adaptation. The only point at issue that concerned the ocean (a part of coastal ecosystems) was sinks. Not only in the rule-making process for the first commitment period (first phase of negotiations), but also for the second commitment period (second phase), the extent to which Annex 1 countries are able to apply sinks to their own targets was one of the most controversial issues. Sinks include a part of the blue carbon ecosystems (a part of coastal ecosystems) that is one of the main topics related to ocean and climate change.²¹

3) The ocean in the process of negotiations on the Paris Agreement

The Preamble of the Paris Agreement stated clearly in Paragraph 13, which covers the importance of preserving biodiversity and ecosystems, that the ocean is included in its

¹⁸ Ibid, p.496, Footnote 272.

¹⁹ Ibid, p.502&p.519-520. For example, India asserted that absorptions by the ocean should be allocated to each country based on their population ratio, while the Pacific Island States asserted that absorptions within the EEZ should be allocated to countries that have jurisdiction over the EEZ.

²⁰ A.Rahman & A. Roncerel, "A View from the Ground Up", in Mintzer and Leonard (eds.), *Negotiation Climate Change*, (Cambridge U. Pr.) pp.269-270(1994).

²¹ Mai Fujii, Atsushi Sato, "Current Status and Issues Related to 'Blue Carbon' Under the United Nations Framework Convention on Climate Change" in *The Ocean Policy Research Institute, OPRI PERSPECTIVES*, No. 14, June 2020, pp.89-110 [in Japanese].

definition of ecosystems. This was included for the first time in the final draft prepared by the chair, France. This could have been the result of considerations that include moves by the ocean community (such as the “Because the Ocean” declaration²² and recommendations from the ocean group²³). Paragraph 13 holds great significance in that it establishes the importance of preserving ecosystems (including the ocean) and biodiversity, which has never before been the subject of concrete negotiations and agreements under the UNFCCC.²⁴ Along with other paragraphs of the Preamble, it can be seen as a paragraph that underlines the philosophy of the Paris Agreement, which “aims to strengthen the global response to the threat of climate change, in the context of sustainable development [...]” (Article 2(1)).

5. Future Outlook: In Anticipation of the Ocean Dialogue and Beyond

COP25, which was positioned as the “Blue COP,” made reference to the nexus between the ocean and climate in the COP decision text. This was a significant outcome for the ocean community. Although the Ocean Dialogue was originally scheduled to be convened at SBSTA-52²⁵ based on the same decision, it was held virtually over two days on 2-3 December 2020 as part of a series of Climate Dialogues 2020, considering “the continuing limitations on holding international in-person meetings”²⁶.

Prior to the Ocean Dialogue, the COP decision also invited Parties and non-Party stakeholders to submit inputs to inform the dialogue. As of November 9, the UNFCCC submission portal²⁷ has received a total of 47 written opinions (from 19 countries, 4 UN organizations, and a total of 24 organizations including IGOs, NGOs, and non-certified organizations), including a submission from OPRI. According to the information note provided by the SBSTA Chair²⁸, many submissions highlighted that participation in the dialogue should be inclusive, i.e. Parties and non-Party stakeholders should be invited as participants of the Dialogue. The most frequently mentioned subject is the need to amplify findings and key messages of the IPCC, in particular those from the SROCC (80% of the submissions). Other topics mentioned in the submissions include the importance of development and cooperation on ocean observation (more than 50%), research and knowledge systems, the impacts of climate change on fishery resources (60%), the importance and protection of blue carbon (57%), ensuring the integrity,

²² <https://www.becausetheocean.org/first-because-the-ocean-declaration/>

²³ Global Ocean Forum, “Dec 7 Recommendations from Oceans Day” at <https://globaloceanforum.com/areas-of-focus/climate-and-ocean-issues/>; Ocean & Climate Platform, “COP21: The Ocean has joined the great climate negotiation entente(17/12/2015)”, at <https://ocean-climate.org/?p=3248&lang=en>

²⁴ M. P. Carazo, “6. Contextual Provisions (Preamble and Article 1)”, in *The Paris Agreement on Climate Change: Analysis and Commentary*, Klein et al. (eds.) Oxford U. Pr., pp.107-122, p.118, 2017.

²⁵ SBSTA-52 postponed from June 2020 to sometime in 2021 due to the COVID-19 pandemic.

²⁶ Information note by the SBSTA Chair “Ocean and Climate Change Dialogue to consider how to strengthen adaptation and mitigation action” (November 2020) para.136 at https://unfccc.int/sites/default/files/resource/OD_InformationNote.pdf

²⁷ UNFCCC, Submission Portal, <https://www4.unfccc.int/sites/submissionsstaging/Pages/Home.aspx>

²⁸ For detailed analysis, please see Information note by the SBSTA Chair “Ocean and Climate Change Dialogue to consider how to strengthen adaptation and mitigation action” (November 2020) at https://unfccc.int/sites/default/files/resource/OD_InformationNote.pdf

protection and resilience of mangroves, salt marshes, seagrasses, deep ocean systems and coral reef systems (53%), enhancing ecosystem-based adaptation (47%), concern regarding the loss of ocean biodiversity (43%) and ocean acidification and deoxygenation (40%), addressing emissions from maritime transport/shipping (40%), good practices with respect to marine renewable energy sources (47%), relevant traditional knowledge, innovations and practices of indigenous peoples and local communities (some), etc. These indicate the diversity of the "oceans and climate" issue and the diverse interests of the various stakeholders. Appropriately reflecting these views, the online ocean dialogue was inclusive and rich in topics and participants. The plenary and four breakout sessions provided a forum for diverse stakeholders, including OPRI, to express their views²⁹.

As for the next steps, nothing was decided in the online Ocean Dialogue, and it was left for future discussion. OPRI has proposed to organize an annual Expert Ocean Dialogue, or an appropriate recurrent Dialogue involving both experts and high-level representatives as stated in the submission.³⁰ Similar views were presented by many stakeholders including Indonesia,³¹ Samoa (Secretariat of the Pacific Regional Environment Programme (SPREP)³²), the International Union for Conservation of Nature, and IOC-UNESCO,³³ among others. Chile, the COP25 chair, also engaged proactively in discussions on the next steps, including a second Ocean Dialogue.³⁴

Fiji has suggested the formulation of a work programme or the development of an agenda related to the ocean as the next step.³⁵ Some countries such as Norway and Canada felt that effort should be put into strengthening debate on ocean-related issues in existing agenda and frameworks (such as the Nairobi Work Programme,³⁶ Warsaw International Mechanism,³⁷ and Marrakech Partnership), and presented a cautious attitude toward the establishment of new frameworks and putting the ocean on the negotiation agenda.³⁸ In fact, many developed countries seem to take a negative stance toward the establishment of new negotiation

²⁹ For details, See IISD ENB, UN Climate Change Dialogues 2020, Summary Highlights, at <https://enb.iisd.org/climate/dialogues-2020/>

³⁰ Submission to the Dialogue on the Ocean and Climate Change at the 52nd Session of SBSTA from OPRI-SPF, <https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202004072236---OPRI%20SPF%20Submission%20to%20Dialogue%20on%20Ocean%20and%20Climate%20Change%20March%202020%20.pdf>

³¹ Submission by the Government of Indonesia, https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202004031429---Indonesia%20Submission%20-%20Dialogue%20on%20Ocean%20CC_%201%20April%202020%20FINAL.pdf

³² Blue Pacific proposal for the UNFCCC Dialogue on Oceans and Climate Change, <https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202004031643---SPREP%20Ocean%20Climate%20Dialogue.pdf>

³³ Submission by IOC to Ocean and Climate Dialogue, https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202004060919---OCD_IOC_030420.pdf

³⁴ Submission by Chile to the Subsidiary Body for Scientific and Technological Advice (SBSTA) for the dialogue on the ocean and climate change, <https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202004011233---Chile%20Submission%20Ocean%20Dialogue%20.pdf> ;

³⁵ Submission by the Government of the Republic of Fiji, https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202003260918---Fiji_Ocean%20Dialogue_SB%2052.pdf

³⁶ Nairobi Work Programme on impacts, vulnerability, and adaptation to climate change

³⁷ Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (WIM)

³⁸ Government of Canada- Submission to the SBSTA Dialogue on the Ocean and Climate Change

<https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202005131341---GOVERNMENT%20OF%20CANADA%20E2%80%93%20SUBMISSION%20TO%20THE%20SBSTA%20DIALOGUE%20ON%20THE%20OCEAN%20AND%20CLIMATE%20CHANGE%20.pdf> ;Submission to inform the dialogue on the ocean and climate change,Norway, <https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202004231619---Norway%20submission%20ocean%20dialogue.pdf>

agendas for addressing ocean issues in a comprehensive manner. Behind this, there are concerns over establishing an agenda without concrete matters for rule making. In this regard, stakeholders in the ocean community should carefully examine precedents such as agriculture-related issues³⁹ for speaking with a single voice regarding the next step.

What direction should the issue of the ocean and climate change take going forward? In recent years, international organizations and international NGOs have also been increasingly placing importance on discussions about the ocean under the UNFCCC.⁴⁰ These include IOC-UNESCO, ahead of the start of the United Nations initiative, “Decade of Ocean Science for Sustainable Development (2021-2030),” and the Food and Agriculture Organization of the United Nations (FAO)⁴¹, with its ambition of positioning fisheries and aquaculture within discussions and actions on climate change. IMO has also been one of key stakeholders.

Thus, if there were a forum for engaging in regular discussions on ocean and climate change issues under the UNFCCC, it would be beneficial for maritime nations and other stakeholders of the ocean, including small island states (policymakers can receive input from experts). The Marrakech Partnership is a non-Party-stakeholders-centered forum. The United Nations Ocean Conference is an infrequent event (held once every three years). The United Nations Convention on the Law of the Sea does not have any articles that focus on climate change, and for this reason it seems to be difficult to include climate change issues as a main agenda for discussion at the Conference of the Parties except for the issue of the baseline and rising sea level.⁴²

If an Ocean Dialogue were convened regularly under the UNFCCC, trends on the “local communities and indigenous peoples” agenda could serve as a useful reference and precedent. The Paris Agreement touches on the rights of indigenous peoples and local communities in Paragraph 11 of the Preamble, and Paragraph 5 of Article 7 of the Agreement sets out provisions on adaption action based on the knowledge of indigenous peoples and local knowledge systems (where appropriate). Based on Paragraph 135 of the COP decision (1/CP.21), a platform⁴³ of local communities and indigenous peoples was established at COP23. For implementing work plans for the platform, discussions have been held at a working group comprising 14 members, including the state parties and representatives from

³⁹ An agenda was established to facilitate the exchange of opinions on agriculture-related issues in the COP17 decision of 2011 (decision 2/CP.17, para.6). The initial assumption was made on the adoption of the decision (completion of agenda) at COP18. However, as a result of continued opposition between developing and developed countries on measures for the mobilization of new finance and the completion of the agenda, which lasted for several years, an agreement was reached in 2017 on the Koronivia joint work on agriculture (KJWA), aimed at discussing technical issues and mobilization of finances toward sustainable agriculture (4/CP.23). The progress report, based on workshops held under KJWA and other information, is expected to be produced at COP26 (postponed from November this year to 2021). However, the end of the debate is still not in sight.

⁴⁰ IOC-UNESCO has adopted a decision document to promote cooperation and support with FCCC and IPCC. Refer to Decision IOC-XXX/5.2.

⁴¹ Submission by FAO to UNFCCC in relation to the Dialogue on the ocean and climate change, https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202003311247---FAO_Submission_Dialogue_on_Ocean_and_Climate_Change_final.pdf

⁴² Discussions on law of the Sea issues in relation to sustainable development of the ocean, were held through the United Nations Open-ended Informal Consultative Process on Ocean and the Law of the Sea (ICP), established based on the UN General Assembly Resolution 54/33(1999) under the UN General Assembly. The relationship between the ocean and climate has also been established as a discussion topic previously (2017, “The effects of climate change on oceans; 2020, “Sea-level rise and its impacts”).

⁴³ UNFCCC, Facilitative Working Group of the Local Communities and Indigenous Peoples Platform, <https://unfccc.int/LCIPP-FWG>

indigenous peoples/local community organizations.

With the successful conclusion of the online Ocean Dialogue, a summary report will now be prepared by the SBSTA chair.⁴⁴ Based on that, the state parties are expected to engage in discussions for next steps at COP26. If a decision is made in the COP decision to hold the Ocean Dialogue on a regular basis, it will also be possible to follow the abovementioned good practice. OPRI can provide support for the establishment and operation of such a dialogue forum through means such as expanding the Oceans Action Day initiative, which it co-hosts with other organizations.

Currently, the spread of the COVID-19 infectious disease is having an impact on all societies and people around the world. With the UNFCCC's SB52 and COP26, as well as other important international conferences such as the UN Ocean Conference being postponed, the most pressing issue is to maintain and further promote the momentum that has been built up so far toward the strengthening of climate change action. In order to advance climate change measures in a society that has to coexist with the coronavirus disease, and to pass on healthy and sound oceans to future generations, we hope first to contribute to discussions, so as to produce meaningful results at the next COP.

⁴⁴ UNFCCC, 1/CP.25, para 34.