



Date: 30 December 2021
Reference: JPO/AMC
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Dear Madam/Sir,

The secretariat of the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and the Paris Agreement (“the secretariat”) seeks to contribute to the report of the Secretary-General on oceans and the law of the sea, in response to your invitation for contribution via the letter (reference LA/COD/72) dated 17 September 2021.

The secretariat welcomes this opportunity to contribute to the study on the topic “Sea-level rise in relation to international law.” Climate change is projected to influence extreme events and cause abrupt changes in the ocean and the cryosphere. These phenomena add to the impacts and risks associated with ocean warming and sea level rise¹. Low-emission scenarios in line with the agreed temperature limit of 1.5 °C set out in the Paris Agreement project that sea level rise will remain below one meter, which already presents serious impacts and risks, particularly for atoll island and Arctic communities². Higher-emission scenarios are projected to lead to much higher sea level rise in this century and beyond. Moreover, many changes due to past and future greenhouse gas emissions are considered irreversible for at least several centuries, especially changes in the ocean (including acidification and deoxygenation), ice sheets and global sea level³.

Under the UNFCCC, Parties agreed to protect the climate system⁴, defined as the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions⁵. Subsequently, the Paris Agreement notes the importance of ensuring the integrity of all ecosystems, including oceans, and the protection of biodiversity⁶. Parties to the Paris Agreement also agreed to conserve and enhance, as appropriate, sinks and reservoirs of greenhouse gases as referred to in Article 4, paragraph 1(d) of the UNFCCC⁷, which includes oceans as well as, inter alia, other coastal and marine ecosystems.

In decision 1/CP.25, Parties commended the efforts of the President of the 25th session of the Conference of the Parties (COP) to highlight the importance of the ocean, including as an integral part of the Earth’s climate system, and of ensuring the integrity of ocean and coastal ecosystems in the context

¹ The Intergovernmental Panel on Climate Change (IPCC) Special Report on the Ocean and Cryosphere in a Changing Climate (SROCC), 2019. Available at: <https://www.ipcc.ch/srocc/>.

² Ibid, Figure SPM.5 a, p. 32.

³ IPCC Working Group 1 Report 6th Assessment Report (AR6), 2021. Available at: <https://www.ipcc.ch/report/ar6/wg1/>.

⁴ Article 2 of the UNFCCC. Available at: https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf.

⁵ Article 1, paragraph 3 of the UNFCCC.

⁶ Preamble of the Paris Agreement. Available at: https://unfccc.int/sites/default/files/english_paris_agreement.pdf.

⁷ Article 5, paragraph 1 of the Paris Agreement.



of climate change⁸ and requested the Chair of the of the Subsidiary Body for Scientific and Technological Advice (SBSTA) to convene at its fifty-second session a dialogue on the ocean and climate change to consider how to strengthen mitigation and adaptation action in this context⁹. Consequently, the first ocean and climate change dialogue took place in 2020¹⁰, drawing upon the knowledge and scientific findings from the IPCC Special Report on the Ocean and Cryosphere in a changing climate¹¹ and submissions from Parties and non-Party stakeholders.

Building on the outcomes of this dialogue, in the Glasgow Climate Pact¹², Parties permanently anchored the inclusion of strengthened ocean-based action under the UNFCCC process. In that decision, Parties also:

- Noted the importance of ensuring the integrity of all ecosystems, including forests, the ocean and the cryosphere, and the protection of biodiversity¹³;
- Emphasized the importance of protecting, conserving and restoring nature and ecosystems, including forests and other terrestrial and marine ecosystems, to achieve the long-term global goal of the Convention by acting as sinks and reservoirs of greenhouse gases and protecting biodiversity, while ensuring social and environmental safeguards¹⁴;
- Recognized the importance of protecting, conserving and restoring ecosystems to deliver crucial services, including acting as sinks and reservoirs of greenhouse gases, reducing vulnerability to climate change impacts and supporting sustainable livelihoods, including for indigenous peoples and local communities¹⁵;
- 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, as appropriate¹⁶;
- Invited the SBSTA Chair to hold an annual dialogue to strengthen ocean-based action and to prepare an informal summary report that is made available to the COP at each subsequent session¹⁷.

Additionally, according to the synthesis report on Nationally Determined Contributions under the Paris Agreement (NDCs) as at 30 July 2021¹⁸, many Parties included oceans as overarching priority areas,

⁸ Decision 1/CP.25, paragraph 30, available at: <https://unfccc.int/documents/210471>.

⁹ Ibid, paragraph 31.

¹⁰ The Conference of the Parties, by its decision 1/CP.25, requested the SBSTA Chair to convene this dialogue at the fifty-second session of the SBSTA, to be held in June 2020. However, due to the COVID-19 pandemic, the dialogue was held virtually on 2 and 3 December 2020. More information is available at: <https://unfccc.int/event/ocean-and-climate-change-dialogue-to-consider-how-to-strengthen-adaptation-and-mitigation-action>.

¹¹ IPCC, SROCC, 2019.

¹² Decision 1/CP.26. Noting that the final version of this document is not yet available at the time of writing, the advance unedited version of this decision is available at: https://unfccc.int/sites/default/files/resource/cop26_auv_2f_cover_decision.pdf.

¹³ Decision 1/CP.26, preamble.

¹⁴ Ibid, paragraph 21.

¹⁵ Ibid, paragraph 50.

¹⁶ Ibid, paragraph 60.

¹⁷ Ibid, paragraph 61.

¹⁸ FCCC/PA/CMA/2021/8, available at: https://unfccc.int/sites/default/files/resource/cma2021_08E.pdf.



as well as in the context of both mitigation and adaptation efforts¹⁹. For instance, some adaptation components outlined efforts to adapt ocean ecosystems to promote sustainable development while safeguarding oceans, and to support these measures, Parties identified steps to establish or strengthen related monitoring, surveillance and assessment systems and programmes²⁰. Sea-level rise and enhancing research regarding sea level were also specifically mentioned in the context of adaptation priorities and needs²¹. As such, the issues of and relating to oceans and sea-level rise will continue to be discussed and considered by Parties within the UNFCCC process, including under the Paris Agreement, in the years to come.

[Signed]

¹⁹ Ibid, Paragraphs 70, 121 and 168. Paragraph 168 also noted that sea level rise is impacting coastal ecosystems through habitat contraction, geographical species shift, and loss of ecosystem functionality and biodiversity, per page 13 of IPCC, SROCC, 2019.

²⁰ Ibid, paragraph 168.

²¹ Ibid, paragraphs 26 and 159.