



Concept Note

Climate Change and the Arctic Ocean: Towards a New Research Agenda

Monday 21st and Tuesday 22nd of August 2023 (09:00 - 17:00 EEST)

Background and rationale:

The conservation and sustainable use of the oceans is a key priority on the international agenda. In June 2017, the United Nations (UN) Conference ‘Our oceans, our future’ was held in New York to foster the implementation of the UN 2030 Agenda for Sustainable Development¹ and, in particular, Sustainable Development Goal 14 related to the oceans,² adopted in 2015. As highlighted in the UN General Assembly Resolution ‘Our Ocean, Our Future: Call for Action’,³ ‘our ocean is critical to our shared future and common humanity in all its diversity’.⁴ While the UN Convention on the Law of the Sea (UNCLOS) establishes a comprehensive regime for governing the oceans, the challenges confronting the oceans underscore that this framework has major gaps. Many of these gaps have been explored in the literature.⁵ However these explorations largely focus on how States and other actors are seeking to fill these gaps, whether through the negotiation of a new international legally binding instrument, relying on sectoral organizations such as the IMO, drawing on existing environmental agreements and non-binding instruments, and using standards established by non-State actors. Nonetheless, understanding key international and regional ocean regimes (instruments, processes and actors) through the lens of climate change is currently unaddressed, and it is crucial for deploying adequate responses to the sustainable development challenges of the world. The lens of climate change are understood as the increasing influence of the evolving climate science and the evolving UN international climate regime in a number of international and regional regimes, including the oceans. The IPCC Special Report on the Ocean and Cryosphere in a Changing Climate (2019) is also relevant for understanding climate change

¹ UNGA ‘Transforming Our World: the 2030 Agenda for Sustainable Development’ UN Doc A/RES/70/1 (21 October 2015).

² *ibid* Goal 14: ‘Conserve and sustainably use the oceans, seas and marine resources for sustainable development is unfolded in seven related targets including preventing and addressing marine pollution of all kinds, protect marine and coastal ecosystems, ocean acidification and fish depletion’.

³ UNGA ‘Our Ocean, Our Future: Call for Action’ UN Doc A/RES/71/312 (14 July 2017).

⁴ *ibid* Annex, para 2.

⁵ See, Martínez Romera, B. and Wyman, K. (Eds.) (2019). *Frontiers in Ocean Environmental Governance*. Special Issue of the *Review of European, Comparative & International Environmental Law (RECIEL)*. Vol. 23 (3). The special issue featuring key scholars highlights gaps in the framework established by UNCLOS.



impacts on the ocean and Polar Regions, and to evolve governance and other approaches.⁶ In particular, there is a pressing need to examine how UNCLOS and the newly-established regime for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ), as well as ocean uses (fishing, aquaculture, energy or shipping) are confronted to evolve in light of the Paris Climate Agreement, and in light of the evolving science on how climate change will affect the world's oceans.

Researchers from the partner institutions and other invited expert participants from the Nordic countries and abroad, will convene for a two-day workshop at Lapland University. The workshop will provide an opportunity for in-depth exploration of the research themes decided upon during the workshop, as well as time for social gatherings that will help strengthen professional relationships. The themes of the workshop will stretch across challenges on legal principles, challenges on substantive norms in ocean regimes and organizations, regime interaction (climate change and the ocean regime), and challenges on processes at the law-making, implementation and enforcement level due to climate change developments. Examples of themes⁷ that can be explored include whether the UNCLOS contains provisions that could be considered for addressing climate change (for instance, Part XII), impact of sea level rise and coastal erosion on baselines,⁸ ocean focused NDCs,⁹ law and policy on ocean acidification,¹⁰ law and policy on ocean based renewable energy,¹¹ law and policy on fisheries management (for instance a sub-regional fisheries organization for the Central Arctic Ocean),¹² law of the sea in climate change litigation,¹³ marine protected areas (MPAs), ecosystem-based management or adaptation,¹⁴ law on ocean based geo-engineering, regulating greenhouse gas emissions from international shipping.¹⁵

⁶ See IPCC Special Report on the Ocean and Cryosphere in a Changing Climate (IPCC, 2019) available at <https://www.ipcc.ch/srocc/>

⁷ See also Tanaka and Romera, 'Emerging Issues on Arctic Environmental and Climate Change Governance: an Introduction' (2020) 35(3) *IJMCL*.

⁸ C Schofield and S Lalonde, 'Rising Seas and Retreating Coasts: Implications for the Arctic' (2020) 35(3) *IJMCL*.

⁹ Tim Stephens, 'The Role and Relevance of Nationally Determined Contributions under the Paris Agreement to Ocean and Coastal Management in the Anthropocene', *Ocean Yearbook* 33: 250-267.

¹⁰ *Supra* note 6. The IPCC Special Report on Ocean and Cryosphere notes ocean based renewable energy under strengthening response options.

¹¹ *ibid.*

¹² See Summary for Policymakers, IPCC Special Report on Ocean and Cryosphere, projected risks from climate change for ecosystems include a reduced maximum catch potential of fisheries.

¹³ See Elise Johansen, 'The Role of the Law of the Sea in Climate Change Litigation', April 2020, *The Yearbook of Polar Law Online* 11(1): 141-169; Jakobsen, I., Johansen, E., & Nickels, P. (2020) *The Law of the Sea as Part of the Climate-Change Regime Complex*. In E. Johansen, S. Busch, & I. Jakobsen (Eds.), *The Law of the Sea and Climate Change: Solutions and Constraints* (pp. 374-385). Cambridge: Cambridge University Press.

¹⁴ *Supra* note 12.

¹⁵ Aldo Chircop, 'The Polar Code and the Arctic Marine Environment: Assessing the Regulation of the Environmental Risks of Shipping' (2020) 35(3) *IJMCL*

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Organization: The Arctic Centre of the University of Lapland is the main organizer of the seminar, together with the help from the University of Copenhagen. The Arctic Centre will draft a detailed agenda for the workshop. *Timo Koivurova, Katharina Heinrich and Krittika Singh* will take the lead on organizing logistics for the conference together with the University of Copenhagen (*Beatriz Martínez-Romera, Federica Catonini and Stella Ebbersmeyer*) and its administration. *Beatriz Martínez Romera* and *Timo Koivurova* will aim at publishing papers from the seminar as a special issue in an international journal.

Objective:

The aim of this workshop is to explore ideas for a collaborative publication (as into the interphase between climate change law and science and Arctic ocean regimes). To this end, the workshop gathers leading scholars in the fields of climate change law, shipping, law of the sea and Arctic governance. The workshop will also provide an opportunity for networking and collaboration among participants.

Format:

This invitation-only workshop will take place in hybrid format.

The workshop (see programme) will open with a brief presentation of the NeOGov project, including its thematic focus, planned research outputs, and opportunities for participant engagement. Following this presentation, five workshop sessions over the course of two days will focus on Arctic ocean and climate governance. The workshop will start with its first thematic session opened by the invited keynote Prof. Dan Bodansky. The second day will be kicked-off by the invited keynote Prof. Ronan Long. For each of the five workshop sessions, we have asked the speakers to give a 30-40-minute presentation addressing relevant aspects, which will be followed by a discussion with all participants.

The workshop will follow the Chatham House rules, but notes will be taken by the rapporteurs to facilitate the development of the papers. Nothing said during the workshop will be attributed to specific speakers or disseminated.

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NeOGov Second Workshop: *Climate Change and the Arctic Ocean: Towards a New Research Agenda*

Monday 21st and Tuesday 22nd of August 2023

*Location outside of Rovaniemi, Lapland Hotel Bears Lodge
Pohtimolammentie 383, 97220 Sinettä*

*Arctic Centre, University of Lapland
Pohjoisranta 4, 96101 Rovaniemi, Aurora Room*

PROGRAMME DAY 1:
Lapland Hotel Bears Lodge

Time	Programme
8:15 – 09:00	Drive to Location/Arrival at location
09:00- 09:30	<u>Morning Coffee</u>
09:30 – 10:00	<u>Welcome/opening session (including Network updates and objectives for workshop)</u> <i>Professor Timo Koivurova, University of Lapland, Finland</i> <i>Associate Professor Beatriz Martinez Romera, Centre for International Law and Governance (CILG), Faculty of Law, University of Copenhagen</i>



Time	Programme
10:00 - 12:00	<p><u>Setting the scene - Central Arctic Ocean (CAO) presentation</u></p> <p>Keynote: Professor Timo Koivurova Rapporteur: Junior Researcher Katharina Heinrich</p> <p><i>(30-40 minutes keynote speech + brainstorming and discussion among all participants)</i></p>
12:00 - 13:30	<p><u>Lunch Break</u></p> <p>Lunch provided by Bears Lodge</p>
13:30 - 15:00	<p><u>Workshop Session 1: Ocean-based solutions - Climate interventions in the marine Arctic</u></p> <p>Keynote: Professor Dan Bodansky Rapporteur: PhD Fellow Federica Catonini</p> <p><i>(30-40 minutes keynote speech + brainstorming and discussion among all participants)</i></p>
15:00 - 15:30	<p><u>Coffee Break</u></p> <p>Coffee, Tea and Afternoon Snack</p>
15:30 - 17:00	<p><u>Workshop Session 2: Black Carbon/Shipping (AC Expert Group on BC and Methane)</u></p> <p>Keynote: PhD Fellow Stella Ebbersmeyer Rapporteur: Postdoc Viktor Weber</p> <p><i>(30-40 minutes keynote speech + brainstorming and discussion among all participants)</i></p>



Time	Programme
17:00 - 20:00	Free time until dinner. Possibility to explore the surrounding area and/or go for a Finnish sauna experience
20:00	<u>Dinner</u> Bears Lodge (on site)
22:00	Back to Rovaniemi by shuttle

PROGRAMME DAY 2:

Location Arctic Centre, Aurora Room

Time	Programme
8:45 - 9:00	Arrival at Arktikum, Aurora room
9:00 - 10:30	<u>Workshop Session 3: Biodiversity Beyond National Jurisdiction (BBNJ)</u> <i>Keynote: Professor Ronan Long</i> <i>Rapporteur: PhD Fellow Krittika Singh</i> <i>(30-40 minutes keynote speech + brainstorming and discussion among all participants)</i>
10:30 - 11.00	<u>Coffee Break</u> Coffee and Tea and snack



Time	Programme
11:00 – 12:30	<p><u>Workshop Session 4: OSPAR efforts for an Arctic MPA</u></p> <p><i>Keynote: Junior Researcher Katharina Heinrich</i> <i>Rapporteur: PhD Fellow César Soares de Oliveira</i></p> <p><i>(30-40 minutes keynote speech + brainstorming and discussion among all participants)</i></p>
12:30 – 14:00	<p><u>Lunch</u> at Arktikum Café</p>
14:00 – 15.30	<p><u>Workshop Session 5: CAOFA</u></p> <p><i>Keynote: Professor Stefan Kirchner</i> <i>Rapporteur: PhD Fellow Johanna Sophie Buerkert</i></p> <p><i>(30-40 minutes keynote speech + brainstorming and discussion among all participants)</i></p>
15:30 – 16:00	<p><u>Break</u> <i>Coffee, Tea and Afternoon Snack</i></p>
16:00 – 18:00	<p><u>Wrap-up/Key takeaways from both days</u></p> <p><i>Chair: Professor Timo Koivurova, University of Lapland, Finland</i></p> <p><u>Further Steps for the Network and Rounding off</u></p> <p><i>Associate Professor Beatriz Martinez Romera, Centre for International Law and Governance (CILG), Faculty of Law, University of Copenhagen</i></p>

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Time	Programme
19:30	<u>Dinner</u> Sky Kitchen Ounasvaara Juhannuskalliontie 96400 Rovaniemi

Practical information for your stay in Rovaniemi

Accommodation

Arctic Light Hotel Rovaniemi
Valtakatu 18
96200 Rovaniemi

Taxi service for transfer from and to the airport

Lähitaksi Rovaniemi
Phone: + 358 (0) 100 7300

Contact in case of emergency

Katharina Heinrich
E-mail: katharina.heinrich@ulapland.fi
Phone: + 358 40 193 6664

General information about Rovaniemi

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