



Concept Note

Climate Change and Ocean Governance: Exploring International Ocean Regimes through the Lens of Climate Change

Monday 22nd and Tuesday 23rd of August 2022 (09:00 - 17:00 CEST)

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 literature⁵ 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 impacts on the ocean and Polar Regions, and to evolve governance and other approaches.⁶ In

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.

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



particular, there is a pressing need to examine how UNCLOS and the emerging regime for 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 Copenhagen University. Importantly, representatives of government, NGOs and other stakeholders will be invited to join the workshop. The workshop will provide an opportunity for in-depth exploration of the research themes decided upon during the January-February 2022 video-conference, 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

Organization: *Beatriz Martínez-Romera*, *Stella Ebbersmeyer* and *Meinhard Doelle* will draft a call for papers (with input from the other partners) and a detailed agenda for the workshop. *Beatriz Martínez Romera* will take the lead on organizing logistics for the conference together with the

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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University of Copenhagen administration. *Beatriz Martínez Romera* and *Meinhard Doelle* will spearhead the drafting of the post-workshop publications that synthesizes the proceedings.

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 oceans regimes. To this end, the workshop gathers leading scholars in the fields of climate change law, shipping 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, an introductory session will set the scene of recent developments with the invited keynote Prof. Yoshifumi Tanaka. Five workshop sessions will follow, focused on and Arctic shipping, respectively. In these sessions, we have asked speakers to give a 10-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.



NeOGov First Workshop:

Climate Change and Ocean Governance: Exploring the Ocean Regimes through the Impact of Climate Change Science and Law

Monday 22nd and Tuesday 23rd of August 2022

University of Copenhagen

Nørregade 10, Room 3

Copenhagen K

Zoom link:

<https://ucph-ku.zoom.us/j/63234984300?pwd=WVl4dkFxRFNiWEpGGo5YjO0bS9rUT09>

PROGRAMME DAY 1:

Time	Programme
9:00 – 09:30	<u>Arrival</u> <i>Coffee, tea and morning snack</i>
09:30 – 10:00	<u>Welcome/opening session</u> <i>Associate Professor Beatriz Martinez Romera, Centre for International Law and Governance (CILG), Faculty of Law, University of Copenhagen</i>

Time	Programme
10:00 – 10:40	<p><u>Keynote:</u> <i><u>Plastics-Climate Change-The Marine Environment: The Role of Due Diligence Obligation in the Systemic Treaty Interpretation</u></i> <i>Professor Yoshifumi Tanaka, Centre for Private Governance (CEPRI), Faculty of Law, University of Copenhagen.</i></p>
10:40 – 11:00	<p><u>Coffee Break</u> <i>Coffee and Tea</i></p>
11:00 – 12:00	<p><u>Network updates and workshop plan and objectives</u> <i>Associate Professor Beatriz Martinez Romera, Centre for International Law and Governance (CILG), Faculty of Law, University of Copenhagen</i></p>
12:00 – 13:30	<p><u>Lunch Break</u> <i>Restaurant Theo</i> <i>Skindergade 29,</i> <i>1159 København K</i> https://restauranttheo.dk</p>
13:30 – 15:00	<p><u>Workshop Session 1: Conservation and sustainable use of marine biological diversity of areas for areas beyond national jurisdiction</u></p> <p><i>Chair: Professor Timo Koivurova, University of Lapland, Finland</i> <i>Rapporteur: PhD. Federica Catonini, Centre for International Law and Governance (CILG), Faculty of Law, University of Copenhagen.</i></p> <p><i>The Chair will introduce the topic (5-10 min) and organize the brainstorming and discussion among all participants.</i></p>
15:00 – 15:30	<p><u>Coffee Break</u> <i>Coffee, Tea and Afternoon Snack</i></p>



Time	Programme
15:30 – 17:00	<p><u>Workshop Session 2: Shipping</u></p> <p><i>Chair: Proessor Meinhard Doelle, Schulich School of Law , Marine & Environmental Law Institute, Dalhousie University</i></p> <p><i>Rapporteur: PhD Stella Ebbesmeyer, Centre for International Law and Governance (CILG), Faculty of Law, University of Copenhagen</i></p> <p><i>The Chair will introduce the topic (5-10 min) and organize the brainstorming and discussion among all participants.</i></p>
18:00	<p><u>Dinner</u></p> <p><i>Restaurant Maven</i></p> <p><i>Nikolaj Plads 10,</i></p> <p><i>1067 København</i></p> <p>https://www.restaurantmaven.dk/</p>

PROGRAMME DAY 2:

Time	Programme
9:00 – 9:15	<p><u>Arrival</u></p> <p><i>Coffee, tea and morning snack</i></p>
9:15 – 10:45	<p><u>Workshop Session 3: Renewable Energy and Oceans</u></p> <p><i>Chair: Assistant Professor Alessandro Monti, Centre for International Law and Governance (CILG), Faculty of Law, University of Copenhagen.</i></p> <p><i>Rapporteur: PhD. Pernille Holten Poulsen, Centre for International Law and Governance (CILG), Faculty of Law, University of Copenhagen.</i></p> <p><i>The Chair will introduce the topic (5-10 min) and organize the brainstorming and discussion among all participants.</i></p>



Time	Programme
10:45 – 11:00	Coffee Break <i>Coffee and Tea</i>
11:00 – 12:30	<u>Workshop Session 4: Marine Protected Areas</u> <i>Chair: Professor Ingvild Ulrikke Jakobsen, The Arctic university of Norway</i> <i>Rapporteur: PhD Johanna Sophie Bürkert, Centre for International Law and Governance (CILG), Faculty of Law, University of Copenhagen</i> <i>The Chair will introduce the topic (5-10 min) and organize the brainstorming and discussion among all participants.</i>
12:30 – 14:00	Lunch <i>Reataurante Italiano</i> <i>Fiolstræde 2,</i> <i>1171 København</i> https://www.italiano.dk
14:00 – 15.30	<u>Workshop Session 5: Carbon Capture and Storage and Ocean Geoengineering</u> <i>Chair: Postdoc Victor Weber, Centre for International Law and Governance (CILG), Faculty of Law, University of Copenhagen</i> <i>Rapporteur: Junior Researcher Katharina Heinrich, University of Lapland, Finland</i> <i>The Chair will introduce the topic (5-10 min) and organize the brainstorming and discussion among all participants.</i>
15:30 – 16:00	Break <i>Coffee, Tea and Afternoon Snack</i>

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Time	Programme
16:00 – 17:00	<p data-bbox="496 517 1171 551"><u>Further Steps for the Network and Rounding off</u></p> <p data-bbox="496 562 1278 678"><i>Associate Professor Beatriz Martinez Romera, Centre for International Law and Governance (CILG), Faculty of Law, University of Copenhagen</i></p> <p data-bbox="496 730 1358 804">Further steps for the network: Publications planning and next meetings.</p>