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The One Ocean Hub Written Evidence to the UNFCCC

**Possible Topics for Ocean and Climate Dialogue to be
Held in Conjunction with SBSTA 56 (June 2022)**

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Background information on the One Ocean Hub

The One Ocean Hub is an international programme of research for sustainable development, working to promote fair and inclusive decision-making for a healthy ocean whereby people and planet flourish. The Hub brings together coastal people, researchers, decision-makers, civil society, and international organisations to value, and learn from, different knowledge systems and voices. It specifically addresses the challenges and opportunities facing South Africa, Namibia and Ghana, endeavouring to share relevant research findings at the regional (Africa, Caribbean, Pacific) and international levels. The Hub is funded by UK Research and Innovation (UKRI) through the Global Challenges Research Fund (GCRF), a key component in delivering the UK AID strategy to tackle the UN Sustainable Development Goals (SDGs). Led by the University of Strathclyde, UK, the Hub gathers 126 researchers, 21 research partners, and 19 project partner organisations, including UN bodies and programmes. The Hub is currently collaborating with the UN Food and Agriculture Organization and the UN Environment Programme to clarify and mainstream within pertinent policy dialogues the nexus between the ocean, climate change, biodiversity, and human rights. It has also been collaborating with the UN Division for Ocean Affairs and the Law of the Sea since 2020, providing virtual training sessions for government officials and other ocean practitioners around the world on the law of the sea, international environmental law and human rights.

Scope of this written submission

This submission addresses a selection of the topics for Ocean and Climate Dialogue based on the One Ocean Hub's research findings and experience. In particular, the submission offers inputs on:

1. Strengthening the nexus between the ocean, climate change, biodiversity and human rights;
2. Directing climate finance to ocean-based solutions, prioritizing transdisciplinary ocean research for transformative climate mitigation and adaptation through the UNFCCC financial mechanisms;
3. Fostering a human-rights based approach for nature-based solutions to climate change adaptation and mitigation;
4. Protecting children's human rights at the climate-ocean nexus.

1. The nexus between the ocean, climate change, biodiversity and human rights

Humankind is entirely reliant upon a healthy ocean to satisfy the material conditions for the human rights to life, health, food, water and culture.¹ The ocean contributes to the renewal of freshwater; absorbs over a quarter of global carbon dioxide, and produces over half the oxygen we breathe. The vast and rapid changes in the ocean are being observed due to climate change are well documented,² and this has consequences in the ways that people relate to it. Other negative impacts on the ocean include overfishing and plastic pollution, and these are being compounded by climate change and in themselves exacerbate climate change impacts.³ The interdependencies of human rights and biodiversity,⁴ and the interdependencies of human rights and climate change,⁵ are also of importance here insofar as the protection and multiple uses of the ocean and marine environment do or do not contribute to climate change mitigation and adaptation.⁶

However, the connection between marine biodiversity loss, climate change, and human rights has been overlooked. Despite the connection between terrestrial ecosystems, biodiversity loss and climate change feature in academic work and world media headlines for several years, the nexus between the ocean, climate change and biodiversity has only recently been placed on the agenda of the international climate change process. In comparison, under the Convention on Biological Diversity (CBD),⁷ a series of guidance documents, negotiated at the intergovernmental level by 196 Parties have already addressed an array of issues at the intersection of climate change, biodiversity and human rights, which relate directly or implicitly to ocean management. Considering that CBD Parties:

¹ Mitchell Lennan, 'Policy brief: Integrated and Inclusive Ocean Governance is Essential to Tackling Climate Change', October 2021. Available from <https://oneoceanhub.org/wp-content/uploads/2021/10/Climate-change-and-ocean-policy-brief-FINALFINAL.pdf>.

² Intergovernmental Panel on Climate Change (IPCC), *IPCC Special Report on the Ocean and Cryosphere in a Changing Climate* H-O Pörtner, et al., (eds.) (in Press: 2019) (IPCC SROCC); N Bindoff et al., 'Chapter 5: Changing Ocean, Marine Ecosystems and Dependent Communities' in IPCC SROCC, 447; Food and Agriculture Organization of the United Nations (FAO) *Impacts of Climate Change on Fisheries and Aquaculture*, FAO Fisheries Technical Paper 627, (FAO: Rome, 2018).

³ FAO, *State of World Fisheries and Aquaculture 2020*, (FAO: Rome, 2020); D Pauly and D Zeller, 'Catch reconstructions reveal that global marine fisheries catches are higher than reported and declining' 7 *Nature Communications* 10244 (2016); Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), *Global Assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services* E S Brondizio et al., (eds.) (IPBES Secretariat: Bonn, 2019).

⁴ UNGA, *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment: Note by the Secretariat*, UN Doc A/HRC/34/49 (19 January 2017); UNGA, *Human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment: Note by the Secretary-General*, UN Doc A/75/161 (15 July 2020).

⁵ UNGA, *Human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment: Note by the Secretary-General*, UN Doc A/74/161 (15 July 2019); UNGA, *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment: Note by the Secretariat*, UN Doc A/HRC/31/52 (1 February 2016).

⁶ Mitchell Lennan and Elisa Morgera, 'The Glasgow Climate Conference (COP26)' (2022) 37 *The International Journal of Marine and Coastal Law* 137, 147.

⁷ For example, Secretariat of the Convention on Biological Diversity (CBD), *Voluntary Guidelines for the Design and Effective Implementation of Ecosystem-Based Approaches to Climate Change adaptation and Disaster Risk Reduction*, CBD Technical Series No. 9 3 (2019) available at <https://www.cbd.int/doc/publications/cbd-ts-93-en.pdf>; Mitchell Lennan, 'Policy brief: Integrated and Inclusive Ocean Governance is Essential to Tackling Climate Change', October 2021. Available from <https://oneoceanhub.org/wp-content/uploads/2021/10/Climate-change-and-ocean-policy-brief-FINALFINAL.pdf>; Mitchell Lennan and Elisa Morgera, 'The Glasgow Climate Conference (COP26)' (2022) 37 *The International Journal of Marine and Coastal Law* 137, 141–142.

- i) have already systematically identified potential and actual threats that climate change and climate change response measures pose to the conservation and sustainable use of biodiversity;
- ii) have also identified ways to assess and prevent negative impacts on biodiversity through mutually supportive interpretation and application of international climate, humans rights, and biodiversity law; and
- iii) have developed implementation guidelines, such as the ecosystem approach, are vital to ensure effective ocean governance across scales which integrates this nexus

A key point of discussion at the SBSTA should be how to harness existing CBD guidelines to ensure policy coherence with any tools, guidance, decisions or other action taken by the SBSTA or other UNFCCC body on ocean-based action. This also ensures consistency with the environmental provisions of the UN Convention on the Law of the Sea, as they can provide the generally agreed international rules and standards necessary for interpreting those provisions.⁸

Moreover, the SBSTA should explore direct partnership and dialogues with regional fisheries management organisations, regional seas conventions, the Food and Agriculture Organization of the United Nations, and human rights bodies on information sharing, cooperation and collaboration on key issues at the ocean-climate-human rights nexus within those organisations' mandates.

This is particularly important considering that Decisions 1/CP.26 and 1/CMA.3 make direct reference to the need to ensure integrity of ocean ecosystems.⁹ In addition, Decision 1/CP.26 makes direct reference to the 'importance of protecting, conserving and restoring nature and ecosystems including [...] marine ecosystems' to achieve the objective of the UNFCCC and 'protecting biodiversity, while ensuring social and environmental safeguards.'¹⁰ 2021–2030 is the UN Decade for Action on Ecosystem Restoration,¹¹ and linking climate mitigation and adaptation to marine ecosystem restoration has the potential to facilitate effective climate action and the protection of human rights.

⁸ United Nations Convention on the Law of the Sea (Montego Bay, 10 December 1982, in force 16 November 1994) 1833 UNTS 396, Part XII; *South China Sea Arbitration (Philippines v. China)*, PCA Award of 12 July 2016, paras 945–946.

⁹ UNFCCC, 'Glasgow Climate Pact, Decision 1/CP.26' FCCC/CP/2021/12/Add.1, preambular para 7; UNFCCC, 'Glasgow Climate Pact, Decision 1/CMA.3' FCCC/PA/CMA/2021/10/Add.1, preambular para 7.

¹⁰ 1/CP.26, para. 21.

¹¹ United Nations General Assembly (UNGA) Res 73/284 (1 March 2019) United Nations Decade on Ecosystem Restoration (2021–2030), UN Doc A/RES/73/284.

2. Directing climate finance to ocean-based solutions, prioritizing transdisciplinary ocean research for transformative climate mitigation and adaptation

It is concerning that no explicit reference was made to the ocean, and it remains unclear whether climate finance efforts will remain focused preponderantly on land as part of States' commitment to doubling adaptation finance, keeping the US\$100 billion goal on the agenda until 2027 (bearing in mind this was supposed to be reached in 2020), and establishing a work programme to deliberate on the new finance goal.¹²

It can be argued that the ocean-climate nexus can be addressed on the basis of the more generic reference to ensuring co-benefits for climate finance. However, what is cause for concern is that the COP26 decision on 'matters related to the Committee on Finance' noted that '[o]verall, the needs identified by developing countries touch on all SDGs, with 75 per cent of NDCs having linkages to SDGs 2, 6, 7, 8, 9, 11, 12, 13, 15, 17'.¹³ It is notable that SDG 14 (Life Below Water) is not listed here. This is worrying, especially since at present only 2 per cent of Green Climate Fund investments are directed to ocean-related activities.¹⁴

Therefore, a key point for discussion at the SBSTA should be where and how UNFCCC bodies and work programmes, which include ocean-based action in their work, can systematically include ocean-based action in climate finance initiatives. This includes the four multilateral climate funds under the UNFCCC.

In this connection, the One Ocean Hub's research supports the view that States should direct climate funding to inter- and transdisciplinary ocean research on the nexus of climate change, ocean biodiversity and human rights for transformative change.¹⁵ The Hub has developed and tested innovative research approaches with rightsholders, stakeholders and experts from varied disciplines including marine sciences, law, anthropology, sociology, history and the arts.¹⁶ This approach is essential to integrate diverse forms of knowledge and technologies (including indigenous and local knowledge) through participatory, community-based, and arts-based research methods. This helps the process of knowledge co-creation, identification of blind spots in ocean and climate governance, and allows a broader range of voices and concerns to be heard. The approach further allows for networks of ocean defenders/environmental human rights defenders¹⁷ and citizen scientists to participate in protection of ecosystems and ecosystem services, and finding climate-smart solutions for sustainable and inclusive blue economies.¹⁸ This should be seen as a

¹² See IISD, 'Glasgow Climate Change Conference: 31 October – 13 November 2021' (16 November 2021) 12(793) *Earth Negotiations Bulletin* available at https://enb.iisd.org/sites/default/files/2021-11/enb12793e_1.pdf.

¹³ UNFCCC, 'Matters relating to the Standing Committee on Finance, Decision 5/CP.26' FCCC/CP/2021/12/Add.1, para 69.

¹⁴ Statement by the Commonwealth Secretariat, Baroness Scotland, 'COP26 Commonwealth Pavilion Friday 5th November 2021 afternoon session' (2021), at 2:54:15, available at <https://www.youtube.com/watch?v=yBVHHiQv4hM&t=9483s>.

¹⁵ Mitchell Lennan, 'Policy brief: Integrated and Inclusive Ocean Governance is Essential to Tackling Climate Change', October 2021. Available from <https://oneoceanhub.org/wp-content/uploads/2021/10/Climate-change-and-ocean-policy-brief-FINALFINAL.pdf>.

¹⁶ Senia Febrica, 'Considering the ocean and transdisciplinary research in the UK's international development strategy', September 2021. Available from <https://oneoceanhub.org/considering-the-ocean-and-transdisciplinary-research-in-the-uks-international-development-strategy/>.

¹⁷ Environmental human rights defenders are internationally defined as "individuals and groups who in their personal or professional capacity and in a peaceful manner strive to protect and promote human rights related to the environment.": UN Doc A/71/281 (2016).

¹⁸ One Ocean Hub Webinar for the UN World Ocean Week 2021, Small-scale fishers and ocean well-being, 7 June 2021. Available from <https://www.youtube.com/watch?v=S5yOih-4ZpU&t=7s>; Senia Febrica, 'The Food and

pre-condition for transformative science and policy engagements, and helps develop inclusive and resilient climate responses to the benefit of the most vulnerable.

In particular, Hub research has underscored that cultural and spiritual services provided¹⁹ by the ocean to humankind that are largely overlooked in discussions about climate change and ocean governance. Inter- and transdisciplinary approaches, including extra-legal processes and creative methodologies, can work to respectfully include tangible and intangible cultural heritage²⁰ into policy- and decision-making spaces nationally and internationally. Filling this gap is a key step in ensuring that the science-policy interface is able to fully consider the nexus of climate change, oceans, biodiversity and human rights (including children's rights – discussed below).

In addition, the scaling up of research, and mitigation and adaptation responses, to ocean-basin and regional scale is vital. This is due to the hyper-connectivity of ocean ecosystems. Research at ocean-basin scale²¹ is needed to understand different areas²² of the oceans that are under greater risks,²³ develop monitoring tools, and design appropriate mitigation and adaptation²⁴ strategies. This needs to be coupled with advancing urgently research on deep-sea ecosystem services:²⁵ it is estimated that there are 2.50 million undiscovered marine species, so we have very little knowledge about how these species function, what services they provide, and how they may be affected by climate change.

Given the high expense of deep-sea research and the risks of marginalizing researchers in the Global South, as well as the risk to side-line the needs of the most vulnerable human rights holders,

Agriculture Organization and the One Ocean Hub co-organised webinar on Namibia's small-scale fisheries, 29 June 2021. Available from <https://oneoceanhub.org/the-food-and-agriculture-organization-and-the-one-ocean-hub-co-organised-webinar-on-namibias-small-scale-fisheries/>; Senia Febrica, 'The Food and Agriculture Organization and the One Ocean Hub Co-organised a Workshop on Small-Scale Fisheries', 28 April 2021. Available from <https://oneoceanhub.org/1939-2/>; FAO & One Ocean Hub Webinar, 'Namibia's Experience on Implementation of the Voluntary Guidelines on Small-Scale Fisheries (Day 1)', 15 June 2021. Available from <https://www.youtube.com/watch?v=Hm-KkkVfAG8&t=11s>; FAO & One Ocean Hub Webinar, 'Namibia's Experience on Implementation of the Voluntary Guidelines on Small-Scale Fisheries (Day 2)' 16 June 2021. Available from <https://www.youtube.com/watch?v=l69nH3Uu-5I&t=81s>

¹⁹ Rosabelle Boswell. (2021). 'Art and the Senses for Ocean Conservation' *Journal of Marine and Island Studies* <https://doi.org/10.21463/jmic.2021.10.1.03>

²⁰ Laura Merilainen, 'The nexus between tangible and intangible cultural heritage and ocean governance in Ghana: the case of canoe inscriptions, festivals and asafu companies', 30 June 2021.

²¹ Murray Roberts, 'Atlantic Adventures with ATLAS: understanding deep-sea ecosystems at ocean basin scales', 12 March 2021. Available from

https://media.ed.ac.uk/media/Atlantic+Adventures+with+ATLAS+understanding+deep-sea+ecosystems+at+ocean+basin+scaleB+Prof+Murray+Roberts/1_822u1bd0/80323161

²² Lynne J. Shannon, Kelly Ortega-Cisneros, Tarron Lamont, Henning Winker, Robert Crawford, Astrid Jarre, Marta Coll. (2020). 'Exploring Temporal Variability in the Southern Benguela Ecosystem Over the Past Four Decades Using a Time-Dynamic Ecosystem Model'. *Frontiers in Marine Science* Vol.7, <https://doi.org/10.3389/fmars.2020.00540>

²³ Senia Febrica, 'Showcasing the role of ocean research for climate adaptation,' 30 September 2021. Available from <https://oneoceanhub.org/showcasing-the-role-of-ocean-research-for-climate-adaptation/>

²⁴ Kelly Ortega-Cisneros, Kevern L. Cochrane, Nina Rivers, Warwick Sauer Warwick. (2021). 'Assessing South Africa's Potential to Address Climate Change Impacts and Adaptation in the Fisheries Sector'. *Frontiers in Marine Science* Vol.8. <https://doi.org/10.3389/fmars.2021.65295>.

²⁵ Elisa Morgera. 'The Relevance of the Human Right to Science for the Conservation and Sustainable Use of Marine Biodiversity of Areas Beyond National Jurisdiction: A New Legally Binding Instrument to Support Co-Production of Ocean Knowledge across Scales' (June 19, 2021). Vito De Lucia, Lan Nguyen and Alex G. Oude Elferink (eds), *International Law and Marine Areas beyond National Jurisdiction: Current Status and Future Trends* (Brill, 2021 Forthcoming), Available at SSRN: <https://ssrn.com/abstract=3870399> or <http://dx.doi.org/10.2139/ssrn.3870399>

climate finance should be directed to inter- and transdisciplinary ocean research and development through fair partnerships. Based on the experience of the One Ocean Hub, funders should require specifically that international research collaborations be co-developed through fair partnerships,²⁶ as a key element in advancing efforts both in the Global North and in the Global South at the nexus of climate change, biodiversity, ocean and human rights.

In conclusion, a key point for discussion at the SBSTA should be:

- where and how UNFCCC bodies (including the four multilateral climate funds under the UNFCCC) and work programmes can systematically include ocean-based action in climate finance initiatives, including scaling up research, and mitigation and adaptation responses, to ocean-basin and regional scale.
- As part of that effort, it should be explored at the SBSTA how climate finance can support transdisciplinary research on the nexus of climate change, ocean, biodiversity and human rights to ensure that ocean-based action is sustainable, inclusive and integrative of indigenous and local knowledge.

²⁶ Bola Erinosh, Claire Lajaunie, Dylan McGarry, Elisa Morgera, Holly Niner, Jeremy Hills, Kerry Howell, Kerry Sink, Laura Merilainen, Amanda Lombard, Michel Wahome, Pierre Mazzega, Rachel Wynberg, Senia Febrica, Sian Rees, Stuart Jeffrey, Taryn Pereira, Warwick Sauer, 'How to enable transformative science during the International Decade of Ocean Science for Sustainable Development'. A policy brief of the One Ocean Hub. Available from <https://oneoceanhub.org/publications/policy-brief/>

3. A human-rights based approach for nature-based solutions to climate change adaptation and mitigation

The Hub's research at the country level has demonstrated time and again the importance of adopting a human rights-based approach in tackling the connections with marine biodiversity in climate change adaptation and mitigation.²⁷ This involves responding to climate change by assessing impacts, vulnerability and risks (as well as relevant knowledge and resources) at community level, and designing planning and implementing adaptation measures in an iterative and inclusive manner, including by monitoring and evaluating these measures to improve adaptive capacity.²⁸

Ahead of COP 26, some governments have demonstrated they are acutely aware of the importance of the ocean and marine ecosystems in adapting to the impacts of climate change.²⁹ 196 CBD Parties have already adopted voluntary guidelines for the design and effective implementation of ecosystem-based approaches to adaptation³⁰ and disaster risk reduction, as well as specifically on coral reefs and closely associated ecosystems (i.e., mangroves and seagrasses), that can support socio-ecological resilience to the impacts of climate change, as well as respect for human rights to subsistence and culture.³¹ For instance, as fish stocks shift their distribution to find colder waters due to the impacts of climate change, many local fishers are at increased risk of poverty and food insecurity. One Ocean Hub research examines the combined impacts of climate change, over-exploitation, pollution, and other global change factors on fish that is essential to support the nutritional needs, livelihoods and cultures of coastal communities.

Climate action must be contextualised and co-developed with local communities. For example, while the value of marine protected areas (MPAs) for climate change mitigation and adaptation is clear, but the creation and management of new MPAs must be inclusive of human rights,

²⁷ See Mitchell Lennan and Elisa Morgera. (2022). 'The Glasgow Climate Conference (COP26)' The International Journal of Marine and Coastal Law, 37(1), 137-151, <https://doi.org/10.1163/15718085-bja10083>; Senia Febrica, 'Showcasing the role of ocean research for climate adaptation,' 30 September 2021. Available from <https://oneoceanhub.org/showcasing-the-role-of-ocean-research-for-climate-adaptation/>

²⁸ Merle Sowman. (2020). 'Participatory and rapid vulnerability assessments to support adaptation planning in small-scale fishing communities of the Benguela Current Large Marine Ecosystem'. Environmental Development, pp.1-12, <https://doi.org/10.1016/j.envdev.2020.100578>; Merle Sowman and Jackie Sunde. (2021). 'A just transition? Navigating the process of policy implementation in small-scale fisheries in South Africa'. Marine Policy, pp.1-9, <https://doi.org/10.1016/j.marpol.2021.104683>; Merle Sowman, Jackie Sunde, Taryn Pereira, Bernadette Snow, Philile Mbatha and Anna James. (2021). 'Unmasking governance failures: The impact of COVID-19 on small-scale fishing communities in South Africa' Marine Policy, pp.1-7, <https://doi.org/10.1016/j.marpol.2021.104713>; The Algoa Bay Project, 'One Ocean Hub', available from <https://www.algoabayproject.com/one-ocean-hub>; Godfred A. Ameyaw, Martin Tsamenyi, Alistair McIlgorm, Denis W. Aheto. (2021). 'Challenges in the management of small-scale marine fisheries conflicts in Ghana, Ocean & Coastal Management, Volume 211, <https://doi.org/10.1016/j.ocecoaman.2021.105791>.

²⁹ Mitchell Lennan, 'Climate and the oceans NDC synthesis report suggests more work to be done to mainstream climate adaptation and oceans', 28 April 2021.

³⁰ Bryony L. Townhill, Silvana Birchenough, Georg H. Engelhard, Olivia Harrod, Ellen McHarg, Iris Monnereau and Paul Buckley. (2021). 'Commonwealth Marine Economies Programme: Climate Change Adaptation for Caribbean Fisheries. Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974010/Climate_Change_Adaptation_for_Caribbean_Fisheries.pdf

³¹ Elisa Morgera. (2020). 'Biodiversity as a Human Right and its implications for the EU's External Action'. Available from [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/603491/EXPO_STU\(2020\)603491_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/603491/EXPO_STU(2020)603491_EN.pdf)

particularly indigenous peoples and local communities.³² The Hub's research has seen that bottom-up and co-management approaches are more effective approaches. These limit potential for conflict with management authorities, the private sector and within communities themselves.

More broadly, nature-based solutions to climate change adaptation and mitigation need to respect international human rights and contribute to their full realisation. The One Ocean Hub has already developed innovative methodologies (such as Empatheatre)³³ to support genuine and constructive engagement with local communities and peoples towards better understanding their needs and views and co-developing research and actions that can support a human rights-based approach to ocean-based solutions to climate change adaptation and mitigation. These approaches have also been discussed regionally and internationally to support the protection of environmental human rights defenders and environmental/climate justice.³⁴

A human rights-based approach needs further reflection in the context of UNFCCC at the climate-ocean nexus, for instance with specific reference to:

- The Glasgow Climate Pact calls for promoting and considering respective obligations on human rights in implementing the **Glasgow work programme on Action for Climate Empowerment**;
- The **Glasgow-Sharm el-Sheikh work programme for the Global Goal on Adaptation** to help improve over 2022-2024 the assessment of progress in adaptation through regular workshops and work on methodologies. This decision, in conjunction with the request of UNFCCC bodies and work programmes to explore how to better integrate ocean-based action in their work could prove promising in integrating the ocean in climate adaptation rules, financing and technology transfer at subsequent COPs. Relevant bodies under the UNFCCC in this context include the Nairobi Work Programme, the Adaptation Fund, and the Adaptation Committee.³⁵
- **technology transfer**: it is noteworthy that the Technology Executive Committee has been invited to continue using events such as the Technology Day in 2020 and 2021 to promote innovative approaches on adaptation technologies related to ocean and coastal adaptation (para. 10). Once again, increased attention to ocean-based action across UNFCCC bodies and work programmes may bring along also broader understanding of related technology transfer under the international climate change regime.
- On **carbon markets**, COP26 adopted new decisions completing the Paris rulebook, which are widely seen as a major achievement. The lack of references to human rights and to an independent grievance mechanism in this context, however, has been criticized by UN Special Rapporteur on Human Rights and other observers. David Boyd the current UN

³² Laura Merilainen, 'Calling attention to indigenous people' collective rights to marine spaces and resources at the UN', 28 May 2021. Available from <https://oneoceanhub.org/one-ocean-hub-calls-for-attention-to-indigenous-peoples-collective-rights-to-marine-spaces-and-resources-at-the-un/>

³³ Empatheatre available from <https://www.empatheatre.com/>

³⁴ Senia Febrica, 'One Ocean Hub highlights role and needs of small-scale fishers at UN consultation on environmental human rights defenders, 28 May 2021. Available from <https://oneoceanhub.org/one-ocean-hub-highlights-role-and-needs-of-small-scale-fishers-at-un-consultations-on-environmental-human-rights-defenders/>

³⁵ Elisa Morgera and Mitchell Lennan, 'COP26: What News for the Ocean, 23 November 2021. Available from <https://oneoceanhub.org/cop26-what-news-for-the-ocean/>.

Special Rapporteur on Human Rights, in a series of tweets, highlighted: “Strong human rights safeguards, including an independent grievance mechanism, in the rules governing the Article 6 carbon market mechanism, consistent with [Global Environment Facility], [Green Climate Fund] etc established practices and ensuring no repeat of fraud and human rights under Kyoto mechanisms”. With increasing research on blue carbon,³⁶ it is important to take stock of the lessons learnt in land-based carbon markets to avoid repeating, in the context of the marine environment, exclusionary practices that have led to well-documented human rights violations on land.³⁷

Therefore, a key point for discussion at the SBSTA should be where and how UNFCCC bodies and work programmes which include ocean-based action can support meaningful engagement with indigenous peoples and local communities in co-designing and co-delivering ocean-based adaptation and mitigation strategies.

³⁶ Royal Society of Biology Webinar, ‘Why protect ocean biodiversity | Policy Lates 2021,’ 23 November 2021. Available <https://www.youtube.com/watch?v=aZG5butO7CM>.

³⁷ Elisa Morgera and Mitchell Lennan, ‘COP26: What News for the Ocean,’ 23 November 2021. Available from <https://oneoceanhub.org/cop26-what-news-for-the-ocean/>.

4. Protecting children’s human rights at the climate-ocean nexus

The ocean plays a unique role in the protection of children’s human rights, including by helping to address the potential impacts of climate change to adversely affect nearly all of children’s human rights.³⁸ Phytoplankton photosynthesis in the ocean for instance contributes to 50-70% of the earth’s oxygen and therefore, directly affecting children’s rights to life, development, and survival.³⁹ Seagrass and mangroves store around 50% of the carbon dioxide which is absorbed by the ocean.⁴⁰ As Sweeney and Morgera noted the ocean helps mitigate climate change by ‘storing carbon dioxide and regulating the earth’s atmospheric temperature, so it should be meaningfully considered in assessments concerning the impacts of climate change on the child’s human rights to life.’⁴¹ UNICEF has recognised that climate change is the most serious threat facing children and youth.⁴² The unpredictable and destructive impacts of climate change, including droughts, sea-level rise, storms and floods weaken food security, bring impact upon children access to nutrition, safe drinking water and sanitation.⁴³ Around 415 million children are living in areas with high or extremely high water vulnerability.⁴⁴ Climate change has posed direct threat to children health as nearly 90% of the global burden of disease associated with climate change is carried by children under the age of five.⁴⁵

Despite there are clear facts of the importance of the ocean in climate change adaptation and mitigation, there has been limited discussion of the role which the ocean has in the protection of children’s rights in this context. Three high-profile UN reports on children’s rights and the environment for example fail to make any reference to the ocean:⁴⁶

- the 2016 Report of the UN High Commissioner on the protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development, UN Doc A/HRC/34/27
- the 2018 Report of the Special Rapporteur on Human Rights and the Environment on children’s human rights, UN Doc A/HRC/37/58;
- the 2020 Report of the UN High Commissioner for Human Rights on ‘Realizing the rights of the child through a healthy environment’, UN Doc A/HRC/43/30.

Given the inadequate attention given to the connection between climate change, ocean, and children’s rights we suggest that Ocean and Climate Dialogue to be held in Conjunction with SBSTA 56 to include discussion on this very important topic. At present there is growing anxiety

³⁸ Michael Sweeney, ‘Advancing understanding of the role of the ocean in protecting children’s rights’, 28 September 2021. Available from <https://oneoceanhub.org/advancing-understanding-of-the-role-of-the-ocean-in-protecting-childrens-rights/>

³⁹ Choy Yee Keong, ‘The Ocean Carbon Sink and Climate Change: A Scientific and Ethical Assessment’ (2019) 10 International Journal of Environmental Science and Development 246, at 248 as cited in Michael Sweeney and Elisa Morgera, ‘Policy brief: Don’t forget a healthy ocean as part of children’s right to a healthy environment’, 12 July 2021 Available from <https://oneoceanhub.org/publications/policy-brief-dont-forget-a-healthy-ocean-as-part-of-childrens-right-to-a-healthy-environment/>

⁴⁰ Michael Sweeney, ‘Advancing understanding of the role of the ocean’, op.cit.

⁴¹ Michael Sweeney and Elisa Morgera, ‘Policy Brief’, op.cit.

⁴² UNICEF, ‘The Climate Crisis is a Child Rights Crisis: Introducing the Children’s Climate Risk Index’ (New York, 2021) at 4 as cited in Michael Sweeney, ‘SDG 14 and Children’s Human Rights’, 14 September 2021, at 4-5 Available from <https://oneoceanhub.org/wp-content/uploads/2021/10/SDG-14-and-children-rights-REPORT.pdf>.

⁴³ Ibid, at 109-110

⁴⁴ Ibid, at 110

⁴⁵ Ibid, at 110

⁴⁶ Michael Sweeney, ‘Advancing understanding of the role of the ocean’, op.cit

and feelings of powerless among children and young people about climate change.⁴⁷ We need to step up to protect and promote children's rights to a healthy ocean as part of a healthy environment.

There is a pressing need for the inclusion of children and youth in ocean and climate change decision-making processes, due to children and youth's stakes from an inter-generational perspective, and the unique perspectives and solutions they can offer.⁴⁸ Children and young people can bring clarity and authenticity to decision-making, without having been compromised by association and vested interests.⁴⁹ Most importantly, they can speak to their lived experience of the impacts of climate change (e.g., rising sea levels and flooding).⁵⁰ It is our responsibility as adults to ensure that the views of children and young people are front and centre in decision making for climate change adaptation and mitigation.⁵¹

The Glasgow Climate Pact called for:

- recognizing the important role of youth and children, in addressing and responding to climate change;
- calling for promoting and considering respective obligations on human rights in implementing the Glasgow work programme on Action for Climate Empowerment; and
- calling for annual youth-led climate forum with a view to contributing to the implementation of the Glasgow work programme on Action for Climate Empowerment (paras 55, 62 and 64-65).

The last proposal, however, does not respond to the specific calls made repeatedly by youth representatives at COP 26 to be included in the negotiations, not only in separate, youth-focused events. The UN Special Rapporteur on Freedom of Association followed closely the practices at COP26, lamenting how limitations to civil society and representatives of human rights-holders in accessing the negotiations were a major barrier to realizing climate justice and to the protection of children's rights in particular. This is indeed a crucial aspect for children's human rights to healthy environment, which hinges also upon the ocean-climate nexus.⁵²

⁴⁷ Lindy Brown (University of Plymouth) presentation at 'Message in a Bottle: Island Youth, COP26 and Children's Rights to a Healthy Ocean' on 29th October 2021 as part of the Conference of the Youth (COY16)' as cited in Senia Febrica, 'Advancing Children and Young People's Human Rights in the Context of Climate Change', 22 November 2021. <https://oneoceanhub.org/advancing-children-and-young-people-rights-to-a-healthy-ocean-in-the-context-of-climate-change/>

⁴⁸ Mark Haver (Chair of Youth Policy Advisory Council Sustainable Ocean Alliance) presentation at the One Ocean Hub led a roundtable on 'Children and young people' human rights to a healthy ocean: their importance for climate change adaptation & mitigation' for the Virtual Ocean Pavilion on 12th of November 2021, <https://www.youtube.com/watch?v=TVoF8hmSpEE&t=2608s>

⁴⁹ Lindy Brown (University of Plymouth) presentation at the One Ocean Hub led a roundtable on 'Children and young people' human rights to a healthy ocean: their importance for climate change adaptation & mitigation' for the Virtual Ocean Pavilion on 12th of November 2021, <https://www.youtube.com/watch?v=TVoF8hmSpEE&t=2608s>

⁵⁰ Ibid

⁵¹ Ibid

⁵² Elisa Morgera and Mitchell Lennan, 'COP26: What News for the Ocean, 23 November 2021. Available from <https://oneoceanhub.org/cop26-what-news-for-the-ocean/>.

Drawing from One Ocean Hub research and experience key points for discussion at the SBSTA should include⁵³ children's right to participate in decisions on climate change and on the ocean-climate nexus, which entails:

- Children's right to have access to information in a timely and accessible manner;
- the right to children-specific modalities to participate in decision-making processes;
- States' obligation to take as a primary consideration children's best interests when making a decision that may affect their human rights;
- the obligation for decision makers to take into account children's views and assess potential social, cultural, and environmental impacts of their activities on children's human rights; and
- Children's right to be supported in the exercise of their participation rights (through finance, capacity building, etc).

Conclusion

To conclude, we recommend that Ocean and Climate Dialogue that will be held in conjunction with SBSTA 56 in June 2022 to include the four topics listed below.

1. Strengthening the nexus between the ocean, climate change, biodiversity and human rights.

Due to the interlinkages between ocean, climate change, biodiversity and human rights, the SBSTA should focus on harnessing partnerships with the Convention on Biological Diversity, the Food and Agriculture Organization of the United Nations, international human rights bodies, as well as regional fisheries management organisations and regional seas conventions, to ensure coordination and collaboration on the ocean-climate nexus. =

2. Directing climate finance to ocean-based solutions, prioritizing transdisciplinary ocean research for transformative climate mitigation and adaptation through the UNFCCC financial mechanisms

The SBSTA session in June 2022 should address where and how UNFCCC bodies and work programmes which include ocean-based action in their work can systematically include the ocean in climate finance initiatives. They need to take into account that ocean research, particularly deep-sea research, is very expensive and tends to marginalise researchers in the Global South, as well as side-line the needs of the most vulnerable human rights holders. In addition, they need to take into account good practices in transdisciplinary ocean research as a priority for climate finance that can effectively support respectful integration of indigenous and local knowledge, as well as more inclusive and sustainable ocean-based solutions.

3. Fostering a human-rights based approach for nature-based solutions to climate change adaptation and mitigation

⁵³ Elisa Morgera (Director of the One Ocean Hub) presentation at the One Ocean Hub led a roundtable on 'Children and young people' human rights to a healthy ocean: their importance for climate change adaptation & mitigation' for the Virtual Ocean Pavilion on 12th of November 2021, <https://www.youtube.com/watch?v=TVoF8hmSpEE&t=2608s>

There is a need for nature-based solutions to climate change adaptation and mitigation to respect international human rights and contribute to their full realisation. A key theme of discussion should address how SBSTA and other UNFCCC bodies can support meaningful engagement with communities that are most dependent on the ocean but are often marginalised from decision making process in co-designing and co-delivering adaptation and mitigation measures. These communities for instance include small-scale fishers, women, youth and children, local communities, and indigenous peoples.

4. Protecting children’s human rights at the climate-ocean nexus

Although the ocean plays a central role in the protection of children’s human rights, including to address actual and potential impacts of climate change, the importance of the ocean in full realisation of children’s rights has been overlooked. The SBSTA should discuss how to protect children’s human rights, and implement children’s right to participate, in decisions on climate change and on the ocean-climate nexus under the UNFCCC and the Paris Agreement.

See also the Hub’s previous written submission that contain elaboration on ocean, climate change and human rights nexus listed below:

Written evidence on “Biodiversity and Ecosystems,” UK House of Commons Environmental Audit Committee, December 2020, Professor Elisa Morgera, Dr Sian Rees and Dr Senia Febrica [here](#)

Written Evidence to the UK Parliament International Development Committee: Climate Change and Development March 2021, Dr Senia Febrica, Professor Elisa Morgera and Dr Bernadette Snow [here](#)

Written Evidence to the UK Parliament International Relations and Defence Committee on UNCLOS: Fit for Purpose in the 21st Century? December 2021 co-author with Professor Elisa Morgera, Mara Ntona, Mitchell Lennan and Dr Senia Febrica [here](#).

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