

**Multi-year Expert Meeting on Transport, Trade
Logistics and Trade Facilitation
11th Session**

Maritime Transport in Times of Polycrisis

23-24 October 2024, Geneva

**Building sustainable and resilient transport
and logistics:
UNCTAD's Role – Policy and Legislation Section**

Presentation By

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UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

**UNCTAD Multiyear Expert Meeting on Transport, Trade
Logistics and Trade Facilitation, Geneva, 23-24 October 2024**

Building sustainable and resilient transport and logistics:

UNCTAD's Role – Policy and Legislation Section

24 October 2024

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➤ Sustainable (economically, environmentally, socially) and resilient transport & trade logistics

Requires measures to

- minimize disruptions, delay and related economic losses; consider effects of fuel price volatility on shipping
- reduce pollution and GHG emissions
- protect seafarers, combat piracy and fraudulent practices, strengthen safety and security of transport and supply-chains
- adapt critical transport infrastructure and operations to impacts of climate change

International policy and legal instruments are critical in this context (see e.g. UNCTAD, [2020](#))

- **Policies** - establish common objectives, priorities, and commitments; guide the allocation/use of resources and institutional frameworks
- **Legal frameworks** - facilitate cross-border trade and advance implementation of common objectives; create a level playing field; accountability; reduce transaction costs

Bridgetown Covenant (127 n): ...*'enhance support to the development and the implementation of appropriate legal and regulatory frameworks that reduce trade transaction costs'*

Thematic areas of focus (based on mandate, demand, and expertise)

International maritime and transport law – broad range of issues

Climate change and maritime transport – emphasis on adaptation, trade and sustainable development implications

Work aims at synergy

- **Research and analysis** – Studies/reports; peer-reviewed research; policy briefs; contribution to major UN reports; dedicated chapter in UNCTAD Review of Maritime Transport
- **Consensus-building** – intergovernmental work; formal and informal meetings
- **Advice and assistance** – implementation and negotiation of international legal instruments
- **Technical cooperation/capacity-building projects**

Extensive **cooperation and collaboration** (UN-Oceans, UN-DRR, IMO, UNCITRAL, UNEP, WMO, UNFCCC, MP Global Climate Action, UN regional commissions, regional and industry partners, scientific researchers)

Some examples of work on issues causing supply chain disruptions and delay



COVID 19: addressing the implications of the pandemic for seafarers and for commercial contracts

Seafarers and humanitarian crew change crisis

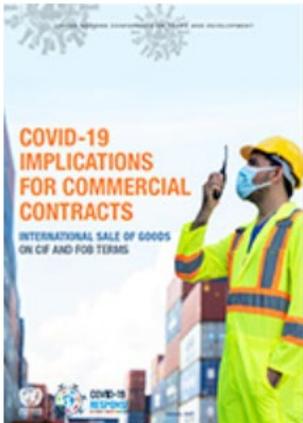
- [Facilitating crew changes and repatriation of seafarers during the COVID-19 pandemic and beyond, 2021](#)
- [Special Chapter - RMT 2021](#) in response to GA request
- [UNCTAD Policy Brief: Strengthening international response and cooperation to address the seafarer crisis and keep global supply chains open, 2021](#)
- [WHO sector-specific guidance for the management of COVID-19 on board cargo ships and fishing vessels, 2021](#)
- ILO/IMO/UNCTAD/WHO, [Joint Statement](#): Collaboration to address crew change crisis, safeguard seafarer health & safety, avoid supply-chain disruptions, 2022
- Ad hoc UN inter-agency Task Force on the impact of COVID-19 on seafarers, 2022



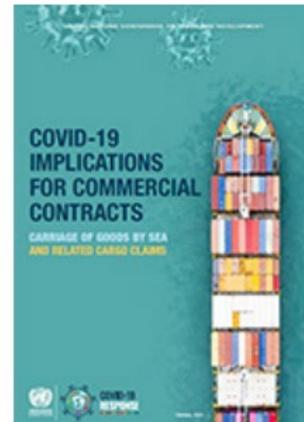
COVID-19: key international commercial law implications

analytical reports, training, capacity-building - UNDA project component

- Understanding and addressing commercial law implications of COVID 19 and response measures to reduce economic losses, costly legal disputes, and keep trade flowing



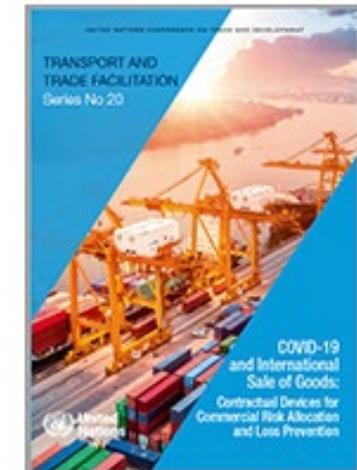
COVID-19 implications for commercial contracts: International sale of goods on CIF and FOB terms



COVID-19 implications for commercial contracts: Carriage of goods by sea and related cargo claims



Contracts for the carriage of goods by sea and multimodal transport



COVID-19 and International Sale of Goods: Contractual devices for commercial risk allocation and loss prevention

- Training courses: 'Implications of the COVID-19 pandemic for International Sale of Goods and Carriage of Goods by Sea'

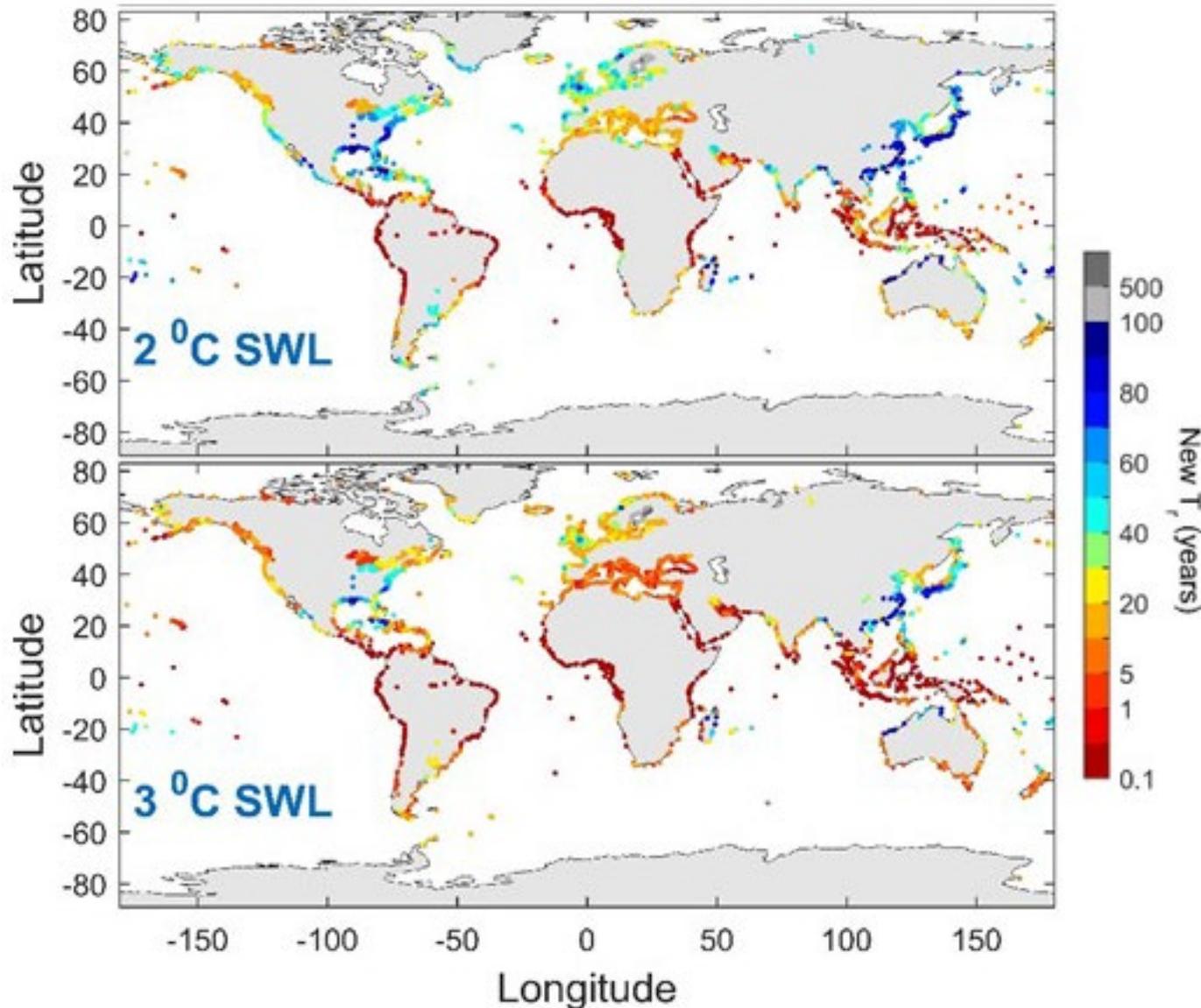


Climate change impacts and adaptation for maritime transport - related work by UNCTAD

2009	UNCTAD Multiyear Expert Meeting: “Maritime Transport and the Climate Change Challenge”
2010 Follow-up	Joint UNECE-UNCTAD Workshop: “Climate change impacts and adaptation for international transport networks” UNECE Group of Experts on Climate Change Impacts and Adaptation for International Transport Networks 2013 EG Report - Climate Change Impacts and Adaptation for International Transport Networks 2020 EG Report - Climate Change Impacts and Adaptation for International Transport Networks
2011 Follow-up	UNCTAD Ad Hoc Expert Meeting: “Climate Change Impacts and Adaptation: a Challenge for Global Ports” Becker et. al, A note on climate change adaptation for seaports, Climatic Change, 2013
2012 2014	UNCTAD ed. multidisciplinary book: Maritime Transport and the Climate Change Challenge UN-Earthscan, 327p. (2012) UNCTAD Ad Hoc Expert Meeting: “Addressing the Transport & Trade Logistics Challenges of SIDS: Samoa Conference and Beyond” UNCTAD Multiyear Expert Meeting: “Small Island Developing States: Transport and Trade Logistics Challenges
2017-18	UNCTAD Port-Industry Survey on Climate Change Impacts and Adaptation
2015-2017 2018	UNCTAD DA Project - SIDSport-ClimateAdapt.unctad.org “Climate change impacts on coastal transport infrastructure in the Caribbean: Enhancing the adaptive capacity of Small Island Developing States (SIDS)” Monioudi et. al, Climate change impacts on critical international transportation assets of Caribbean SIDS: the case of Jamaica and Saint Lucia, Reg Environ Change 2018: 2211
2019-2020 2021-2022 2023-2024	UNCTAD Ad Hoc Expert Meeting: “Climate Change Adaptation for International Transport: Preparing for the Future” UNCTAD – UNEP “Climate-resilient transport infrastructure for sustainable trade, tourism and development in SIDS” Climate Change Impacts and Adaptation for Coastal Transport Infrastructure: A Compilation of Policies and Practices UNCTAD Multiyear Expert Meeting: “Climate Change Adaptation for Seaports in Support of the 2030 Agenda” Climate change impacts on seaports: a growing threat to sustainable trade and development (2021) Climate-resilience of seaports: Adequate finance is critical for developing countries but remains a major challenge (2022) UNDRR GAR 2023 Special Report – Resilience Deficit 10 AIG podcast: Rising Sea Levels - the impact on port infrastructure, shipping and trade (2024) CC Adaptation, Resilience-Building and DRR for Ports at the UNCTAD Global Supply Chain Forum (2024) Asariotis et al., Climate change and seaports: hazards, impacts and policies and legislation for adaptation, Anthropocene Coasts (2024) UNCTAD Review of Maritime Transport 2024, Chapter 5



Global ports are exposed to growing climate hazards - Extreme sea levels (ESL)



Projections indicate

- all global ports affected, with effects worsening with increasing global warming
- At 2 °C (2050s), many South American, African, Gulf, SE Asian and Pacific ports will face the baseline 1-in-100 years extreme sea level (ESL 100) as often as every 1-10 years
- At 3 °C SWL (2100?), many global ports will face the baseline 1-in-100 years ESL, several times per year

Projected changes in the return period of the baseline (mean of 1986-2014) 1-in-100 years ESL under CV & C for about 3700 global ports. Key: SWL (Specific Warming Level) in °C above pre-industrial times. T_r (years) return period. Seaport location from [World Port Index 2019](#). ESL_{100} projections for the global coastline from [EC-JRC data collection](#) (see also [Vousdoukas et al. \(2018\)](#)). See [Asariotis \(2021\)](#)



Climate change impacts & adaptation for coastal transport infrastructure in the Caribbean: Enhancing the adaptive capacity of SIDS - UNDA project



- National Case Studies: Jamaica and Saint Lucia
- Climate Risk and Vulnerability Assessment Framework for Caribbean Costal Transport Infrastructure
- National and regional capacity building workshops
- Assessment of operational disruptions and coastal flood risk for 8 Ports & Airports in Jamaica and Saint Lucia, under different climatic scenarios - validated by scientific peer-review (*Monioudi et.al, 2018*)
- *In Saint Lucia all seaports/airports at high risk, under all scenarios, from as early as 2030s*

Operational thresholds method

The operational thresholds that were identified concern:

- Tropical ability to reach values which depends on the local water in the basin of origin and its evaporation
- Tidal range length requirement of aircraft, affected by temperature
- Energy cost under increasing temperature

The Caribbean Climate Change Change Centre (CCCC) has been created to provide climate data for the SIDS. The CCCC will also be the main data source for the SIDS. The CCCC will also be the main data source for the SIDS.

Coastal flooding

Coastal flooding (CF) is defined as the area that is inundated by the sea at low tide. The area that is inundated by the sea at low tide is the area that is inundated by the sea at low tide. The area that is inundated by the sea at low tide is the area that is inundated by the sea at low tide.

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Climate Change Impacts on Coastal Transport Infrastructure in the Caribbean
Enhancing the Adaptive Capacity of Small Island Developing States (SIDS)

Climate Risk and Vulnerability Assessment Framework for Caribbean Coastal Transport Infrastructure

SIDSport-ClimateAdapt

Climate change impacts on coastal transport infrastructure in the Caribbean: enhancing the adaptive capacity of SIDS

Regional Environmental Change
<https://doi.org/10.1007/s10113-018-1360-4>

ORIGINAL ARTICLE



Climate change impacts on critical international transportation assets of Caribbean Small Island Developing States (SIDS): the case of Jamaica and Saint Lucia

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Commercial law implications of weather- and climate-related risks

Increasing climate and weather-related risks and impacts may lead to

- **delay and operational disruptions**, increase in **cargo loss/damage**, heightened risks for **deck cargo**
- **particular challenges for safety of berthing, loading and discharge operations**
- **increased risks of maritime accidents, GA incidents, pollution, groundings and bunker oil spills**

Implications for contractual performance, obligations, liability – costly disputes/litigation

- **Risk of climate-related damage, disruption and delay to port/shipping operations and implications for contractual obligations need to be fully understood and addressed, to minimize losses and help inform commercial contracting practice into the future ([UNCTAD RMT 2024](#))**
- **To avoid costly litigation, commercial parties should review their contracts and consider specialist clauses to provide for commercially sensible & balanced commercial risk allocation**

Commercial parties, law and contracts also need to adapt

Reducing risks and associated losses a matter of common interest for all stakeholders

Policy and Legislation: some examples of our work in 2023-2024



- [RMT 2024](#): Analysis of commercial law implications of weather- and climate-related risks; fraudulent ship registration
- [IMO LEG Study Group Report \(UNCTAD, WMU, IMLI\)](#)
Fraudulent registration and fraudulent registries of ships
- [Sessions at 2024 UNCTAD Global Supply Chain Forum](#)

Contributions to

- [UNCTAD: Energy Transition of Fishing Fleets \(with DITC\) 2024](#)
- [UNCTAD SDG Pulse 2024: Transport Resilience & Sustainability](#)
- [UNCTAD SIDS Strategy](#)
- [UNFCCC Workshop on Global Goal on Adaptation 2023](#)
- [2023 UNDRR GAR Special Report: Mapping Resilience for SDGs](#)
- [UN Global Compact – Practical Guidance for Ports](#)
- [Tides of Change - A Framework for Developing Just and Inclusive Green Shipping Corridors](#) – both launched at COP 28
- [UN SG Reports on Oceans and the Law of the Sea](#)
- [2025 UN Ocean Conference preparations](#)

Thank you

