

We are the Ocean and the Ocean is us - Establishing a new ethical relationship between humankind and the ocean

Principles underpinning Ocean Rights

This document is intended to serve as a background text for discussions and decisions concerning the recognition of the inherent rights of the Ocean in the UN and other international fora; to springboard action towards a Universal Declaration of Ocean Rights.

The long term goal is the adoption of a Universal Declaration of Ocean Rights by the United Nations by 2030. The short term ambition is to pinpoint the need for a developed ethical framework for the relationship between humankind and the Ocean, based on a respect for the Ocean's inherent right to health, restoration and the acknowledgement of being fundamental to all life on the planet.

It has been developed based on the inputs from over 150 high-level international experts gathered through a series of eight innovation workshops in the "Genova Process" since March 2022. This document outlines a number of principles underpinning the framework of Ocean Rights and aims to provide a solid foundation for the recognition of the inherent rights of the Ocean. The document is a live document, and will serve as a platform for discussions, why there are a number of brackets included in the text.

We are the Ocean and the Ocean is us.

[1] The Ocean, comprised of all [its] physical systems, habitats, species and constituting elements, is the largest ecosystem on the planet and generates oxygen, sequesters carbon dioxide, regulates climate, and is the primary source of food and jobs for millions of people. In order to understand the Ocean and to ensure effective protection, it is essential to see the Ocean as one dynamic, fluid and interconnected system, comprising all seas, internal waters, territorial seas, exclusive economic zones, the High Seas, continental shelves and the sea bed and subsoil, with constant exchange between land-based and atmospheric systems.

[2] All life on Earth, including humanity and its existence, depend on the Ocean. All life and Earth's supporting [systems/cycles] depend on the maintenance of, and is inextricably linked with, the health, integrity and functioning of the Ocean. Humankind is one species within the larger web of life, and there exists an undeniable relationship between the health of the Ocean and the realization [full and effective enjoyment] of human rights, such as the right to life, liberty and security of person, adequate standard of living and food, nationality and property, health and a healthy environment, and culture and cultural life, amongst others. Thus, the Ocean is not only a resource, but the foundation to all life and human wellbeing.

[3] The Ocean is a living entity with inherent rights including to [exist, to biodiversity, to the preservation of functionality of vital cycles, to regenerate, to a healthy environment (clean air and water), representation and to be restored..., amongst others..] The Ocean is our ancestor, kin, and is alive with history, ever-evolving, a place of cultural and spiritual value, with authority, life force, identity and [intrinsic/inherent] value. The Ocean is worthy of protection regardless of any external, instrumental or relational experience or evaluation assigned by humankind. The Ocean is the common origin of all life past, present and future, and therefore our shared responsibility. We are all Ocean [citizens/guardians/stewards] and have the right and responsibility to ensure the Ocean's interests and needs are represented in decisions and disputes affecting [its] health, including through the creation and enforcement of a network of marine protected areas that are well-connected, ecologically representative and effectively managed.

[4] In order to achieve SDG 14, and maintain the quality of life that the Ocean has provided to humankind, while sustaining the integrity of marine ecosystems, a change is required in how humans view, [manage] and use the Ocean and seas, which requires a collective effort by all [governments/States], taking into account their common but differentiated responsibilities, and specific national and regional development priorities, objectives and circumstances.¹ Despite the progress made to protect and restore Ocean health, marine biodiversity has declined by

¹ Sustainable Development Knowledge Platform, United Nations, available at: <https://sustainabledevelopment.un.org/topics/oceanandseas>, para. 6.

over fifty percent in the past half century due to impacts from overfishing, pollution, habitat destruction and climate change. Many international, regional and local instruments, frameworks and bodies relate to Ocean governance, including the United Nations Convention on the Law of the Sea, which sets out the legal framework within which all activities in the Ocean and seas must be carried out, and sets out obligations for its Parties, inter alia, to protect the marine environment, amongst other fundamental purposes. At no time in human history has it been of more paramount importance to ensure we act on the responsibility of all humankind to protect and preserve our source of life, ensure wise use of the Ocean, and strengthen and effectively enforce the obligations set out in the UNCLOS, UNFCCC, CBD and other instruments, frameworks and bodies.

[5] There exists a diverse multitude of relationships, understandings and knowledge with the Ocean that are of paramount importance to ensure a harmonious relationship between all of humankind and the Ocean. For example, many Indigenous Peoples and Oceanic/coastal communities traditional knowledge, worldviews, values, cultures, and practices are based on a kinship-based relationship with the Ocean, as a basis of their identity and wellbeing, and play an important role as [custodians/stewards/guardians of biodiversity], partners and leaders in the conservation and use of the Ocean. We must ensure the full protection and respect of the rights and cultures of Indigenous [coastal and marginalized] communities. We are inspired by their relationship with the Ocean and must [seek to] respect and protect the multitude of values, worldviews, livelihoods and practices surrounding the human-Ocean relationship and in that respect, the inherent rights of the Ocean.

[6] We [shall] collectively aspire to achieve a 'healthy Ocean' where the definition of healthy is informed by the best available data, information, knowledge and science, and defined by the Ocean's own wellbeing and natural state, rather than solely by human utility, and seek to achieve an equilibrium between economic growth, care for the Ocean and social wellbeing. We [shall] ensure the respect and preservation of the rights, knowledge, innovations, worldviews, values and practices of Indigenous peoples and [coastal and] local communities, with their free, prior and informed consent, including through their full and effective participation in decision-making, in accordance with relevant national legislation and international instruments. Thus, we [shall] seek to increase and strengthen the equitable and fair sharing of information related to understandings of the Ocean, and empower all peoples and communities, especially children, youth, persons with disabilities, and marginalized groups, with relevant knowledge and skills to contribute to the wise use of the Ocean, including through access to justice and participation in decision making processes.

[7] The ocean is a complex interconnection of systems and processes. The absence of concrete information should not prevent protective and restorative action, especially when activities may lead to the extinction of species, the destruction of ecosystems and the

permanent alteration of natural and physical cycles. In case of uncertain or contrasting impact assessment for any anthropogenic activity concerning the Ocean, the principle “in dubio, in favorem Oceani” or “when in doubt err on the side of the Ocean” [must be] applied as a precautionary principle or approach, as appropriate.

[8] Over 200 laws and policies in nearly 40 countries have recognized that Nature has inherent rights, and that human society has the responsibility to protect and steward Nature in a manner consistent with our interconnected relationship [can add more on the examples and where if helpful]. Over ten UN General Assembly Resolutions on “Harmony with Nature” (2009-2022) call for “holistic approaches to sustainable development that will guide humanity to live in harmony with Nature,” such as Rights of Nature; The International Union for the Conservation of Nature committed to include Rights of Nature as a “fundamental and absolute key element in all IUCN decisions” and to work towards a Universal Declaration, through the adoption of Resolution 100 in 2012; and The Convention on Biological Diversity Kunming-Montreal Global Biodiversity Framework recognizes that “diverse value systems and concepts, including for those countries that recognize them, the Rights of Nature and rights of Mother Earth, as being an integral part of its successful implementation” and calls on enhancing Mother Earth Centric Actions in Target 19. Thus Rights of Nature is a mechanism to not only achieve 30x30, but beyond for comprehensive and whole Ocean protection.

[9] In the Ocean policy seascape, this ecocentric framework seeks to: recognize the inherent rights of marine ecosystems and species and the human responsibility to respect those rights; create an ethical, relational and value-based norm and shared vision guiding Ocean governance; give the Ocean a voice and representation within a multinational governance system; and [balance/integrate] the protection, preservation and restoration of marine ecosystems with socioeconomic interests in order to support and maintain an ecologically sustainable human-Ocean relationship --- what is becoming known as Ocean Rights.

[10] The inclusion and respect for diverse values, knowledge and practices, including Ocean Rights, can advance equity, justice and sustainability in the blue and green economy while preserving the health of the Ocean and health of people and planet. Rather than the Ocean, the economy and humankind functioning separately, Ocean Rights recognizes that all are interdependent and exist within each other, moving us towards a [balanced/integrated] relationship, where an oscillation between interests supports the wellbeing of the whole where the conservation, enhancement and restoration of the Ocean is [prioritized/ensured/reinforced], increasing ecological integrity and long-term resilience.

[11] Indirect drivers of policy, including values and norms, are just as important leverage points to address systemic issues, such as the climate crisis, as direct drivers, such as exploitation. Shifting societal values of the Ocean towards recognizing the Ocean as a complex living being,

and our source of life with intrinsic value can help prevent overexploitation and irreversible harm. Therefore, a universal ethical and values-based [norm/approach?] can inform and provide consistency and coordination to the implementation of our obligations [, as set out in relevant Conventions, / under the existing legal regime] , and provide an effective and efficient pathway for States to implement their respective commitments and restore harmony with the Ocean, and the Earth as a whole.