



22 May 2017

President Thomson, UN General Assembly
UN Headquarters
405 East 42nd Street
New York, NY, 10017

RE: Incorporation of the Inherent Rights of the Ocean into the Ocean Conference 2017 "Call for Action"

Dear H.E. Mr. Peter Thomson, H.E. Mr. Alvaro Mendonça Moura, H.E. Mr. Burhan Gafoor and H.E. Mr. Wu Hongbo:

I write on behalf of Earth Law Center and the undersigned organizations¹ to advise you of our proposed recommendations for inclusion into the Ocean Conference "Call for Action."

The lack of a coherent and shared vision of what a healthy ocean looks like, and what our associated relationship with it should be, is an underlying root cause of humanity's failure to implement effective measures to safeguard the health of the ocean. Our vision must reflect the ocean's inherent rights to health for its own sake, and must be grounded in values of connection, stewardship and respect for the ocean's well-being, rather than primarily from the context of the ocean's utility to humans.

Rights of nature, and in this case, the rights of the ocean, is critical in advancing Sustainable Development Goal 14. By adopting a holistic and rights-based approach to ocean governance that favors the ocean and biodiversity, we can better ensure our ocean is healthy and thriving now and for future generations.

The following recommendations are requested for inclusion into the Ocean Conference's "Call to Action:"

- We recognize that the conservation and sustainable use of the ocean requires holistic and ocean rights-based governance, grounded in values of connection, stewardship and respect for the ocean's well-being, rather than primarily from the context of the ocean's utility to humans.
- Commitment to the following action:
 - Promote and adopt holistic and rights-based governance of the ocean, including incorporating the inherent rights of the ocean into law and policy. These rights include, but are not limited to: the right to life, the right to health, the right to be free of pollution and the right to continue its vital cycles.²

Thank you in advance for consideration of these recommendations.

Sincerely,

Michelle Bender
Ocean Rights Manager, Earth Law Center, mbender@earthlaw.org

¹ Organizations include: organizations that are in consultative status with ECOSOC, specially accredited organizations to the Ocean Conference, and other UN registered groups and NGO's

² Universal Declaration of the Rights of Mother Earth, 2010, available at:
<http://www.rightsofmotherearth.com/declaration-of-the-rights-of-mother-earth>



Incorporation of the Inherent Rights of the Ocean into the Ocean Conference 2017 “Call for Action”

The undersigned organizations and our members and supporters worldwide:

NOTING that the ocean covers over seventy percent of our planet, generates over fifty percent of the oxygen, regulates climate, and provides food and jobs for millions of people.

ALSO NOTING that over-fishing, pollution and habitat destruction has led to a global decline in marine biodiversity of 49%, roughly half of what it was 50 years ago;³

NOTING that the ocean is the “source of life,”⁴ and “marine biodiversity is vitally important for human well-being as it underpins a wide range of ecosystem services on which life depends;”⁵

NOTING that continuing ocean degradation and associated expansion of management challenges together urge heightened regulatory and stewardship initiatives towards achieving ocean health;

FINDING that the lack of a coherent and shared vision of what a healthy ocean looks like, and what our associated relationship with it should be, is an underlying root cause of humanity's failure to implement effective measures to safeguard the health of the ocean.

FINDING that a shared vision of a healthy ocean must reflect the oceans inherent rights to health for its own sake, and must be grounded in values of connection, stewardship and respect for the ocean’s well-being, rather than primarily from the context of the ocean’s utility to humans;⁶

ALSO FINDING that the governance of ocean resources should be guided by principles of sustainability, ecosystem health, precaution, and recognition of the interconnectedness between land and ocean;⁷

RECALLING that the International Union for the Conservation of Nature (IUCN) committed to take action to implement nature’s inherent rights, including the pursuit of “protected area governance systems that achieve the effective and equitable governance of natural resources are recognized (as best practices/ pilot testing), supported and promoted, while respecting the rights of nature”⁸ to achieve SDG 14;

RECALLING that UN Resolution 71/232 (“Harmony with Nature,”) “[c]alls for holistic and integrated approaches to sustainable development, in its three dimensions, that will guide humanity to live in harmony with nature and lead efforts to restore the health and integrity of the Earth’s ecosystems;”⁹

³ Living Planet Index, Living Blue Planet Report, available at:

http://www.livingplanetindex.org/projects?main_page_project=BluePlanetReport&home_flag=1.

⁴ Division for Ocean Affairs and the Law of the Sea, “The oceans are the very foundation of human life,” Office of Legal Affairs, United Nations, 2011, available at: http://www.un.org/depts/los/oceans_foundation.htm

⁵ Division for Ocean Affairs and the Law of the Sea, “Marine biological diversity beyond areas of national jurisdiction,” Oceans & Law of the Sea, United Nations, 2012, available at:

http://www.un.org/Depts/los/biodiversityworkinggroup/marine_biodiversity.htm

⁶ Earth Law Center, A Vision for Ocean Health in California, March 2016, available at: bit.ly/ELCOcHeR

⁷ California Ocean Protection Act, Pub. Res. Code § 35505(c)

⁸ IUCN Programme 2017-2020 : approved by the IUCN World Conservation Congress, September 2016, Target 15, Pg. 35, available at: <http://bit.ly/2kkHWCo>

⁹ Available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/71/232



ALSO RECALLING that the experts' summary report of the first virtual dialogue of the General Assembly on Harmony with Nature¹⁰ recommends that all parties

- “[d]evelop a new, integrate legal perspective and policy framework around rights of nature;”
- “[a]dopt a United Nations resolution endorsing the importance of exploring the potential of Earth Jurisprudence as a framework for developing international, national and local governance systems that will enable human communities to live in Harmony with Nature;” and
- “[w]ork to develop standards for implementation of the rights of Nature for all countries, for example, on the definition of the “health” of an ecosystem or species.”

ACKNOWLEDGING that governments around the world have already begun incorporating nature’s rights into their legal systems¹¹ and over 845,000 people from 122 Countries support UN recognition and adoption of the Universal Declaration on the Rights of Mother Earth;¹²

NOTING that some countries recognize the rights of nature in the context of the promotion of sustainable development;¹³

RECOGNIZING that adopting the inherent rights of the ocean in law and policy will encourage a more holistic approach to ocean governance, the consideration of the impacts of our actions on both current and future generations of systems and people, and more protective and restorative activities, thus maintaining healthy and thriving ocean ecosystems.

OBSERVING that recognition of the inherent rights of the ocean include, but are not limited to, the right to life, the right to health, the right to be free of pollution and the right to continue its vital cycles.¹⁴

AND NOTING that recognition of the inherent rights of the ocean will advance SDG Goal 14, including targets 14.1, 14.2, 14.2.1, 14.4, 14.5 and 14.C;

1. URGES the Ocean Conference to adopt a “Call for Action” that includes a commitment to recognize and protect the inherent rights of the ocean;
2. URGES UN Oceans to incorporate the rights of the ocean into international treaty law to safeguard biodiversity, including the Marine Biodiversity Treaty for the High Seas and Beyond; and
3. RECOMMENDS the Ocean Conference members and stakeholders adopt a rights-based approach to ocean governance, including the development and management of marine protected areas.

¹⁰ Concept Note: Interactive Dialogue of the General Assembly on Harmony with Nature in Commemoration of International Mother Earth Day; Theme: Earth Jurisprudence, UN HQ New York, April 2017, Trusteeship Council, available at: <http://harmonywithnatureun.org/content/documents/438HwN.ConceptNote.2017.pdf>

¹¹ Ecuador, Bolivia, New Zealand, India, Colombia, Mexico City, United States; see more at bit.ly/ELCIL

¹² Universal Declaration of the Rights of Mother Earth, 2010, available at: www.therightsofnature.org and <http://www.rightsofmotherearth.com/declaration-of-the-rights-of-mother-earth>

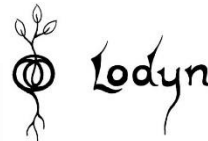
¹³ Available at: bit.ly/UNHwN

¹⁴ Universal Declaration of the Rights of Mother Earth, 2010, available at: <http://www.rightsofmotherearth.com/declaration-of-the-rights-of-mother-earth>



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CARRE GEO & ENVIRONNEMENT





Signatories include (list still open):

Earth Law Center, USA, mbender@earthlaw.org
Advocates for Natural resources and Development, Uganda
African Development Assistance Consult (ADAC), Democratic Republic of Congo
Alternative Policies for the Southern Cone of Latin America (PACSIstitute), Brasil
Amis de l'Afrique Francophone-Bénin (AMAF-BENIN), Benin
Apostolic Ministerial International Network, Ghana
Association for the Promotion of Sustainable Development, India
Association YOUTHLEAD, Togo
Australian Earth Laws Alliance, Australia
BCARE - UN Partnership for SDGs, USA (International)
Carre Geo & Environment, Cameroon
Center for Earth Jurisprudence, USA
Center for Environmental Policy and Advocacy (CEPA), Malawi
Center for Humans and Nature, USA
Centre for Peace and Development, Pakistan
Climate Change Network, Nigeria
Coherence Lab, USA
Community & Family Aid Foundation, Ghana
Council of Canadians, Canada
Derechos de la Madre Tierra-Mexico, Mexico
Ecobirth, USA
End Ecocide, Sweden
Forum Mudancas Climaticas e Justica Social, Brasil
Foundation for a Sustainable Future, USA
Fundación Ambiente y Recursos Naturales (FARN), Argentina
Gaia Foundation, UK
Global Alliance for the Rights of Nature, International
Great Whale Conservancy, USA
Health of Mother Earth Foundation (HOMEF), Nigeria
Indigenous Environmental Network, USA
Instituto de Conservacion de Ballenas, Argentina
Lodyn, Sweden
Mission Blue, USA
Move to Amend, USA
Movement Rights, USA
National Association Of Professional Environmentalists (NAPE), Uganda
OceanCare, Switzerland
One World Awake, USA
Organic Seed Growers and Trade Association, USA
Organización para la Conservación de Ceteaceos (OCC), Uruguay
Rights of Mother Earth Switzerland
Rights of Nature, Sweden
Rights of Nature, Scotland (International)
Sigaw ng Kabataan Coalition, Philippines



Service to the People and Welfare of the Nation (SPAWN), Philippines

Tenkile Conservation Alliance, Papua New Guinea

Terram Pacis, Norway

Women's Earth & Climate Action Network, USA

Yes to Life No to Mining, Colombia

UN Harmony with Nature Experts:

Colin D. Robertson, retired EU Lawyer/linguist, Luxembourg

Craig M. Kauffman, Assistant Professor of Political Science, University of Oregon, USA

Erin Moore, Associate Professor, Department of Agriculture and Environmental Studies, University of Oregon, USA