



## Adoption of Holistic and Rights-based Ocean Governance

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;<sup>1</sup>

NOTING that the ocean is the “source of life,”<sup>2</sup> and “marine biodiversity is vitally important for human well-being as it underpins a wide range of ecosystem services on which life depends;”<sup>3</sup>

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;<sup>4</sup>

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;<sup>5</sup>

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”<sup>6</sup> 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;”<sup>7</sup>

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<sup>1</sup> Living Planet Index, Living Blue Planet Report, at:

[http://www.livingplanetindex.org/projects?main\\_page\\_project=BluePlanetReport&home\\_flag=1](http://www.livingplanetindex.org/projects?main_page_project=BluePlanetReport&home_flag=1).

<sup>2</sup> 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, at: [http://www.un.org/depts/los/oceans\\_foundation.htm](http://www.un.org/depts/los/oceans_foundation.htm)

<sup>3</sup> 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, at:

[http://www.un.org/Depts/los/biodiversityworkinggroup/marine\\_biodiversity.htm](http://www.un.org/Depts/los/biodiversityworkinggroup/marine_biodiversity.htm)

<sup>4</sup> Earth Law Center, A Vision for Ocean Health in California, March 2016, at: <http://bit.ly/ELCOcHeR>.

<sup>5</sup> California Ocean Protection Act, Pub. Res. Code § 35505(c)

<sup>6</sup> IUCN Programme 2017-2020 : approved by the IUCN World Conservation Congress, September 2016, Target 15, Pg. 35, at: <http://bit.ly/2kkHWCo>

<sup>7</sup> Available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/71/232](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 Nature<sup>8</sup> 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.”

ALSO RECALLING that the United Nations World Charter for Nature acknowledges that “mankind is a part of nature” and that “living in harmony with nature gives man the best opportunities” for living well. Noting that “every life form ... warrant[s] respect regardless of its worth to man,” the charter declares, “Nature shall be respected and its essential processes shall not be impaired.” The Charter calls upon a moral code of conduct to guide human action in a way that treats other organisms with respect. Additionally, a primary function of the agreement is to recognize that man’s needs can only be met “by ensuring the proper functioning of natural systems.”<sup>9</sup>

FINDING that experts call upon a holistic and rights-based approach to ocean governance:

- the United Nations Sustainable Development Knowledge Platform for Oceans and Seas states “[h]uman well-being cannot be achieved without the protection and conservation of the Earth’s ecosystem. To maintain the quality of life that the oceans have provided to humankind, while sustaining the integrity of their ecosystems, a change will be required in how humans view, manage and use oceans, seas and marine resources.”<sup>10</sup>
- the IUCN’s 2017 Large Scale Marine Protected Areas Guidelines notes “[t]he key is for all players to commit to effective and equitable governance and management that seeks to conserve biodiversity in parallel with influencing, for the better, the economic, social and political drivers that affect ecosystem management, nature-based livelihoods, and the rights and responsibilities for nature (IUCN, 2012).”<sup>11</sup> It further requires that human activities are managed holistically and the use of “a holistic management model that seeks to understand the relationship between nature, culture and the human dimension.”<sup>12</sup>
- the National Oceanic and Atmospheric Association (NOAA) calls upon the recognition of ecological interconnectedness and complexity as crucial to managing marine ecosystems.<sup>13</sup> NOAA finds holism as essential to sustainable development.<sup>14</sup> In multiple reports, NOAA noted that a holistic approach is distinct from current approaches, and to achieve the needed holism, we

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<sup>8</sup> 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, at: <http://harmonywithnatureun.org/content/documents/438HwN.ConceptNote.2017.pdf>

<sup>9</sup> World Charter for Nature, U.N. Doc. A/37/51 (1982), at: <http://www.un.org/documents/ga/res/37/a37r007.htm>.

<sup>10</sup> Sustainable Development Knowledge Platform, United Nations, available at: <https://sustainabledevelopment.un.org/topics/oceanandseas>.

<sup>11</sup> Lewis, N., Day, J.C., Wilhelm, A., et. al, Large-Scale Marine Protected Areas: Guidelines for design and management. Best Practice Protected Area Guidelines Series, 2017, No. 26, Gland, Switzerland, p. 4, available at: <https://portals.iucn.org/library/node/46933>.

<sup>12</sup> *Id.* at 18.

<sup>13</sup> Charles W. Fowler, Andrea Belgrano, and Michele Casini, Holistic Fisheries Management: Combining Macroecology, Ecology, and Evolutionary Biology, Marine Fisheries Review (Scientific Publications Office, National Marine Fisheries Service, NOAA), 75 (1–2), 2013, p. 1, at: <http://aquaticcommons.org/14550/1/mfr751-21.pdf>.

<sup>14</sup> *Id.* at 2.

must reject and replace “many (but not all) of the processes upon which conventional management depends.”<sup>15</sup>

- the International Earth system expert workshop on ocean stresses and impacts concluded “[h]uman interactions with the ocean must change with the rapid adoption of a holistic approach to sustainable management of all activities that impinge marine ecosystems. This has to be part of a wider re-evaluation of the core values of human society and its relationship to the world and the resources on which we rely.”<sup>16</sup>
- the international Food and Agriculture Organization notes that marine protected areas must merge two converging paradigms —ecosystem management and fisheries management.<sup>17</sup> Sustainable development can be achieved if the two “converge towards a more holistic approach that balances both human well-being and ecological well-being.”<sup>18</sup>

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.<sup>19</sup>

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 United Nations to promote a shift to holistic and Earth-based management models;
2. URGES the United Nations 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 all governments and nongovernmental organizations, managers, practitioners and stakeholders adopt a holistic and rights-based management, including the development and management of marine protected areas using the ‘Earth Law Framework for Marine Protected Areas.’<sup>20</sup>

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<sup>15</sup> Fowler, C. W., R. D. Redekopp, V. Vissar, and J. Oppenheimer, Pattern-based control rules for fisheries management. U.S. Dep. Commer., NOAA Tech. Memo. NMFS-AFSC-268, 2014, p. 2, at: <https://www.afsc.noaa.gov/publications/afsc-tm/noaa-tm-afsc-268.pdf>.

<sup>16</sup> Rogers, A.D. & Laffoley, D.d’A. 2011. International Earth system expert workshop on ocean stresses and impacts. Summary report. IPSO Oxford, 18 pp.

<sup>17</sup> Fisheries Management-2. The Ecosystem Approach to Fisheries, Food and Agriculture Organization of the United Nations, 2003, at: <http://www.fao.org/3/a-y4470e.html>.

<sup>18</sup> *Id.*

<sup>19</sup> Universal Declaration of the Rights of Mother Earth, 2010, available at:

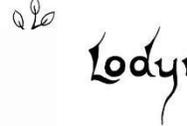
<http://www.rightsofmotherearth.com/declaration-of-the-rights-of-mother-earth>

<sup>20</sup> The Earth Law Framework for Marine Protected Areas, in its draft stage, serves as a guideline for adopting a holistic and rights-based approach to marine protected area governance, available at:

<https://static1.squarespace.com/static/55914fd1e4b01fb0b851a814/t/5a0c8a5bc83025fe16dae4d9/1510771293987/ELC+MPA+Framework+Sept+4+%282%29.pdf>.



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### **Signatories include (list still open):**

Earth Law Center, USA, [mbender@earthlaw.org](mailto: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 (PACSInstitute), Brazil

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

Augusto Carneiro Institute, Brazil

Australian Earth Laws Alliance, Australia

BCARE - UN Partnership for SDGs, USA (International)

Brazilian Humpback Whale Institute, Brazil

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

Divers for Sharks, Brazil

Earth Guardians, USA

Ecobirth, USA

End Ecocide, Sweden  
End Ecocide on Earth, France  
Forum Mudancas Climaticas e Justica Social, Brazil  
Foundation for a Sustainable Future, USA  
Foundation for Environmental Education, Denmark  
Fundación Ambiente y Recursos Naturales (FARN), Argentina  
Fundación Promar, Costa Rica  
Gaia Foundation, UK  
Global Alliance for the Rights of Nature, International  
Global Ghost Gear Initiative, International  
Global Ocean Refuge System, International  
Great Whale Conservancy, USA  
Health of Mother Earth Foundation (HOMEF), Nigeria  
Indigenous Environmental Network, USA  
Institute for Nature Conservation, Albania  
Instituto de Conservacion de Ballenas, Argentina  
International Legal Institute of Turin, Italy  
Legal-Informational Centre for NGOs, Slovenia  
Lodyn, Sweden  
Marine Conservation Institute, International  
Mission Blue, USA  
Move to Amend, USA  
Movement Rights, USA  
National Association of Professional Environmentalists (NAPE), Uganda  
Nature Tropicale ONG, Benin  
Nature's Rights, Scotland (International)  
OceanCare, Switzerland  
One World Awake, USA  
Organic Seed Growers and Trade Association, USA  
Organización para la Conservación de Cetáceos (OCC), Uruguay  
Philippine Earth Justice Center, Philippines  
Reef Life Restoration and Foundation, USA  
Rights of Mother Earth, Switzerland  
Rights of Nature, Sweden  
Sea Star Creations Ltd, New Zealand  
Shark Allies, USA  
Sigaw ng Kabataan Coalition, Philippines  
Service to the People and Welfare of the Nation (SPAWN), Philippines  
SOS Mata Atlantica Fondation, Brazil  
Tenkile Conservation Alliance, Papua New Guinea  
Terram Pacis, Norway  
Verdeluz, Brazil  
Women's Earth & Climate Action Network, USA  
World Ocean Observatory, USA  
Yes to Life No to Mining, Colombia

70 orgs.



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

Valérie Cabanes, End Ecocide on Earth, France