

Briefing Note:

Ocean Rights Consultation

I. Introduction

The Ocean Rights Consultation invites you to contribute to a global dialogue to define how the Ocean should be recognised, represented and protected in international law and governance. The consultation is intended to move beyond a predominantly legal or Rights of Nature expert dialogue. It seeks perspectives from across disciplines, sectors, cultures, regions and jurisdictions to identify the diverse relationships people and communities hold, what makes the Ocean worthy of protection, what responsibilities we owe to it, and how these can be translated into legal and governance frameworks. The goal is not simply to test a predetermined framework, but to build a shared foundation for ethical Ocean governance and Ocean Rights — one that recognises and protects the Ocean's intrinsic value and the interconnected human-Ocean relationship.

Background and Rationale

Momentum for the recognition of Rights of Nature and Ocean Rights is growing worldwide. Yet fundamental questions remain about what rights the Ocean holds, the values and principles underpinning them, and how they should be implemented in practice.

Previous dialogues led by Ocean Vision Legal (OVL) with States and other stakeholders highlighted the need for greater clarity and shared understanding before advancing an international framework. Lessons from previous international initiatives further underscore the importance of broad consultation and socialisation, rather than advancing a predetermined framework as 'universal'. The Ocean Rights Consultation therefore seeks to establish an inclusive, responsive, and legally pluralistic foundation, drawing upon diverse

worldviews to provide a credible starting point for legal development.

Governments and courts have recognised that Nature, and/or its components, can hold rights in over 40 States. Additionally, in 2025, OVL successfully drafted and negotiated IUCN Resolution 8.055 'Advancing an ethical human-ocean relationship', which amongst other operatives, urges IUCN Members and States to promote and adopt national laws that ensure the conservation of the intrinsic values of the Ocean, and engage in dialogue to promote ethical approaches to Ocean governance through existing and future international legal and voluntary frameworks.

As the post-2020 framework and SDG frameworks come to a close, the opportunity exists to innovate for the future of Ocean protection.

Process

1. Purpose

Shape the future of Ocean Governance. Contribute to a global dialogue to define how the Ocean should be recognised, represented and protected in international law and governance.

2. Global Consultation and Dialogue

Individuals, communities, organisations, institutions and States are invited to share perspectives through:

- **Online consultation form.** The primary form of participation; available in English, Spanish and French. The form includes 5 substantive questions.
- **Bi-laterals, dialogues, webinars and workshops.** Regional and thematic discussions facilitated by OVL, members of the Ocean Rights Collective and other partners. Those dates will be announced early January 2027. (Reach out to express interest in hosting or collaborating).
- **Written and creative submissions.** We welcome contributions through written responses, videos, artwork, research and other forms of knowledge sharing.

Consultation Deadline: 15th February 2027.

3. Research and expert review

OVL will synthesise consultation findings alongside legal and comparative research, and an interdisciplinary expert working group will then review the findings, and help translate them into practical recommendations.

4. Outcomes

The consultation will contribute to four principal outputs:

- I. An inclusive and movement-informed international framework for recognising and protecting the Ocean's intrinsic value;
- II. A recommendation to Panama regarding how the Ocean should be reflected in the initiative towards a UN Universal Declaration of the Rights of Nature;
- III. Recommendations for post-2030 Ocean governance priorities;
- IV. Model provisions and template language to guide domestic legislative reform.

5. Contact

Questions, and written and creative submissions can be submitted to larissa@oceanvisionlegal.com.

II. Consultation Guide

Who is the Ocean?

The Ocean is a vast, interconnected, living system that transcends national boundaries and encompasses diverse ecosystems, species, ecological processes, cultures, and relationships. It also exists within a complex and fragmented international governance landscape, involving hundreds of international bodies and arrangements.

International legal frameworks such as the United Nations Convention on the Law of the Sea conceptualise the Ocean primarily through jurisdictional framings and resource management. This framing overlooks its ecological interdependencies, intrinsic value and the diverse cultural and relational meanings it holds for communities worldwide. As a result, a significant gap exists between how law defines the Ocean (and therefore the scope of its protection) and the lived realities, relationships and knowledge systems. Bridging this gap is essential to advancing effective, equitable and enduring Ocean protection.

As Jacques Cousteau famously observed, we only protect what we love, and we only love what we understand.

Thus, the fundamental question the consultation asks is: Who is the Ocean? We want you to approach this question in a way that resonates with you. Other ways to approach this question include, but are not limited to: How would you define the Ocean?

What relationship do you hold with the Ocean? Share your Ocean story.

Goal of the question: To explore the diverse ways in which the Ocean is understood, defined, and experienced across cultures, communities, disciplines, and legal systems, recognising that how we understand and define the Ocean fundamentally shapes how we value, relate to, govern, and protect it. The question seeks to identify the ecological, scientific, cultural, spiritual, relational, economic and legal understandings that could inform more inclusive and effective approaches to Ocean protection, including how the Ocean and its ecosystems, species, and interconnected processes are recognised and represented in law and governance.

What makes the Ocean worthy of respect and protection?

Previous stakeholder dialogues highlighted the importance of embracing legal pluralism in developing an international framework for Ocean Rights, recognising that different cultures, legal traditions, and philosophical perspectives may arrive at a shared commitment to Ocean protection through different understandings of its value, interests, and our responsibilities toward it.

A useful precedent can be found in the development of the Universal Declaration of Human Rights, when UNESCO undertook a survey examining the diverse philosophical foundations of human rights. The UNESCO Committee recognised that the feasibility and effectiveness of a declaration depended not

only on the authority through which rights would be recognised and protected, but also on a shared understanding of the values underpinning them. Importantly, it acknowledged that common convictions could be grounded in different philosophical principles and political, cultural, and economic systems.¹

Drawing inspiration from this approach, the question seeks to explore the diverse understandings for what makes the Ocean worthy of respect and protection. *The aim is to identify the common principles, values, and convictions across different worldviews upon which a Universal Declaration of Ocean Rights, or similar, could rest.* By examining both areas of shared understanding and differences in their underlying justifications, the consultation seeks to establish a broadly supported, legally pluralistic foundation for a declaration, while anticipating potential differences in interpretation that could influence its formulation, acceptance, and implementation.

For example, philosophical foundations for human rights have emerged across a spectrum: from rights understood as the reciprocal of duties, to rights grounded in intrinsic value, to inherent rights derived from existence itself. Under one approach, rights arise from corresponding duties, whereby the duties owed to others imply their legal interests which are protected. Another perspective derives rights from intrinsic value or inherent worth, holding that an entity deserves respect and

protection for its own sake, independently of its usefulness to others. Others ground rights in existence, and therefore the fundamental interests and needs of an entity, recognising that certain conditions are essential to an entity's existence, wellbeing, and flourishing.

Relational perspectives, including those reflected in diverse Indigenous philosophies and customary traditions, may instead emphasise kinship, reciprocity, and responsibilities of care as the foundation of ethical relationships, without necessarily framing these relationships in terms of rights. While these approaches differ in how they justify rights and responsibilities, they may converge around shared principles of dignity, respect, justice, and protection, illustrating how common normative commitments can emerge from diverse philosophical foundations.

In the form, you will first answer this question in your own words and then indicate how far you agree with a short set of statements about the Ocean's value, its rights and our duties towards it, which allows us to compare perspectives across regions and disciplines while still allowing for an open-ended submission.

Do you feel that the concept of rights for the Ocean could be a meaningful mechanism for achieving Ocean protection?

Rights have been defined as a power, privilege, interest or entitlement held by (or owed to) an individual, group or entity.

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<https://www.degruyterbrill.com/document/doi/10.1515/9781503605350-007/html>

Rights tell us what, or who, the legal system protects. As a normative framework, rights are transversal meaning they impact all levels of society — legal, governance and economic systems. Rights are enforceable, meaning States must ensure rights are respected and protected, and violations are prevented, or they can be held liable. As a result, they are considered one of the strongest rules guiding human behavior and conduct.

As a subject of rights, the Ocean's interests, health and well-being must be considered in decision-making and disputes affecting its health. We consider rights as a lever; a mechanism to help transform how humanity relates to, values and governs the Ocean (i.e., an ethical human-Ocean relationship). However, rights do not create such a shift alone; they require institutional structures, governance models, and implementation and enforcement mechanisms to give them force and effect.

Personhood is “a building block of domestic and international law,” and is determinative in questions of sovereignty in international law.² However, with the exception of Human Rights (and the collective rights such as Indigenous Peoples and Rights of the Child), only States and intergovernmental organisations are currently recognised to have international legal personality. As a result, the Ocean's interests are not

considered, or balanced in international Ocean governance.

However, we acknowledge that rights are a Western legal construct, and Indigenous understandings of an interconnected and reciprocal relationship with the Ocean have existed since time immemorial. Thus, many communities embody and implement the underpinning of principles of Ocean Rights without the legal recognition.

In the form, you will be asked to answer on a scale from strongly agree to strongly disagree. We welcome every position along that scale, including scepticism, because understanding where and why the idea of rights does not resonate is as valuable to this consultation as understanding where it does.

Goal of the question: To understand how far the concept of rights for the Ocean is seen as a meaningful mechanism for its protection across regions, sectors, disciplines and worldviews.

If represented in a Universal Declaration of the Rights of Nature, how would you want the Ocean reflected?

In April 2026, Panama's Ministry of Environment and the forNature Foundation formalised a partnership to pursue a UN Universal Declaration of the Rights of Nature. In September 2026, Panama, Tonga, and Vanuatu launched the For Nature Coalition of States, creating a voluntary, State-led platform for dialogue and cooperation on

² Arnold, B.B. Signs of Invisibility: Nonrecognition of Natural Environments as Persons in International and Domestic Law. *Int J Semiot Law* 36, 457–475 (2023). <https://doi.org/10.1007/s11196-022-09920-7>.

Rights of Nature.³ The initiative is at an early stage, with the content and form of any future declaration still to be determined through consultation, engagement and negotiation. This creates an opportunity to consider how the Ocean should be reflected within an international universal framework from the outset.

The initiative towards a Universal Declaration of Ocean Rights, or similar, by 2030, was launched in 2022 to provide a shared moral baseline to address the fragmented and siloed approach stalling effective international Ocean governance and advance a more respectful, reciprocal, and responsible human-Ocean relationship.

Therefore, this question seeks to align and coordinate the different international initiatives for Rights of Nature and Ocean Rights. A central consideration is if a Universal Declaration of the Rights of Nature can effectively engage with global Ocean governance, or whether the Ocean's distinct ecological, cultural, and legal realities warrant more specific recognition (e.g., deserving explicit recognition within a declaration framed around Nature, or deserving its own declaration).

Universal Declarations, like those on Human Rights and the Rights of Indigenous Peoples, are non-binding normative frameworks that articulate common principles and standards for human conduct. They not only outline the rights that people and communities hold, but

the reciprocal duties that States and actors hold. These declarations guide the development of law, policy, and economic activity across jurisdictions and are enforceable. They require States to take active measures and create the necessary institutional structures to ensure human rights are respected, protected and fulfilled.⁴

The relationship between existing human rights declarations is notable: they exist on equal footing, but provide greater specificity to the rights and obligations that must be ensured and respected for specific groups of rights-holders, taking into account their distinct circumstances, needs, and vulnerabilities.

The Ocean would be included in efforts where Nature as a whole is recognised as a subject of rights. Therefore, efforts to recognise Nature as a rights-bearing entity internationally, would apply to all of its components, and the rights and obligations would apply to the Ocean. However, a Universal Declaration of Ocean Rights (UDOR) could standalone, helping to determine the obligations that arise in the marine environment with greater precision. Ecuador's Constitutional Court reveals a key discussion point: the rights of Nature must be understood in relation to the particular characteristics, functions, cycles, and needs of the ecosystems and species concerned: e.g., "the right to respect and conserve the areas of distribution and migratory routes, is a right that can only be protected in those

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<https://www.fornature.org/news/categories/press-release>

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<https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law>

species of animals with migratory behaviours.”⁵ Therefore, do you consider it important to continue to push for a UDOR, alongside the newly emerged initiatives?

What actions would you most like to see prioritised in the post-2030 international Ocean agenda to advance Ocean Rights and ethical Ocean governance?

As the Convention on biological diversity post-2020 framework and Sustainable Development Goal Agenda comes to a close, an important opportunity exists to rethink how we govern, protect, and relate to the Ocean in the post-2030 agenda. In the past decade, the reference to transformative change and living in harmony with nature has risen exponentially within international treaties, resolutions and dialogues.

But the question remains: what does transformative change mean and look like in practice?

Ocean Rights offers an opportunity to achieve a quantum leap in ambition, and to move from commitments, to their implementation and operationalisation. Importantly, advancing Ocean Rights does not necessarily require creating entirely new legal frameworks — the underpinning principles, and implementation and enforcement mechanisms, such as guardianship structures can also be advanced as a step towards full recognition.

Different ideas have emerged over the years exploring how an ethical relationship with the Ocean (and/or Ocean Rights) can be implemented. Some examples include:

- Establishing and implementing mechanisms to ensure the Ocean’s intrinsic value, rights and needs are represented in decision-making and disputes affecting its health, such as through a Council of Ocean Guardians;
- Coupling the precautionary principle with the principle of *in dubio pro natura (or in favorem Oceani)* to ensure the Ocean is protected in instances of doubt or uncertainty and moving away from principles such as maximum sustainable yield towards that of ecological sustainability;
- Defining what constitutes a healthy Ocean from the perspective of its own ecological needs;
- Exploring how the Ocean’s interests and ecological integrity could be better reflected in environmental impact assessments and marine protected and conserved areas;
- Ensuring the Ocean has legal standing and all peoples and communities have the right to hold actors accountable for harm to its ecosystems and species;
- Respecting and supporting Indigenous Peoples’ and local communities’ knowledge systems, customary laws, and relationships

⁵ Final Judgement No. 253-20-JH/22 “Estrellita Monkey” case, p.30, para. 99.

with the Ocean, including their leadership, rights, and responsibilities in Ocean governance; and

- Exploring how the intrinsic and living value of the Ocean can be reflected in economic and financial systems, including blue economy policies, investment, corporate governance, and measures of prosperity beyond GDP.

Thus, this question seeks to identify which pathways stakeholders believe should be prioritised in the post-2030 international Ocean agenda, helping inform practical recommendations for States, international institutions, and other actors to advance the recognition and implementation of Ocean Rights and ethical Ocean governance.

Additional Resources

The following articles may also be helpful reference points for background:

- www.oceanrights.com; [Resources](#)
- [Ocean Rights Communications & Advocacy Toolkit](#)
- [Rights of Nature: Perspectives for Global Ocean Stewardship](#)
- [How legal personhood and markets can partner to help save the whale](#)
- [Living in relationship with the Ocean to transform governance in the UN Ocean Decade](#)
- [The Arctic Ocean as Kin: Rethinking Law through Relational Care](#)
- [Reimagining Ocean Connections: Relationality and Care in Ocean Literacy](#)
- [The Rights of Nature as a Legal Response to the Global Environmental Crisis? A Critical Review of International Law's 'Greening' Agenda](#)
- [Human Rights & the Rights of Nature: Friends or Foes?](#)
- [Creating legal rights for rivers: lessons from Australia, New Zealand, and India](#)
- [Giving Effect to Article 192 UNCLOS: The Emerging Role of Ocean Rights](#)
- [Beyond GDP: Tenzin Seldon's Vision for an Economy That Regenerates Life](#)
- [Signs of Invisibility: Nonrecognition of Natural Environments as Persons in International and Domestic Law](#)