



“WE ARE THE OCEAN AND THE OCEAN IS US”

Establishing an ethical
relationship between humankind
and the Ocean



We are the Ocean and the Ocean is us.

[1] The Ocean sustains all life on the planet.

All life on Earth, including humanity, depends on the maintenance of, and is inextricably linked with, the health, integrity and functioning of the Ocean. We acknowledge the Ocean as one dynamic, fluid, and interconnected natural, biological and physical system, including 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. The Ocean, as the largest ecosystem on the planet, generates oxygen, sequesters carbon dioxide, regulates climate, is the primary source of food and jobs for millions of people, and sustains millions of species, marine and land-based alike.

[2] Humankind is dependent upon a healthy Ocean.

We affirm humankind is one species within Nature. There exists an undeniable relationship between the health of the Ocean and human existence, and thereby the full and effective enjoyment of human rights (present and future), 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, among others. Just as humans have inherent rights for existing, so does Nature. Human Rights are embedded within and dependent upon Nature and Nature's rights.

[3] Rights of Nature can be a catalyst for transforming the human-Ocean relationship.

We bring attention to over 200 laws and policies in nearly 40 countries that have recognized Nature has inherent rights, and that human society has the responsibility to protect and steward Nature in a manner consistent with our interconnected relationship, aligning human activities with Nature's principles that govern the natural phenomena of the planet. As a statement and reflection of societal values, rights serve as a legal mechanism and norm indirectly driving the development and effectiveness of law. By shifting the underlying ethics towards an ecocentric worldview, or one where humankind is recognized as one of many interdependent species in the web of life, we foster a global vision that prioritizes both human wellbeing and whole-Ocean protection.

Ocean Rights seeks to maintain human activity in or affecting the Ocean in a way that respects the capacity of the Ocean to sustain them and elevates ecological interests alongside socioeconomic interests; in other words, shifting how society relates to and stewards the Ocean. As a holistic approach to sustainable development, Rights of Nature is substantiated in over ten United Nations General Assembly Resolutions on “Harmony with Nature” (2009-2022), the International Union for the Conservation of Nature’s Resolution 100 (2012) and the Convention on Biological Diversity Kunming-Montreal Global Biodiversity Framework (2022), among others. Through these resolutions and treaties, Rights of Nature can help implement comprehensive and holistic Ocean protection including achieving the 30x30 target and effectively conserving biodiversity.

[4] The Ocean is a living entity, not a resource.

The Ocean is our ancestor and kin, is alive with history, ever-evolving, and a place of cultural and spiritual value, with authority, life force, identity and intrinsic value. The Ocean is worthy of protection, and this protection is not contingent upon any external, instrumental or relational experience or evaluation assigned by humankind. The Ocean is the common origin of all life past, present and future. We recognize the Ocean as a living entity with inherent rights including to:

exist, ecological health and integrity, biodiversity, the preservation and functionality of vital cycles, a clean, healthy and sustainable environment (clean air and water, and natural climate), freedom from irreversible harm, persistent pollution and degradation, and to representation, participation, restoration and remediation, among others to be defined.

Shifting societal values of the Ocean to respect the Ocean as a complex living being and our source of life with intrinsic value can help prevent overexploitation and irreversible harm.

[5] We aim to enhance Ocean conservation through a collective Ocean ethos.

We recognize that in order to maintain the quality of life that the Ocean has provided to humankind, a change is required in how humans view, manage and use the Ocean.

Despite the progress made to protect and restore Ocean health, marine biodiversity has significantly declined in the past half-century due to impacts from pollution, overfishing, 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 (UNCLOS), which sets out the legal framework within which all activities in the Ocean must be carried out, and sets out obligations for its Parties, inter alia, to protect the marine environment, among other fundamental purposes. A universal ethical and values-based foundation can inform and provide consistency to all Ocean related agendas, prioritize restoration, and improve the coordination and implementation of our obligations as set out in relevant Conventions, particularly the common responsibility to protect and preserve the marine environment.

[6] Presenting principles underpinning Ocean Rights.

We call upon peoples and governments of the world to broaden the discussion on the need for laws and norms that embrace the Rights of Nature, including through the initiation of dialogue on developing a Universal Declaration of Ocean Rights, referred to as the UDOR. We recognize the following principles are necessary in order to guide a new relationship with the Ocean. Inspired by the Universal Declaration of Human Rights, we seek to formalize common standards and obligations for all peoples and nations, which could include the following principles, in addition to principles of other relevant Conventions, as well as national circumstances and capabilities:

[i.] Inter- and- intragenerational equity and stewardship:

We are all Ocean Guardians. All peoples, communities, entities and States have an individual and collective (though differentiated) responsibility as stewards of the Ocean on behalf of present and future generations to care for and ensure responsible use of the Ocean, and strengthen and enforce the obligations set out in the United Nations Convention of the Law of the Sea, United Nations Framework Convention on Climate Change, Convention on Biological Diversity, and other instruments, frameworks and bodies. We aim to meet the needs of the present without compromising the ability of future generations to meet their own needs, including ensuring that activities within a State's jurisdiction or control do not cause irreversible damage to the environment of other States or areas beyond national jurisdiction.

[ii.] Respect for diverse value systems, including the intrinsic value of the Ocean:

The inclusion of and respect for diverse values, knowledge, customary law and practices can advance equity, justice and sustainability in the blue and green economy while preserving the health of the Ocean and human health. Such diverse value systems include cosmocentrism and ecocentrism. We shall ensure the full protection and respect for the rights and cultures of Indigenous, coastal and marginalized communities. It is our obligation to protect the Ocean, and shape comprehensive policies and methods that ensure the inclusion of the Ocean's intrinsic value in decision-making and environmental impact assessments, alongside other values.

[iii.] Representation of all stakeholder interests, including the Ocean:

All peoples have the right and responsibility to ensure the Ocean's interests and needs are represented in decisions and disputes affecting Ocean health, including through the creation and enforcement of a network of marine protected areas that are well-connected, ecologically representative, and where human activity is effectively managed, within the comprehensive sustainable management of the Ocean system. Furthermore, we acknowledge the Ocean's right to representation and to have a voice within a multinational governance system, which requires further establishing mechanisms to facilitate and ensure all stakeholder interests are properly represented.

[iv.] Adhering to and promoting best available science and ecologically-based criteria, including Traditional Knowledge:

In light of the substantial uncertainty that surrounds our understanding of the Ocean and the impacts human activity has on Ocean health, we recognise the need to ensure adherence to the best available science and Traditional Knowledge, while adopting the precautionary approach. We collectively aspire to achieve a 'healthy Ocean' where the definition is informed by ecologically-based criteria, or the Ocean's needs, natural state, resilience and ecological robustness. This definition should be further informed by the best available data, information, knowledge and science, including the worldviews, values, knowledge and practices of Indigenous Peoples, and holistic approaches including planetary boundaries, whole-of-government (and-society) and an integrated ecosystem approach.

[v.] Full and effective participation:

We shall establish mechanisms that ensure the equitable and inclusive representation and participation in multinational decision-making related to the Ocean. This includes the preservation of the rights, knowledge, innovations, worldviews, values and practices of Indigenous Peoples, coastal and local communities, as well as the representation and participation by women and girls, children and youth, persons with disabilities and other marginalized communities.

[vi.] Transparency and knowledge sharing:

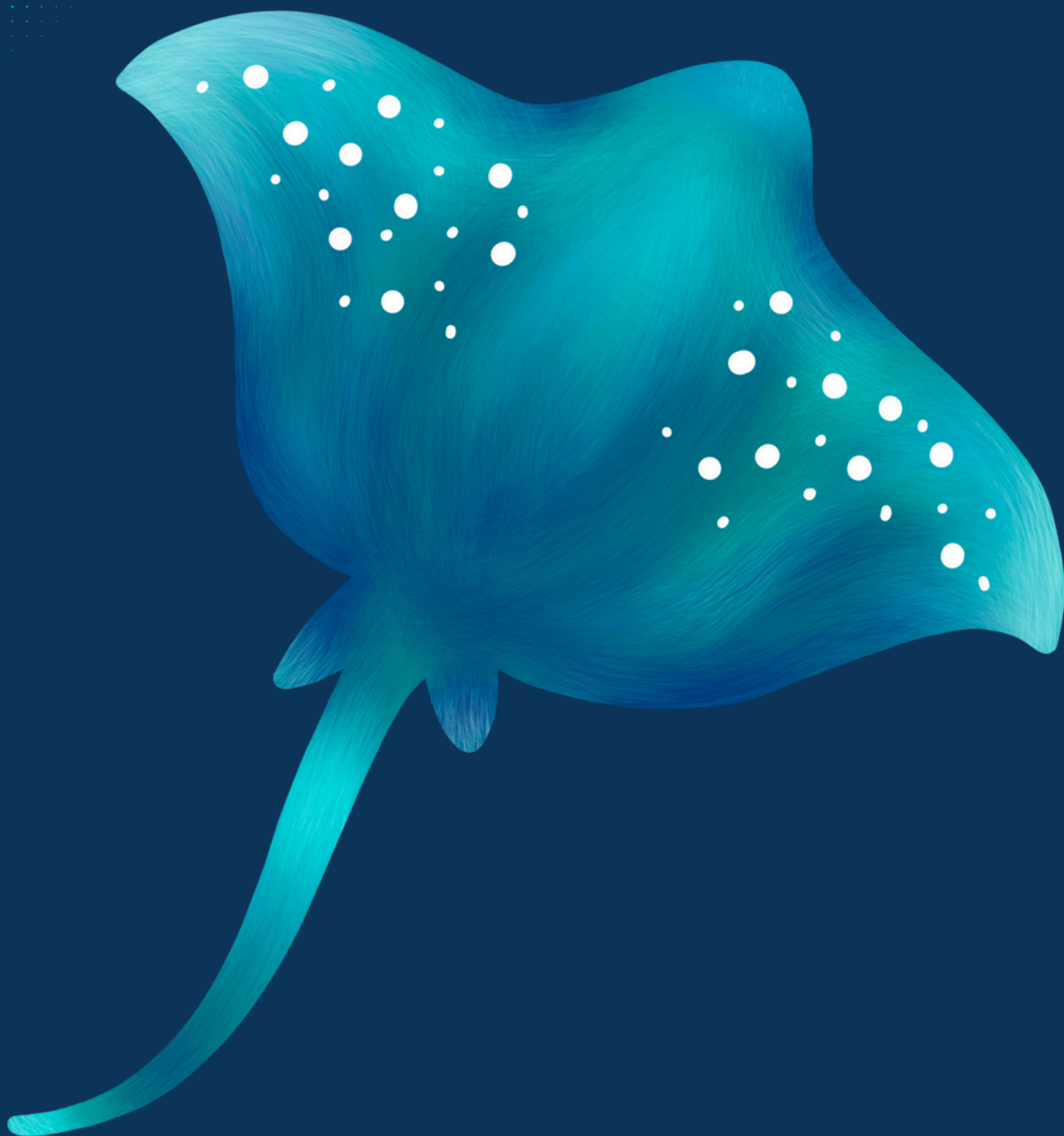
We shall increase and strengthen the equitable and fair sharing of information related to understandings of the Ocean, and empower all peoples and communities with relevant knowledge and skills to contribute to the responsible use of the Ocean. This includes access to justice, research and information to enhance global Ocean literacy. Traditional Knowledge, innovations, practices and technologies of Indigenous Peoples and local communities should only be accessed with their free, prior and informed consent, in accordance with national legislation.

[vii.] Precaution and Prevention:

In cases where the consequences of an activity on the Ocean cannot be elucidated, but there are elements that allow determining or concluding that such activity may cause serious and irreversible damage such as leading to the extinction of species, the destruction of ecosystems, or the permanent alteration of natural cycles, then, such measure or decision should be restricted. The absence of concrete information should not prevent protective, regenerative and restorative action, and where activity may cause significant harm to the Ocean, there exists a duty to prevent and mitigate such harm.

[viii.] In dubio, in favorem Oceani:

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” shall be applied as a precautionary approach.



Referencing this document: We are the Ocean and the Ocean is us: Establishing an ethical relationship between humankind and the Ocean (Sept. 2023), drafted by the Universal Declaration of Ocean Rights core group and led by Michelle Bender.

