7 June 2017

Re: Statement by Ms. Darlene Lee, Executive Director of Earth Law Center at the United Nations Ocean Conference

Presidents, Excellencies, Co-hosts Fiji and Sweden, distinguished co-facilitators and all,

My name is Darlene May Lee, Executive Director of Earth Law Center. Thank you for the opportunity to speak to you today. I stand before you to not only speak on behalf of the 63 organizations from 32 countries who have signed on in support of Earth Law Center’s recommendation, which is attached to our statement, but on behalf of the ocean itself.

- Earth Law Center and the 63 signatories recommend the United Nations, governments, organizations and stakeholders:
  
  o 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: the right to life, the right to health, the right to be free of pollution and the right to continue its vital cycles.

Earth Law Center is a legal advocacy group committed to enforcing those rights on behalf of our threatened ocean. The ongoing struggle for rights is marked by a handful of milestones that fundamentally changed society. Children, people of color, indigenous people, women, LGBT, the disabled and refugees have all had to fight for basic recognition as members of the rights-holding community.

Fundamental rights for nature will be society’s next major rights-based milestone, part of a larger movement towards “Earth Law”. The opportunity of catalyzing this paradigm shift this week means focusing on the Ocean’s well-being - guided by principles of sustainability, ecosystem health, precaution, and interconnectedness.

Just as humans have inherent rights for existing, so too do other species and ecosystems. We are not the only species whose lives depend on the ocean. We must call for actions and laws that recognize the rights of the Earth, and by extension, the rights of all species and ecosystems, including humans. Ecuador, Bolivia, New Zealand, India, Colombia, Mexico City and nearly 200 municipalities in the US have legally adopted rights of nature to effectively protect communities, species and ecosystems.

Recognizing and protecting the ocean’s rights addresses the full range of issues we came here to discuss. Be it plastic or noise pollution, overfishing or illegal fishing, biodiversity or climate change - shifting our approach from one which is human-centered to one which is Earth-
centered will help ensure the ocean is healthy and thriving – both now and for future generations. This approach can contribute to the implementation of SDG 14; namely conserving at least 10 percent of coastal and marine areas by 2020.

Restoring ocean health and integrity means moving beyond business as usual, with government, civil society and private sector partnership. We echo the opening remarks of UN Chief António Guterres: We urge governments and stakeholders alike to put aside short-term gain in order to protect the ocean, which represents the lifeblood of our planet.

Thank you.

Attachment.
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;¹

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

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;⁴

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;⁵

RECALLING that the International Union for the Conservation of Nature (IUCN) committed to take action to implement nature’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;⁶

RECALLING that UN Resolution 71/232 (“Harmony with Nature,”) “[c]alls for holistic and integrated approaches to sustainable development, it 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;”⁷

⁵ California Ocean Protection Act, Pub. Res. Code § 35505(c)
ALSO RECALLING that the experts’ summary report of the first virtual dialogue of the General Assembly on Harmony with Nature 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 systems and over 845,000 people from 122 Countries support UN recognition and adoption of the Universal Declaration on the Rights of Mother Earth;

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

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.

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 holistic and rights-based approach to ocean governance, including the development and management of marine protected areas.

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9 Ecuador, Bolivia, New Zealand, India, Colombia, Mexico City, United States; see more at bit.ly/ELCIL
11 Available at: bit.ly/UNHwN
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 (PACSI Institute), 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
- 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
- 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
- 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 Cetaceos (OCC), Uruguay
Rights of Mother Earth, Switzerland
Rights of Nature, Sweden
Sea Star Creations Ltd, New Zealand
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
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
Valérie Cabanes, End Ecocide on Earth, France