



22 November 2021

From: The Leatherback Project and Earth Law Center

Re: Request to include Rights of Nature in the current project of law to conserve sea turtles and their habitat

The Leatherback Project and Earth Law Center respectfully submit the following recommendations to the current project of law to conserve sea turtles in the Republic of Panama.

Earth Law Center is a nongovernmental organization with over 10 years of experience internationally (including in the United States, Ecuador, Mexico, Colombia and Peru) to advance Earth-centered law and policy and the Rights of Nature. The Leatherback Project is an organization dedicated to the conservation of the massive leatherback sea turtle throughout its global range through research, education and advocacy initiatives aimed at mitigating fisheries bycatch, reducing plastic pollution and combating climate change.

Over the last 50 years, marine biodiversity has declined by 49 percent, and over 60 percent of the world's 356 turtle species are threatened or already extinct, making them amongst the most vulnerable animals on Earth. Having existed for over 200 million years, sea turtles worldwide are at risk of extinction due to human-induced threats such as entanglement in fishing gear, illegal trade and consumption, coastal development, pollution and climate change. Actions and regulations to protect species from going extinct are fragmented and largely reactive, only taking effect once species and their ecosystems are already threatened, rather than seeking to maintain population health and prevent decline in the first place. Similarly, nonhuman species are considered property and resources in our western legal systems, which allow and legalize harm, pollution and degradation by perceiving conservation as costs to the economy rather than a benefit. In order to effectively protect and restore ecosystems and biodiversity (of which humankind is a part of), we must recognize the intrinsic value of biodiversity, and that human life, rights and livelihood are dependent on biodiversity and a functioning life-support system.

Therefore, we cannot ensure effective conservation using the same approaches and legal system that contributed to (and fuels) their decline. The fifth Global Biodiversity Outlook report of September 2020 found that not one of the 2010 Aichi Biodiversity targets have been fulfilled. In order to achieve the vision of the post-2020 global biodiversity framework we need transformative change, and a shift from business as usual, in order to achieve the vision of living in harmony with Nature. Over 200 organizations and experts internationally are calling for the post-2020 biodiversity framework to include the Rights of Nature (attached).

We applaud the efforts of Panama to protect sea turtles and ensure their survival. There are five species of sea turtles that occupy Panama's waters, three of which are globally considered vulnerable to extinction, one which is endangered with extinction and another which is critically endangered with extinction. Aggressive conservation of marine turtles and their habitats is urgently needed at this time.

Therefore, in line with the general law of Rights of Nature currently in debate, we recommend the law to protect and conserve sea turtles and their habitat in the Republic of Panama, thereby reflecting the same paradigm shift, recognizing that Nature, sea turtles and their habitat, are legal entities subject to rights. This will require:

- the explicit recognition of sea turtles and their habitat as subjects of rights;
- the inclusion of provisions defining the inherent rights of sea turtles and principles of law to promote implementation, higher standards of conservation and consistency with the general Rights of Nature law; and
- additional provisions that outline how to protect and enforce their rights, including amending the functions of the Comité Nacional para la Protección, Conservación y Manejo Sostenible de las Tortugas Marinas de Panamá as the organization represent the interests and needs of sea turtles in decision making.

From the comparative experience, we learned that the enforceability and the implementation of Rights of Nature requires a specification of Rights of Nature and inclusion of the whole perspective in subsequent laws. This is a new discipline and the government, decision makers and courts need specific models of conduct and standards to follow. The recognition and implementation of the Rights of Nature would respect and protect the intrinsic value of sea turtles and their habitat, and provide for an integrated approach to governance by balancing ecological, social and economic interests.

Over 35 countries (either constitutionally, through legislation, or through the courts and at various levels of government) have embraced Rights of Nature. For example, Colombia's Constitutional Court in 2016 declared the river Atrato to possess "legal personality," providing it with the right to restoration and ordering the government to be the guardian of the river, together with the local communities. Ecuador recognized the Rights of Nature in its constitution in 2008, which has led to judicial decisions respecting the rights of sharks and mangroves. Similarly, in India, in 2018, a High Court conferred legal personality on, and thus protection of, the entire animal reign.

The Republic of Panama could lead the way in advancing this approach *proactively* in ocean and coastal law and policy, specifically the conservation of Sea Turtles.

Thank you,



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