OHCHR input and panellist proposals for the United Nations Ocean Conference "Ocean Action Panels"

1. Fostering sustainable fisheries management including supporting small-scale fishers.

Input for concept paper:

- **Fisheries and the right to food in the context of climate change, Report of the Special Rapporteur on the right to food, Michael Fakhri, A/HRC/55/49**

'7. The pandemic, climate change, pollution and overfishing are brutally harming small-scale fishers, fish workers and their communities. Nevertheless, small-scale fishers, fish workers and Indigenous Peoples remain stewards of the world's waters; they have demonstrated a capacity to adapt to climate change and play an important role in restoring, conserving, protecting and jointly managing local aquatic and coastal ecosystems.6 They are integral to most countries' recovery from the pandemic and food system transformation, considering that small-scale fisheries employ more people than all other ocean economic sectors combined.7 Including subsistence and secondary sector workers and their dependents, it is estimated that about 600 million livelihoods depend at least partially on fisheries and aquaculture,8 95 per cent of those workers are in the global South. Based on recent annual averages, small-scale fishing accounts for 90 per cent of the world's capture-fishing employment. Of the 92 million tons of fish captured annually, 40 per cent are captured by small-scale fishers.9

8. Yet small-scale fishers and fish workers are still often marginalized or ignored by governments, international organizations and businesses when environmental and commercial plans are devised and implemented. Their human rights are often violated – whether through exploitation or dispossession from territorial waters – as a result of industrial fishing fleets and large-scale aquaculture servicing global seafood buyers, the establishment of no-fishing reserves for conservation ("marine protected areas"), coastal development and industrialization of seascapes, the construction of dams, and offshore oil and gas operations.'

- **Para. 46 of A/75/161, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, David R. Boyd Human rights depend on a healthy biosphere**

"Fisheries worldwide are overexploited, plagued by illegal, unreported and unregulated catches and heavily subsidized. Ocean-grabbing involves powerful economic actors taking over fisheries to the detriment of the rights of small-scale fishers and their communities. For example, industrial fisheries for fishmeal and fish oil are undermining the livelihoods of local fishers in the Gambia, Mauritania and Senegal.47 Climate change, pollution and other pressures worsen the outlook for fisheries.4"

- **Para 34 of A/79/176, Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Elisa Morgera: access to information on climate change and human rights**

"34. (…) Rural communities, women and Indigenous Peoples also experience insufficient access to information on climate change impacts on farming and climate-smart agriculture (see A/70/287) and on small-scale fisheries. Undocumented or inaccessible communities are also often left out of information-gathering processes.64"

Panellists suggestions:

- **Mehwish Laghari** from Pakistan Fisherfolk Forum, engrwish.laghari@gmail.com
- **Vivienne Solis,** from Coopesolidar, leading the engagement of a group of Small Scale Fisherfolk and environmental human rights defenders at the global policy-making level, vsolis@coopesolidar.org
- Philile Mbatha, Senior Lecturer (human geography and transdisciplinarity), University of Cape Town, South Africa, and Deputy Director of the One Ocean Hub, University of Strathclyde, UK, philile.mbatha@strath.ac.uk

2. Conserving, sustainably managing and restoring marine and coastal ecosystems including deep-sea ecosystems.

Input for concept paper:

- ***Report of the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay, Protected areas and indigenous peoples' rights: the obligations of States and international organizations, A/77/238***

'33. The implications of this target are immense. Given that some 15.7 per cent of the world's land is currently covered by protected areas, to reach 30 per cent would require a near doubling of the area under some form of protection or recognized conservation.19 While the expansion of protected areas to 30 per cent is a laudable target, not enough assurances have been given so far to indigenous peoples that their rights will be preserved in the process. They fear a new wave of green investment without recognition of their land tenure, management and knowledge, increased restrictions on access to their lands, waters and resources, and scaled up approaches to conservation based on protected areas, which have proved to generate forced evictions, violence and killings. Real drivers of biodiversity decline, such as industrialization, overconsumption and climate change, must be addressed. Simply enlarging the global protected area surface without ensuring the rights of indigenous peoples dependent on those areas is not the solution.'

- **Key human rights considerations on the impact of seabed mining, p 1**
  [English] [Español]

'It is critical to consider the oceans and their role in mitigating climate change in the context of the current debate related to deep seabed mining. The ocean moderates the climate and influences our weather, inspires human imagination, and supports rich and diverse cultural practices. Ultimately, all life on earth is dependent upon healthy ocean ecosystems. There is growing scientific evidence that deep sea mining will irreversibly damage them. Mining endeavours on the seafloor could affect multiple layers of the oceans, generating varied forms of pollution, and causing systemic damage.'

- **Para 50 of A/HRC/52/33/Add 1, Visit to Portugal Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, David R. Boyd:**

"With 2,500 km of coastline and two autonomous regions located on islands (Azores and Madeira), the ocean is an important element of the culture and environment of Portugal. Portugal prioritizes ocean health, not only to protect it and contribute to the full realization of the right to a healthy environment, but also to reach targets related to Sustainable Development Goal 14, on life below water. Adopted in May 2021, the 2021–2030 National Ocean Strategy is aimed at promoting a healthy ocean to enhance sustainable blue development, the welfare of the Portuguese people and affirm Portugal as a leader in ocean governance, supported by scientific knowledge. Paying attention to life below water is key to ensuring a healthy biosphere for all and to avoiding potential negative human rights impacts. In this regard, it should be noted that some species of fish in Portugal are part of the 10.23 per cent of species for which the conservation status has been assessed as "bad" under the Habitats Directive of the Biodiversity Information System for Europe. 48 The Special Rapporteur expresses concern about the sardine population, which has decreased in recent years due to overfishing, poor management of resources and the fragility of remaining stocks, caused by the warming and acidification of ocean waters.49 Sardine fishing is an important economic activity that employs about" 20,000 workers in Portugal. While the health of sardine populations has improved, this sector should be closely monitored."

- **Para 37 and 13, A/HRC/56/46 (2024) Report of the Special Rapporteur on** the **promotion and protection of human rights in the context of climate change, Elisa Morgera**

"37. The Special Rapporteur on human rights and the environment also called for prioritizing the protection and restoration of ecosystems in order to reduce vulnerability, buffering the impacts of extreme weather disasters and slow-onset events, and to enhance ecosystem services, including fresh water, clean air, fertile soil, pest control and pollination. In that respect, International Tribunal for the Law of the Sea clarified that the following State obligations under the law of the sea are applicable to adaptation: implementation of measures to protect and preserve the marine environment in relation to climate change impacts and ocean acidification, including resilience and adaptation actions; protection and preservation of rare or fragile ecosystems, as well as the habitat of depleted, threatened or endangered species and other forms of marine life from climate change impacts and ocean acidification; and taking into account, in conservation measures, the impacts of climate change and ocean acidification, including shifts in fish distribution and decreases in fisheries that affect the "income, livelihoods, and food security of marine resource-dependent communities", as well as impacts on marine ecosystems which put "key cultural dimensions of lives and livelihoods at risk". The mandate holder considers that the references to lives, food, livelihoods and culture in the Advisory Opinion should be interpreted in the light of the clarifications from various human rights mechanisms outlined in the following section. The following clarifications are also relevant to other international obligations to protect and restore terrestrial, aquatic and marine ecosystems under a variety of biodiversity-related treaties."

"13. In this connection, the International Tribunal for the Law of the Sea, in its Advisory Opinion No. 31 (2024), clarified that greenhouse gas emissions and ocean acidification are forms of marine pollution and that States therefore have strict due diligence obligations under the law of the sea, additional to those contained in the Paris Agreement, to take all necessary measures to prevent future or potential pollution from those emissions, as well as to reduce and control existing pollution from such emissions from any source (land-based, vessels and aircraft), both through individual action and participation in global efforts to address climate change. The Tribunal clarified that States have strict due diligence mitigation obligations also in the context of the conservation of marine biodiversity and ecosystem restoration, which promote the resilience of living marine resources while enhancing carbon sequestration"

Panellists suggestions:

- Nonhle Mbuthuma, environmental human rights defender from South Africa, 2024 Goldman Prize winner, nonhleforslund@gmail.com
- **Lorena Arce** - Observatorio Ciudadano – leading the area of Biodiversity and Alternatives to Development, larce73@gmail.com
- **Karina Vargas** - Observatorio Ciudadano - leading the Indigenous Peoples Rights programme and acts as technical coordinator of the Indigenous Women's Network for the Defence of the Sea, and is the Southern Cone focal point for the ICCA Consortium and for the Women's Caucus for Biodiversity, karina.vahe@gmail.com

3. Promoting and supporting all forms of cooperation, especially at the regional and subregional level.

Input for concept paper:

- **Fisheries and the right to food in the context of climate change, Report of the Special Rapporteur on the right to food, Michael Fakhri, A/HRC/55/49**

'51. Sovereign boundaries cut across the distribution of many species, creating shared stocks between States. Accordingly, States have a duty to coordinate and ensure the conservation and development of shared stocks (arts. 63, 64 and 118). These cooperative terms are detailed in the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and operationalized through intergovernmental regional fisheries management organizations or arrangements on a regional or species basis. There are still no accurate estimates of the number of exploited marine species shared by neighbouring States. Recent studies, however, show that catches from transboundary species – stocks that cross the exclusive economic zones of two or more bordering coastal States – are declining more than those from non-transboundary species.60 This highlights that effective and equitable international, regional and subregional cooperation is more important than ever to protect sustainable small-scale fisheries.61'

- **Paras 57-59, 64 and 16, A/79/176 (2024), Report of the Special Rapporteur on** the **promotion and protection of human rights in the context of climate change, Elisa Morgera**

"57. International cooperation, including through regional and international organizations, should be leveraged to secure and promote access to information on climate change and human rights, to enhance protection for affected communities and to hold States and businesses accountable (see A/78/155). The International Tribunal on the Law of the Sea has indicated that States must cooperate to promote studies, undertake scientific research and encourage the exchange of information and data on marine pollution from anthropogenic greenhouse gas emissions, its pathways, risks and remedies, including mitigation and adaptation measures, on the basis of which States should then cooperate in the formulation and elaboration of rules, standards and recommended practices and procedures in the context of the United Nations Framework Convention on Climate Change Subsidiary Body for Scientific and Technological Advice, as well as other forums (advisory opinion in Case No. 31).

58. The Special Rapporteur considers that such international collaboration should extend also to information on critical biodiversity and ecosystem services that contribute to mitigation and adaptation (see A/HRC/56/46), and to health, food and other basic needs related to economic, social and cultural rights and the well-being of the population, especially those in vulnerable and marginalized situations. States should ensure that these obligations are upheld in the context of relevant international organizations, particularly those that have raised concerns about limited access to information on decision-making and the underlying evidence base, such as the International Seabed Authority, the International Maritime Organization and the International Civil Aviation Organization.

59. In addition, States should support and fund international organizations that contribute to connecting, comparing and complementing areas of information on climate change and human rights. (...)"

- **Para 16, A/HRC/56/46 (2024) Report of the Special Rapporteur on** the **promotion and protection of human rights in the context of climate change, Elisa Morgera**

"16. The International Tribunal for the Law of the Sea clarified stringent due diligence obligations for States to establish national and international legal frameworks, as well as administrative procedures and enforcement mechanisms, and to exercise adequate vigilance to ensure that such mechanisms function efficiently, with a view to preventing, reducing and controlling climate change, according to their capabilities and available resources. The Tribunal also pointed to more stringent standards in relation to preventing transboundary harm. (...) Due diligence also extends to international cooperation in various international organizations, including those without a specific law of the sea mandate."

- **Para 79(b) and 22, A/79/176 (2024), Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Elisa Morgera: access to information on climate change and human rights**

"79. (...) (b) The United Nations system should: Identify gaps, opportunities for further integration and interoperability and areas for collaboration, including with civil society and the research community, on information on climate change sources and effects, including on biodiversity and ecosystem services, weather and natural disaster patterns, as well as on impacts on human health, mobility, labour, social, economic and cultural rights, and the right to a clean, healthy and sustainable environment, in terrestrial, freshwater and marine contexts"

"22. Obligations to ensure access to information apply extraterritorially, to activities outside a State's territories that are within the State's influence or control (see A/76/154), including information on international cooperation on climate change and human rights. To that end, States should conduct comprehensive and independent assessments of environmental, social and human rights impacts of transboundary policies and projects to address negative impacts that projects may have in multiple countries. The outcomes of the assessments should be publicized to ensure full and effective participation of potentially affected human rights holders (see A/HRC/48/56)."

Panellists suggestions:

- Rita El Zaghloul, director of the High Ambition Coalition, ritazaghloul@hacfornatureandpeople.org
- Gladys Martínez, Executive Director, Inter-American Association for Environmental Defense (AIDA), gmartinez@aida-americas.org
- Elisa Morgera, UN Special Rapporteur on Climate Change and Human Rights, hrc-sr-climatechange-morgera@un.org

4. Preventing and significantly reducing marine pollution of all kinds, in particular from land-based activities.

Input for concept paper:

- **Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana The stages of the plastics cycle and their impacts on human rights, A/76/207**

'4. Plastic remains in the environment for centuries. Half of all the plastic produced is used only once and then discarded as waste, and a mere 9 per cent of all plastics produced is recycled, mostly only once. 5 There are already about 5.25 trillion pieces of plastic debris in the oceans, weighing some 269,000

tons.6 At that pace, there will be more plastics than fish in the oceans by 2050. 7 When disposed of in landfills, plastics leach toxic chemicals into the soil and groundwater. When mismanaged, plastics pollute land, waterways and the oceans.

(…)

10. Plastics also aggravate the climate emergency. Plastics limit the ability of oceans to remove greenhouse gases from the atmosphere. In addition, by 2050, greenhouse gas emissions from the plastics cycle could reach 10 to 13 per cent of the entire remaining carbon budget to reach the goals of the Paris Agreement. 11

(…)

24. Landfilling, dumping, leakage into nature, or incineration are the destinations of about 91 per cent of all accumulated plastics worldwide.33 Dumping sites are associated with health risks, including dangerous emissions of methane, carbon dioxide and heavy metals. Leakage into the oceans and marine plastic litter are affecting coastal communities.34 Incineration impairs air quality with highly toxic substances such as dioxins and generates ash that is laced with toxicants. 35 Ships often irregularly dispose of plastic waste in international waters or bring it to ports lacking adequate waste reception facilities.36 The fishing industry is responsible for the 500,000 to 1 million tons of plastic fishing nets polluting the oceans and coastal communities. 37

5. The supply chains of plastics cross borders, continents and oceans, and the trade in plastic products and waste raises serious transboundary issues. However, efforts to address the human health impacts of plastic have largely ignored the global dimensions of the plastics cycle. The global plastics crisis necessitates a worldwide, human rights-based solution.8'

- **Fisheries and the right to food in the context of climate change, Report of the Special Rapporteur on the right to food, Michael Fakhri, A/HRC/55/49**

'43. Undersea pipelines can create safety hazards by entangling fishing equipment and vessels, endangering life and property. Routine discharges from transport vessels contaminate oceans with hydrocarbons, toxic metals and dangerous chemicals in a rampant practice called "bilge dumping".51 Noise pollution from drilling and exploration activities interferes with fish communication and migration patterns. Construction of infrastructure often destroys crucial fish habitats. Even after an offshore project is closed, unplugged or poorly plugged wells and abandoned infrastructure can continue to leak oil, radioactive materials and other toxins into the ocean.52'

- **Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana The impact of toxic substances on the human rights of indigenous peoples, A/77/183**

'44. Hazardous waste dumping leaves indigenous people with decades-long health and psychological trauma. The toxic effects extend well beyond the area in which waste is dumped. Burning waste contaminates the air and generates pollutants harmful to human and animal life.60 Each year, 11 million tons of plastic waste are dumped into oceans.61 Marine litter and plastic pollution cause the leaching of

toxic chemicals into water streams; and persistent pollutants capable of long-range transport hitch on currents and travel to the Arctic, affecting indigenous peoples in the region. 62

(…)

123. The Special Rapporteur recommends that States: (a) Identify the threat of activities and industries causing toxic effects on indigenous peoples, including through the atmospheric and ocean current transport of toxics, and adopt urgent and immediate actions to stop the influx of toxic and hazardous substances into indigenous territories;'

- **Para 31, A/HRC/56/46 (2024) Report of the Special Rapporteur on** the **promotion and protection of human rights in the context of climate change, Elisa Morgera**

"31. The International Tribunal for the Law of the Sea indicated that marine geoengineering is contrary to the United Nations Convention on the Law of the Sea when it transforms one type of pollution into another and is incompatible with the obligation to take all measures necessary to prevent, reduce and control marine pollution resulting from the use of technologies under States' jurisdiction or control.[1] *The Special Rapporteur considers that geoengineering is also contrary to the Convention when it is incompatible with States' obligations related to the protection of marine biodiversity for the purposes of climate change mitigation and adaptation, as clarified in the Advisory Opinion. This is in consideration of the fact that "damage suffered by ecosystems … in turn affects the enjoyment of human rights", as underscored by a group of treaty bodies"*

Panellists suggestions:

- Christina Dixon, Ocean Campaign Leader, Environmental Investigation Agency
- Fabienne McLellan, Managing Director, OceanCare
- Elisa Morgera, UN Special Rapporteur on Climate Change and Human Rights, hrc-sr-climatechange-morgera@un.org

5. Leveraging ocean, climate and biodiversity interlinkages.

Input for concept paper:

- **Para. 89 a) of A/75/161, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, David R. Boyd Human rights depend on a healthy biosphere**

"89. States should address the decline of nature and the threat of climate change simultaneously, by:

(a) Prioritizing nature-based climate solutions, with appropriate safeguards to protect human rights, providing up to one third of the climate mitigation required by 2030 and major advances in adaptation. Key actions include conservation of oceans, forests, wetlands (in particular peatlands and mangroves), reforestation, ecological restoration and agroecology practices that improve soils' carbon content;"

- **Para 9, Visit to Honduras - Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change - Advance unedited version, A/HRC/56/46/ Add 1**

'9. Sea level rise is affecting both the Pacific and Caribbean coast. On the Pacific coast, sea level rise due to changes in trade winds and thermal expansion of the warming ocean has caused considerable damage, destroying entire villages. In the Sula valley, massive flooding caused by Hurricanes Eta and Iota caused enormous damage to houses, infrastructure, livestock and crops. These two hurricanes also caused significant coastal erosion on the Caribbean coast, with many houses being lost to the sea.'

- **Para 17, Visit to Philippines - Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Ian Fry - Advance unedited version, A/HRC/56/46/Add.2**

'17. The Special Rapporteur also met with civil society organizations and community representatives who were survivors of Super Typhoon Haiyan. Some are still living in makeshift "temporary" housing. It appears that some of the survivors of Super Typhoon Haiyan are still suffering the consequences of climate change. Long drought periods are affecting rural communities. Furthermore, extreme heat which appears to be the norm restricts the hours that farmers can work in their fields. This is also the case for fisherfolk who have limited hours to fish because of the heat of the ocean.'

- **A/76/179, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, David R. Boyd Healthy and sustainable food: reducing the environmental impacts of food systems on human rights, including 45 and 94 (b) (and other paragraphs):**

"45. The Committee on Economic, Social and Cultural Rights is concerned about land and resource grabbing, whereby Governments sell or lease large areas of land to investors, businesses and other States. Land-grabbing displaces people, and in particular Indigenous peoples and peasants, from the lands that they depend upon for food and livelihoods.64 The Committee is also concerned that small-scale fishers are being deprived of their livelihoods by overfishing and ocean-grabbing by powerful economic actors. For example, foreign-owned industrial fisheries are undermining the livelihoods of local fishers in the Gambia, Mauritania, Morocco, the Philippines and Senegal.65"

"94 (...) (b) Promote healthy and sustainable diets:

Moving to predominantly plant-based diets could reduce greenhouse gas emissions, ocean acidification and eutrophication from food systems by half; free up billions of hectares of land for restoration to protect biodiversity and store carbon; and reduce water scarcity.126"

- **Report of the Special Rapporteur in the field of cultural rights, Karima Bennoune, A/75/298**

'7. The impacts [of climate change] hit specific peoples and places disproportionately, posing particular threats to the rights and cultures of populations of low-lying small island developing States, indigenous peoples, rural people, women, persons with disabilities, those living in poverty and others. The Intergovernmental Panel on Climate Change observed that "people who are socially, economically,

culturally, politically, institutionally or otherwise marginalized are especially vulnerable to climate change".10 Those with pronounced cultural connections to land, sea, natural resources and ecosystems, including indigenous, rural and fisher peoples, face disproportionate devastation of their individual and collective cultural lives.

30. Tangible heritage sites face threats, including irreversible damage and loss of outstanding universal value, from, inter alia, temperature changes, soil erosion, sea level rise and storms.51 Natural heritage sites face developments such as increasing fires, ocean acidification, bleaching events and habitat changes. A 2005 survey by the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Centre found that climate change was a threat to 72 per cent of the natural and cultural heritage sites about which responses were received from States parties to the World Heritage Convention.52 In 2014, an academic study found that more than 130 World Heritage cultural sites were at long-term risk from sea level rise, from the archaeological site of Carthage in Tunisia to the Elephanta Caves in India. 53 Archaeological sites may be affected by increasing soil temperature, wind damage and rising sea levels. Underwater heritage may be harmed by changing sea currents. 54 Globally, archives and libraries, great repositories of human knowledge, culture and history are at risk as well.55'

- **Paras 12 and 19, A/79/176 (2024) Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Elisa Morgera**

"12. Secondly, States should collect and share information with the public on the short- and long-term risks and negative impacts of climate change on human rights. Several submissions underlined the importance of sharing information from climate vulnerability assessments, which should consider climate hazards, species sensitivity and the socioeconomic vulnerability of sectors and regions, including displacement and migration patterns, and human health impacts. They also consider ecosystems, livelihood assets and productive infrastructure, plant and animal health, effects on agriculture, fisheries and other climate-sensitive industries, including changes in productivity and income levels, and landscape degradation, in order to identify the most suitable adaptation actions for different regions and sectors."

"*19. Access to information is also acutely needed about the experimenting, testing and deployment of climate mitigation technologies, notably geo-engineering, and about the early identification of potential risks to human life or health, serious and effectively irreversible impacts on the environment, and inequitable impacts on present or future generations. Risk assessments should account for the limited existing research on the social and cultural impacts of carbon capture, storage or removal technologies, with marine carbon dioxide removal lagging behind in particular, and for the dependence of cost-benefit analysis on access to expensive global climate change monitoring and modelling.*"

Panellists suggestions:

- Mrinalini (Tina) Rai, Director, Women4Biodiversity, mrinalini.rai@women4biodiversity.org
- Astrid Puentes Riaño, Special Rapporteur on the human right to a clean, healthy and sustainable environment, hrc-sr-environment-puentesriano@un.org

6. Advancing sustainable ocean-based economies, sustainable maritime transport and coastal community resilience leaving no one behind.

Input for concept paper:

- **Report of the Special Rapporteur in the field of cultural rights, Alexandra Xanthaki, Development and cultural rights: the principles, A/77/290**

'68. One Ocean Hub observed how the South African, Namibian and Ghanaian Governments' project to develop an ocean economy (blue economy) has marginalized indigenous peoples and small-scale fishers. The low regard for knowledge pluralism, including of small-scale fishers, and the historical stereotyping of indigenous peoples hindered their potential contribution to sustainable economic development, in particular their potential contribution through a holistic and integrated environmental ethos. Hub researchers have witnessed how marine space and resources have been appropriated with little or no consultation with local communities and indigenous peoples.88'

- **Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana Shipping, toxics and human rights, A/78/169** (the entire report is relevant; some examples pasted below)

'22. It is estimated that the total volume of chemicals entering the ocean rose by 12 per cent between 2003 and 2012. 18 Toxic chemicals accumulate in marine organisms throughout the entire food chain and also affect non-aquatic species.19 Oil spills have harmful consequences for fur-bearing mammals, birds, fish and corals, among other species, ranging from hypothermia and dysfunction of the immune and reproductive systems to poisoning. 20 At the top of the food chain, humans are the final recipients of these toxins. Since some types of contaminants do not break down easily in the environment, they can build up in a person's body, for example through the long-term intake of contaminated fish. Even low concentrations of heavy metals and other hazardous substances can directly transfer to the human body and cause toxic effects.21 Moreover, the impact on coastal ecosystems on which local tourism and fisheries rely often aggravates the already existing vulnerabilities of marginalized groups of society (e.g. low-income households, women, children, ethnic minorities, Indigenous Peoples and persons with disabilities).

(...)

39. The greenhouse gases emitted by merchant ships, including carbon dioxide, methane and nitrous oxide, have increased by 10 per cent from 2012 to 2018 and will likely continue to rise, aggravating the threat of climate change. 52 According to the United Nations Conference on Trade and Development (UNCTAD), between 2020 and 2021, emissions of greenhouse gases increased by 4.7 per cent.53 Bulk carriers, oil tankers and container ships are responsible for the majority of greenhouse gas emissions in the shipping sector, primarily due to the burning of high-sulphur marine diesel oil, marine fuel oil and

heavy fuel oil.54 If left unregulated, the shipping industry could contribute up to 17 per cent of global carbon dioxide emissions by 2050. 55

(…) F. Alignment of State and business actions with human rights law

80. Shipping companies and business enterprises can contribute to or cause harm to human rights and a healthy environment both directly (e.g. when businesses fail to ensure that working contracts and conditions comply with human rights standards or even engage in trafficking or forced labour), and indirectly (e.g. when human rights abuses occur through association or business relationships). It is therefore crucial that States, and in particular flag States, coastal States and port States, and businesses integrate and apply the Guiding Principles on Business and Human Rights. 124

(…)

105. Toxic pollution by the shipping industry results from various sources: the combustion of heavy fuel oil; spills of oil and highly noxious substances; biofouling and anti-fouling systems; ship recycling; dumping; the loss of containers; the release of ballast water; and discharges of black water, grey water and bilge water, among others. While improvements in maritime safety and environmental protection have reduced the number of accidents and oil spills at sea in the past decades, there are still many areas where improvement is urgently needed.

106. Certain groups are particularly vulnerable to the adverse impacts of shipping. Coastal communities can be devastated by spills of oil or highly noxious substances. Indigenous Peoples, such as those living in the Arctic, are especially affected by marine pollution and the bioaccumulation of persistent pollutants. Seafarers are often exposed to hazardous substances and working conditions. Forced labour is still alarmingly present in the maritime sector; many live in slavery-like conditions. During the COVID-19 pandemic, seafarers experienced an unprecedented crisis that made some "prisoners at sea" and blocked others from joining their workplace. Women represent only 2 per cent of the world's 1.2 million seafarers and often experience ill-treatment, sexual violence and harassment. Ship-breakers are also regularly mortally injured in the course of their work, even in approved ship recycling facilities.'

- **Para 73 of A/79/176 (2024) Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Elisa Morgera: access to information on climate change and human rights**

"73. It is thus essential to fill gaps and connect sources of information across different sectors and levels of government, as well as across civil society, the research community and international organizations. Information is needed on climate change sources and effects, including on biodiversity and ecosystem services, weather and natural disaster patterns, as well as on impacts on human health, mobility, labour, social, economic and cultural rights, and the right to a clean, healthy and sustainable environment, in terrestrial, freshwater and marine contexts. It is imperative to identify and respond – locally, nationally, regionally and internationally – to the greatest need for progress in knowledge production and information-

and data-sharing, in order to protect the human rights of those in vulnerable and marginalized situations in the context of climate change."

Panellists suggestions:

- Astrid Puentes Riaño, Special Rapporteur on the human right to a clean, healthy and sustainable environment, hrc-sr-environment-puentesriano@un.org
- India Logan-Riley, Pacific Network on Globalisation, climate@pang.org.fj
- Uta Schuchmann, Oceans expert in the UNFCCC Women + Gender Constituency, utasch2@zedat.fu-berlin.de

7. Promoting the role of sustainable food from the ocean for poverty eradication and food security.

Input for concept paper:

- **Fisheries and the right to food in the context of climate change, Report of the Special Rapporteur on the right to food, Michael Fakhri, A/HRC/55/49** (entire report relevant)

'1. Just as there is no life without water, there is no life for millions of people in coastal and riparian communities without small-scale fishers and fish workers. The full enjoyment of human rights by small-scale fishers and fish workers is therefore a necessary precondition for the realization of the right to food by everyone. In the present report, the Special Rapporteur focuses on small-scale fishers, fish workers and Indigenous Peoples reliant on fishing, because they are on the front lines of climate change. He thanks States, members of civil society and experts for their inputs and consultations. The report is built upon and advances the work done by previous mandate holders and in the context of the International Year of Artisanal Fisheries and Aquaculture.1

2. Small-scale fishers have been warning governments about the dangers of overfishing since at least the 1860s. For over a century and half since then, small-scale fishers' ecological concerns have been ignored, as large-scale fishing has increased in mechanization and capacity, harvesting at rates faster than the stock could rebuild. Governments were blinded by large profits and assumed that fish stocks would always be at abundant levels.2

3. In the past 50 years, overfishing tripled; today, one third of the world's assessed fisheries are currently pushed beyond their biological limits. Meanwhile, 60 per cent of the world's fisheries are being fished at capacity. The global biomass of large predatory fish targeted by fisheries has fallen by two thirds over the past century. One third of freshwater fish are threatened with extinction owing to overexploitation, pollution and habitat destruction. 3 Overfishing not only threatens the environment but also undermines the food security and livelihood of billions of people.

4. Moreover, among food systems, small-scale fisheries are some of the most vulnerable to climate change.4 Members of coastal communities and Indigenous Peoples on coasts, especially in the Arctic and on small islands, have been among the first people to experience the disruption and violence wrought by climate change.

(…)

13. Small-scale fishers tend to be firmly rooted in local communities, traditions and values, and as such provide food and livelihoods for entire communities across generations. People also migrate to engage in small-scale fishing. Small-scale fishing is a way of life as much as it is a livelihood, and it is how many communities create meaning and value in their daily life; therefore, people's cultural rights are at stake. Unlike large vessels, which are often supported through foreign capital, small vessels are directly linked to local communities, ensuring vibrancy in small ports and creating social and cultural value.

(…)

21. Indigenous Peoples' connection with seas and rivers reflects the deep intertwining of their livelihoods, food security and culture. Of the over 476 million Indigenous people in the world,21 around 27 million rely on fishing for their livelihoods and food security.22 On average, coastal Indigenous Peoples' per capita consumption of seafood is 15 times higher than that of non-Indigenous populations.23 Similarly, traditional fish harvests from rivers are pivotal for inland Indigenous Peoples.

22. At stake for Indigenous Peoples facing the commodification and overexploitation of aquatic resources is their inherent right to self-determination.24 As such, Indigenous Peoples are entitled to control and govern their coastal and riparian ecosystems through their own tenure systems. In turn, States must protect and respect Indigenous tenure.25'

- **Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana The impact of toxic substances on the human rights of indigenous peoples, A/77/183**

'26. Offshore oil and gas exploration can decimate subsistence hunting for indigenous peoples. To create patterns on the ocean floor to be mapped for drilling, seismic testing uses explosives, which create deafening echoes. These activities cause hearing loss and change migration patterns in marine mammals on which indigenous people rely for food.32'

- **Para 12, A/79/176 (2024) Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Elisa Morgera: access to information on climate change and human rights**

"12. Secondly, States should collect and share information with the public on the short- and long-term risks and negative impacts of climate change on human rights. Several submissions underlined the importance of sharing information from climate vulnerability assessments, which should consider climate hazards, species sensitivity and the socioeconomic vulnerability of sectors and regions, including displacement and migration patterns, and human health impacts. They also consider ecosystems, livelihood assets and productive infrastructure, plant and animal health, effects on agriculture, fisheries and other climate-sensitive industries, including changes in productivity and income levels, and landscape degradation, in order to identify the most suitable adaptation actions for different regions and sectors."

Panellists suggestions:

- Zoila Bustamante Cardenas, President of the Latin American Union of Artisanal Fisheries and of the Confederation National Association of Artisanal Fishermen of Chile (CONAPACH), presidenta.conapach@gmail.com
- Rayhan Dudayev, Greenpeace Southeast Asia, rayhan.dudayev@greenpeace.org
- Philile Mbatha, Senior Lecturer (human geography and transdisciplinarity), University of Cape Town, South Africa, and Deputy Director of the One Ocean Hub, University of Strathclyde, UK, philile.mbatha@strath.ac.uk

8. Increasing ocean-related scientific cooperation, knowledge, capacity building, marine technology and education to strengthen the science-policy interface for ocean health.

Input for concept paper:

- **Report of the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay, Protected areas and indigenous peoples' rights: the obligations of States and international organizations, A/77/238**

'21. Imposed conservation disregards and undermines the complex system of knowledge and conservation practised by indigenous peoples on their lands. Indigenous peoples and their organizations continue to raise concerns about the fact that protected areas are often conceptualized without consideration of indigenous world views or the system of management, control and protection of their traditional lands that has effectively protected nature for generations.

22. Protected areas are often created without consulting or obtaining the free, prior and informed consent of indigenous peoples, who are then excluded from the administration and management of their traditional territories and are often left without adequate compensation. Indigenous peoples are, in some cases, required to purchase permits to enter their territories and face severe restrictions on their subsistence livelihood activities, such as hunting, fishing or grazing.'

- **Report of the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples, Victoria Tauli-Corpuz, A/71/229**

'48. Examples of best practice reported include the mapping exercise facilitated by IUCN in Central America, which identified that the bulk of remaining forests and marine resources are within or bordering indigenous traditional lands. According to IUCN, the initiative provided a clear indication of the value and importance of supporting indigenous rights and tenure to meet conservation goals. WWF Indonesia states that, over the past five years, it has moved from including work with indigenous peoples under conservation targets to making it a specific target in itself, notably through working directly with indigenous peoples to document and integrate their territories in government plans, with a view to building stronger recognition of indigenous peoples' rights and more effective and equitable governance. WWF Cameroon is advocating with the Government for formalized national free, prior and informed consent requirements and guidelines. Additional examples of positive practices reported are support by transnational corporations for securing collective land rights in Indonesia and the United Republic of Tanzania.'

- **Report of the Special Rapporteur in the field of cultural rights, Karima Bennoune, A/75/298**

'45. Climate change negatively affects the practice of traditional knowledge in many places, including the very know-how and techniques needed to respond to such change. This is due to unpredictable weather and changing seasons which impair and may render increasingly obsolete such things as knowledge around navigation, calendars, meteorology, wind patterns, movements of sand, planting and harvests, fishing and food.81'

- **Para 73 A/79/176 (2024) Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Elisa Morgera: access to information on climate change and human rights**

"*73. It is thus essential to fill gaps and connect sources of information across different sectors and levels of government, as well as across civil society, the research community and international organizations. Information is needed on climate change sources and effects, including on biodiversity and ecosystem services, weather and natural disaster patterns, as well as on impacts on human health, mobility, labour, social, economic and cultural rights, and the right to a clean, healthy and sustainable environment, in terrestrial, freshwater and marine contexts. It is imperative to identify and respond – locally, nationally, regionally and internationally – to the greatest need for progress in knowledge production and information- and data-sharing, in order to protect the human rights of those in vulnerable and marginalized situations in the context of climate change*."

Panellists suggestions:

- Sangeeta Mangubhai, Reef ecologist, scientist, researcher gender, HR oceans equity, https://www.researchgate.net/profile/Sangeeta-Mangubhai, smangubhai@gmail.com
- Rufino Varea**,** a PhD scholar at the University of the South Pacific and an Indigenous Rotuman scientist researching marine ecotoxicology, rvarea97@gmail.com
- Dylan McGarry, marine sociological education and artivist, University of Rhodes, South Africa, and co-founder of the One Ocean Hub, d.mcgarry@ru.ac.za

9. Enhancing the conservation and sustainable use of oceans and their resources by implementing international law as reflected in the UNCLOS.

Input for concept paper:

- **Fisheries and the right to food in the context of climate change, Report of the Special Rapporteur on the right to food, Michael Fakhri, A/HRC/55/49**

'52. The Convention unfortunately conceptualizes the ocean as a natural resource to be exploited and managed, in which a State must enable as much extraction as possible. The Convention represents an

attempt to temper an extractive prime directive by reconciling it with the need to replenish fish stocks and biodiversity.

53. Specifically, States must establish policies that determine a maximum sustainable yield, as qualified by relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of developing States (art. 61 (3)). States are required to develop management schemes based on scientific evidence that ensure "proper conservation" and avoid overexploitation (art. 61 (2)). Concurrently, they are mandated to promote "optimal utilization" to achieve social and economic development goals (art. 62). There is no predetermined formula that guides States on how to calibrate between optimal socioeconomic utilization and proper conservation. If a State is unable to harvest the entire allowable catch within its exclusive economic zone, it must grant other States access to the surplus of allowable catch, subject to national conservation measures (art. 62 (2)).

54. States must ensure that living resources are not endangered by overexploitation and that harvested species' populations are maintained or restored to levels that can produce their maximum sustainable yield (art. 61 (2) and (3)). Nevertheless, the Convention offers flexibility to harvest at rates either above or below that yield based on "relevant environmental and economic factors" (art. 61 (3)). Unfortunately, for decades, States have interpreted the Convention in a way that enabled overfishing, mostly by large-scale operations. Moreover, the metric of maximum sustainable yield measures fish population in a way that does not account for the specific biological conditions a population needs to reproduce and flourish, and at times has incentivized overfishing.62 In sum, the Convention does not reflect the ocean as a source of life in its fullest sense, and communal, cultural and spiritual concerns are left out.'

- **ITLOS Advisory Opinion of 21 May 2024, On the Request submitted to the Tribunal by the Commission of Small Island States on Climate Change and International Law**

'66. The Tribunal notes that the IPCC, in its 2023 Synthesis Report, states that "climate change is a threat to human well-being and planetary health" (2023 Synthesis Report, p. 89), and that "[v]ulnerable communities who have historically contributed the least to current climate change are disproportionately affected (high confidence)" (2023 Synthesis Report, p. 5). The 2019 Report observes that "[h]uman communities in close connection with coastal environments … are particularly exposed to ocean and cryosphere change" (2019 Report, p. 5). For instance, the same report identifies future shifts in fish distribution and decreases in fisheries which would affect "income, livelihoods, and food security of marine resource-dependent communities", as well as impacts on marine ecosystems which would put "key cultural dimensions of lives and livelihoods at risk" (ibid., p. 26). In addition, the WGII 2022 Report indicates that "[c]limate hazards are a growing driver of involuntary migration and displacement" and that "[c]limate-related illnesses … and threats to mental health and well-being are increasing" (WGII 2022 Report, p. 1044).'

- **Para 17, A/HRC/56/46 (2024) Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Elisa Morgera**

"17. The International Tribunal also noted that climate change "raises human rights concerns", with two judges separately confirming that international human rights obligations are applicable to the protection of the marine environment from climate change, including the

obligation to prevent disproportionate impacts on those in vulnerable situations, particularly in small island developing States.[1] *The Special Rapporteur underscores that all obligations outlined by the Tribunal are crucial to protect human rights and should, in turn, be interpreted in accordance with relevant international human rights obligations. This is the case, for instance, in the obligation of States to subject to an environmental and socioeconomic impact assessment any planned activity that may contribute to climate change, in accordance with the precautionary and ecosystem approaches. This obligation also applies to international cooperation, in line with the 2023 Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, which provides for the creation of marine protected areas, environmental impact assessments and strategic environmental assessments, as well as capacity-building and technological and scientific cooperation with developing countries, including conservation of the carbon cycling services of ocean ecosystems."*

Panellists suggestions:

- Elisa Morgera, UN Special Rapporteur on climate change, hrc-sr-climatechange-morgera@un.org
- Patsy Contardo, Ocean Affairs Attorney, Chile, pcontardo@minrel.gob.cl

10. Mobilizing finance for ocean actions in the support of SDG14.

Input for concept paper:

- **Fisheries and the right to food in the context of climate change, Report of the Special Rapporteur on the right to food, Michael Fakhri, A/HRC/55/49**

'60. The Agreement on Fisheries Subsidies is the first World Trade Organization (WTO) agreement to explicitly address environmental issues, and is not yet in force. The Agreement establishes a set of disciplines on subsidies contributing to illegal, unreported and unregulated fishing and overfished stocks. The Agreement applies only to marine wild capture fishing and fishing-related activities at sea (art. 1), thereby excluding inland fishing and aquaculture and onshore activities such as packaging and processing.

(…)

64. WTO members agree that the livelihoods of small-scale fishers must be protected.70 But without any distinction for small-scale fishers at WTO, developing and least-developed countries are free to subsidize large-scale fishers and prioritize their operations over small-scale fishers. Human rights, especially through the Voluntary Guidelines, can provide a way to ensure that the WTO Agreement, when finalized and implemented, protects the livelihoods of small-scale fishers and contributes to an ecologically viable ocean.71

77. In fact, small-scale fishers self-governing through communal marine tenure systems often create broad-based benefits by governing certain spaces as a public good. For example, in Sri Lanka, the customary tenure system known as the padu system is managed by monthly meetings during which members decide the rotation of fishing sites among the particular families and villages. The system of shared ownership and rotating access through a lottery mechanism fosters impartial fisheries

management. The system ensures a fair distribution of benefits and acts as a powerful deterrent against overfishing and the depletion of marine resources. Moreover, the approach guarantees secure and impartial access to fishing grounds, significantly diminishes conflicts and promotes sustainable coexistence among diverse groups of fishers.88

(…)

87. A more recent phenomenon is the rise of "blue finance", in which the ocean is increasingly conceptualized and organized through financial elites, institutions and markets. This financialization of the ocean is creating greater degrees of inequality and opaque governance, and raises significant risks of human rights violations, especially for coastal communities, Indigenous Peoples and small-scale fishers.

88. This is part of the larger phenomenon of governing conservation initiatives through financial arrangements. Conservation finance treats the problem of environmental degradation and climate change as a shortcoming of public and philanthropic spending – a financial gap. The proposed solution is to subsidize private investors to encourage them to direct capital towards conservation projects that set aside large tracts of land or water for protection from human activity. This is different from, for example, loss and damage, which frames financing as a matter of reparations and equity.

(…)

92. This issue has become more acute following the adoption of the 30x30 target of the Kunming-Montreal Global Biodiversity Framework. As mentioned above, financing this target is a contentious issue. On the basis of colonial and racist experiences in the past and present, Indigenous Peoples raised the alarm that the 30x30 conservation target risked dispossessing their communities from their territories and creating "colonial conservation" schemes,102 also known as fortress conservation. Fisher organizations and other civil society organizations have called for a rejection of debt-for-nature swaps in the context of oceans.103 Ultimately, it is impossible to separate aquatic conservation from human rights.

(…)

101. States must revisit the blue economy agenda and should:

(a) ***Protect small-scale fishers, fish workers and Indigenous Peoples from competing "blue economy" sectors;***

(b) ***Govern fisheries through human rights-based approaches and not through private property rights regimes;****'*

- **Para 94 (d) a. of the Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, David R. Boyd Healthy and sustainable food: reducing the environmental impacts of food systems on human rights, A/76/179**

'94. While the foregoing changes are necessary, they are not sufficient to achieve the required transformation of today's food systems. Fulfilling the rights to food and a healthy and sustainable environment requires additional policy and governance changes:

(d) Economic reforms

To finance the required systemic changes, States should:

a. Redirect more than $700 billion in food-related subsidies that undermine sustainability to support innovation, implement sustainable production practices (particularly agroecology), end overfishing, develop green technologies, create just transition strategies, support healthy diets and restore ecosystems;'

- **Para 64 of A/79/176 (2024), Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Elisa Morgera**

"64. (...) The International Tribunal for the Law of the Sea underscored the legally binding nature of State obligations under the law of the sea to assist developing States, in particular vulnerable developing States, in their efforts to prevent, reduce and control climate change as a form of marine pollution, also from a finance perspective."

Panellists suggestions:

- Amelia Arreguin, Coordinator, Convention on Biological Diversity Women's Caucus, coordination@cbdwomenscaucus.org
- Michael Fakhri, Special Rapporteur on the right to food (possibly online participation)
- David Boyd, former Special Rapporteur on the human right to a clean, healthy and sustainable environment (possibly online participation)

Other relevant resources:

- A Synthesis Report by the United Nations Environment Management Group, **Addressing marine litter and microplastics UN system-wide contributions**
- **UN Common Approach to Biodiversity**
- **The United Nations System Common Approach Towards a Pollution-Free Planet**
- **Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes on his visit to Mauritius, A/HRC/51/35/Add.1**
- **Key Messages on human rights and biodiversity**
  [العربية] [中文] [English] [Français] [Русский] [Español]
- **Key Messages on human rights and climate change**
- **Key Messages on human rights, climate change and business**
  [العربية] [中文] [English] [Français] [Русский] [Español]