



7 June 2017

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

President Thomson, Mr. Hongbo, Co-hosts Fiji and Sweden, distinguished co-facilitators and all,

My name is Darlene 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 62 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 62 signatories recommend the United Nations, governments, organizations and stakeholders:
 - 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 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. People of color, indigenous people, women, children, the disabled and refugees have all had to fight for basic recognition as members of the rights-holding community.

Earth Law Center believes that achieving fundamental rights for nature will be society's next major rights-based milestone, as part of a larger movement towards "Earth Law" (like "Human Rights Law" but for the planet). The opportunity of catalyzing this change at this week's conference means focusing on the Ocean's own well-being with principles of sustainability, ecosystem health, precaution, and interconnectedness.

Rights originate from existence, not from dominion. 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 numerous municipalities in the US, including Pittsburg and Santa Monica, have in some shape or form legally adopted rights of nature and are effectively protecting communities, species and ecosystems.

Recognizing and protecting the ocean's rights is a way to address the full range of issues we have all come here to discuss. Whether it be plastic or noise pollution, overfishing or illegal



fishing, biodiversity or climate change- if we shift our approach from one which is human-centered to Earth-centered, we can ensure our ocean is healthy and thriving now and for future generations. Earth Law Center is committed to ensure an Ocean-centered approach to ocean governance and as a result have launched a program to promote laws and policies that grant marine ecosystems legal rights. In particular, Earth Law Center strives to ensure five marine protected areas are granted legal rights by 2022.

Restoring ocean health and integrity can only be achieved with a paradigm shift away from business as usual, with the leadership of national governments partnering with civil society and the private sector. 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, including the pursuit of “protected area governance systems that achieve the effective and equitable governance of natural resources are recognized (as best practices/ pilot testing), supported and promoted, while respecting the rights of nature”⁶ to achieve SDG 14;

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

¹ Living Planet Index, Living Blue Planet Report, available at:

http://www.livingplanetindex.org/projects?main_page_project=BluePlanetReport&home_flag=1.

² Division for Ocean Affairs and the Law of the Sea, “The oceans are the very foundation of human life,” Office of Legal Affairs, United Nations, 2011, available at: http://www.un.org/depts/los/oceans_foundation.htm

³ Division for Ocean Affairs and the Law of the Sea, “Marine biological diversity beyond areas of national jurisdiction,” Oceans & Law of the Sea, United Nations, 2012, available at:

http://www.un.org/Depts/los/biodiversityworkinggroup/marine_biodiversity.htm

⁴ Earth Law Center, A Vision for Ocean Health in California, March 2016, available at: bit.ly/ELCOcHeR

⁵ California Ocean Protection Act, Pub. Res. Code § 35505(c)

⁶ IUCN Programme 2017-2020 : approved by the IUCN World Conservation Congress, September 2016, Target 15, Pg. 35, available at: <http://bit.ly/2kkHWCo>

⁷ Available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/71/232



ALSO RECALLING that the experts' summary report of the first virtual dialogue of the General Assembly on Harmony with Nature⁸ 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 systems⁹ and over 845,000 people from 122 Countries support UN recognition and adoption of the Universal Declaration on the Rights of Mother Earth;¹⁰

NOTING that some countries recognize the rights of nature in the context of the promotion of sustainable development;¹¹

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.¹²

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.

⁸ Concept Note: Interactive Dialogue of the General Assembly on Harmony with Nature in Commemoration of International Mother Earth Day; Theme: Earth Jurisprudence, UN HQ New York, April 2017, Trusteeship Council, available at: <http://harmonywithnatureun.org/content/documents/438HwN.ConceptNote.2017.pdf>

⁹ Ecuador, Bolivia, New Zealand, India, Colombia, Mexico City, United States; see more at bit.ly/ELCIL

¹⁰ Universal Declaration of the Rights of Mother Earth, 2010, available at: www.therightsofnature.org and <http://www.rightsofmotherearth.com/declaration-of-the-rights-of-mother-earth>

¹¹ Available at: bit.ly/UNHwN

¹² Universal Declaration of the Rights of Mother Earth, 2010, available at: <http://www.rightsofmotherearth.com/declaration-of-the-rights-of-mother-earth>





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 (PACSInstitute), 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 Tropical 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 Cetáceos (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

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