

# OCEAN-BASED CLIMATE ACTION AND HUMAN RIGHTS

## INTRODUCTION

We are reliant on a healthy ocean to satisfy the material conditions for the **human rights to life, health, food, water and culture**. The ocean produces over half the oxygen we breathe; contributes to the renewal of freshwater; provides nutritious food and livelihoods; and hosts unique biodiversity that produces multiple benefits for human health.

**Climate change is causing vast and rapid changes to the ocean**, undermining the ocean's capacity to produce essential benefits to humanity. In turn, **the ocean plays an important role in regulating our global climate**, as it absorbs over a quarter of global carbon dioxide.

The ocean should therefore be recognised as an essential element at the intersection of climate change and human rights.

**As ocean-based climate action has only recently been placed on the agenda of the international climate change process**, we need to fully understand and systematically consider the human rights implications (positive and negative) with a view to ensuring **co-benefits** in terms of effective protection of the marine environment, conservation and sustainable use of marine biodiversity, efficient climate change mitigation and adaptation, and the societal benefits captured in the Sustainable Development Goals (SDGs).

## THE OCEAN AT COP26

After over a decade of international efforts to include the ocean under the international climate change regime, the **2021 Glasgow Climate Pact**:

- Referred to ensuring the **integrity of marine ecosystems**, their **protection and restoration** (1/CP.26 para. 21);
- Mandated relevant work programmes and constituted bodies under the UNFCCC to consider how to strengthen and integrate **ocean-based action** in their existing mandates and workplans and report these activities (1/CP.26, para. 60);
- Mandated the chair of the SBSTA to hold an annual dialogue starting at the 56th session, to strengthen ocean-based action and prepare an informal summary report for the Parties for COP27 (1/CP.26, para. 61).

While the Glasgow Climate Pact officially integrates the ocean for the first time across all areas of work under the UNFCCC and the Paris Agreement, much remains to be clarified about what "ocean-based action" means and how it can be supported with a view to also contributing to other relevant international objectives.

## OPPORTUNITIES FOR OCEAN-BASED ACTION

We have identified key opportunities for ocean-based action to contribute to implement the UNFCCC and the Paris Agreement in a mutually supportive way with international biodiversity law, the law of the sea, and international human rights law with a view to achieving co-benefits across different SDGs.

- Require respect for human rights in relation to the scoping, assessment, selection, implementation and monitoring of ocean-based actions;
- Harness guidance already adopted under the Convention on Biological Diversity on **ocean-based climate change mitigation and adaptation**, which also supports the protection of the human rights of indigenous peoples, small-scale fishers and other ocean-dependent communities;
- Consider the synergies between "phasing-out of inefficient fossil fuel subsidies" and the curbing of plastic production, that can in turn contribute to prevent **ocean plastic** pollution and its negative impacts on marine biodiversity, the ocean's capacity to mitigate climate change, and human rights;
- Consider the role of **ecosystem restoration** in contributing to mitigation and adaptation, as well as the protection of several human rights;
- Focus on curbing CO2 emissions to combat **ocean acidification** as a **mitigation co-benefit**; and explore how loss and damage can be operationalised to limit the ecological and human rights impacts of acidification as a slow-onset event;
- Safeguard human rights in the context of **blue carbon initiatives**;
- Develop guidelines on **ocean-based adaptation approaches** through the Glasgow-Sharm El-Sheikh Work Programme for the Global Goal on Adaptation, notably on fisheries and climate change in partnership with the Food and Agriculture Organization of the United Nations (FAO) and relevant stakeholders including regional fisheries bodies.

## FINANCE

- Prioritize scaled-up research to the ocean-basin and regional scale, to develop and design monitoring tools, as well as appropriate mitigation and adaptation strategies;
- Prioritize transdisciplinary ocean research (across the marine and social sciences) which respectfully includes indigenous and local knowledge holders, and other human rights holders in the co-identification of ocean-based action;
- Prioritize ocean-based action that supports the protection of children's human rights (referring to the UN Committee on the Rights of the Child's forthcoming General Comment on children's rights to a healthy environment, with a special focus on climate change);
- Require specific conditions of "fair research partnerships" and "co-development" of ocean-based action as a human rights safeguard.

## RELATIONSHIPS WITH OTHER INTERNATIONAL FORA

Consider the opportunities and implications for ocean-based action and human rights that may arise from:

- The International Seabed Authority, where regulations on deep-seabed mining are under development;
- The UN Inter-governmental committee on a legally binding instrument on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction (BBNJ);
- The UN Decade for Ocean Science;
- The UN Decade for Ecosystem Restoration.



The One Ocean Hub is an international programme of research for sustainable development, working to promote fair and inclusive decision-making for a healthy ocean whereby people and planet flourish.

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To that end, the authors are co-editing a **special issue** for the International Journal of Marine and Coastal Law to address these topics. It argues that **priorities for additional research should be identified on the basis of the interdependence of human rights, the climate and the ocean across scales.**

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