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Bate

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The 2030 Agenda for Sustainable Development is founded in human rights including the right to development. It clearly states that it is an Agenda for rights-based, sustainable development that benefits all persons. In the context of SDG14 on conserving oceans, this has specific implications. Substantial changes to the oceans are currently occurring as a result of acidification caused by absorption of excess carbon dioxide in the atmosphere, pollution, overfishing and destructive fishing amongst other human impacts. When ocean ecosystems suffer, the people who rely upon them for their livelihoods do as well. Many of the people living in coastal areas (an estimated 37% of the global population in 2010) rely upon the ocean, either directly or indirectly, for their livelihoods. Oceans and ocean ecosystems, for example, support trade, fishing, travel, tourism and countless other activities. By absorbing carbon dioxide from the atmosphere, oceans also provide a buffer against climate change and its negative human rights impacts but their capacity to do so is limited and this service comes with a price in lost ecosystem integrity. Critical ocean and estuarine ecosystems are increasingly imperiled by the substantial changes being wrought upon them by human beings.

Destruction of reefs and mangrove ecosystems threaten biodiversity and food security while also eliminating a critical protective barrier against storm surges, erosion and the impacts of rising sea levels. This jeopardizes entire coastal communities and renders the people that live in them increasingly vulnerable to the impacts of climate change. These impacts include a growing frequency and intensity of extreme weather events, rising sea levels from the melting ice caps, salinization of freshwater aquifers, and declining fish stocks. Harmful fishing subsidies and the under-regulation of international waters further contributes to overfishing and threatens food supplies. These negative impacts of oceanic degradation in all its forms are particularly acute for indigenous peoples, subsistence fishers, persons living in small-island developing States, persons with disabilities, women, children, and the poor.

It is very clear that these changes to ocean ecosystems stemming from climate change and other human impacts threaten a wide array of human rights including, *inter alia*, rights to food, water, life, health, housing, culture and work. At its most extreme, degradation of marine ecosystems from rising sea levels, acidification and other human impacts, risks the continuing existence of entire ways of life, the self determination of indigenous peoples, and the territorial integrity of nations. The human rights commitments of States as well as their commitments to sustainable development reflected in the 2030 Agenda and the Paris Agreement imply that States must protect and preserve ocean ecosystems for the benefit of those persons that rely upon them and for the promotion of truly sustainable development that will reduce inequalities. As clearly described above, these objectives – sustainable development, fulfillment of human rights, reducing inequalities, and combatting climate change – are interconnected and will require collective and coherent action.

In this regard, the private sector also has obligations to respect human rights in the context of marine activities. Currently, the maritime sector faces urgent human rights issues. Working conditions of ship workers, modern-day-slavery in the fishing industry, violent attacks by pirates and others, environmental contamination in dismantling of end-of-life ships, among other things, all pose significant risks to human health. Although human rights apply at sea, as equally as they do on land, the sector has been largely absent from discussions about human rights. The UN Guiding Principles on Business and Human Rights apply to companies in the maritime sector as well as to companies in any other sector. In implementation of their responsibilities under the UN Guiding Principles, maritime companies

need to undertake human rights due diligence, which implies assessing their major human rights risks and taking effective measures to prevent and mitigate such risks, including risks to oceanic ecosystem integrity, and address any actual human rights impact they may have been involved with, either through their own activities or through their business relationships.

The oceans also provide a pathway for large movements of people which are driven by multiple, complex and interlinked drivers including poverty, environmental degradations, discrimination, conflict, and insecurity. The perilous movement of persons across the sea is rarely entirely 'voluntary' in the true sense of that term and all migrants, regardless of their legal status, how they arrive at sea borders, where they started their journey, or their race, religion or nationality, are entitled to enjoy their human rights, in line with international law. The starting point of lawful migration policy is the guidance provided by international human rights law and standards as set out in the core human rights treaties, and in the complementary standards of international humanitarian law, refugee law, and the law of the sea. International law requires the rescue of migrants in distress at sea, and their timely disembarkation in conditions of safety and dignity. On arrival, every individual regardless of status has the right to individual determination of her or his situation. No-one should be subjected to prolonged or arbitrary detention, discriminatory or arbitrary decision-making, unlawful profiling, or disproportionate interference with the right to privacy. The prohibition on *refoulement* must be scrupulously upheld for everyone. And specific attention must be paid to migrants who are at particular risk such as children, pregnant women, persons with disabilities, older persons and victims of torture, violence or trauma. Guaranteeing the rights of all persons in movement, including those crossing the oceans, will be absolutely critical to ensure the overarching objectives of the 2030 Agenda to reduce inequality and leave no one behind.



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