



# Ocean defenders are environmental human rights defenders

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**Abstract:** Those who are protesting against unsustainable uses of the ocean or exclusionary approaches to marine conservation should be recognised and protected as environmental human rights defenders (EHRDs), due to growing awareness of the interdependence between a healthy ocean and human rights.

The ocean produces half of the oxygen we breathe, contributes significantly to [climate change](#) mitigation, provides nutritious food, plays a crucial part in the global water cycle, and supports human well-being culturally, spiritually and recreationally. A [healthy ocean](#) is therefore essential for everyone's human right to life, health, food, water and culture, particularly for small-scale Indigenous and other [fishing communities](#), women (see [One Ocean Hub webinar](#)) and [children](#). Awareness about the interdependence of [human rights](#) and a healthy ocean is growing.

For instance, in South Africa, small-scale fishers are routinely [left out](#) of decisions that affect fisheries, the health of the marine environment, and their livelihoods. In 2023, small-scale fishers and their [allies](#) won three successful [appeals](#) against licenses for offshore oil and gas exploration through seismic surveys, which

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[negatively affect](#) marine life and the livelihoods and culture of coastal fishing communities.

A [judgement](#) in September 2022 [recognised](#): 1) the crucial role of coastal communities as ocean custodians, including to the benefit of a safe climate; 2) the sacred nature of this relationship in terms of cultural human rights; and 3) the need to protect the participatory rights of these communities in decisions on the ocean. This was possible thanks to an unprecedented [collaboration](#) between small-scale fishers, marine scientists, social scientists and artists that were able to prove tangible and intangible connections between a healthy ocean and human rights.

### **Why are ocean defenders not yet fully protected as environmental human rights defenders?**

The recognition of those protesting against unsustainable or exclusionary decisions on the ocean as environmental human rights defenders is lagging behind, compared to land defenders. This is due to a variety of reasons. First, national and international human rights experts and advocates are not fully aware of the science about the role of a healthy ocean for human well-being, of the socio-ecological conditions necessary to ensure a healthy ocean, and of the multiple, inter-connected threats undermining ocean health and ocean-dependent human rights. In turn, most ocean governance and management professionals have not been trained in human rights law, made aware of the potential and actual negative impacts on human rights of their decisions, or of the relevance of their mandate for the protection of human rights.

There is, therefore, a great need to bring the ocean and human rights communities of practice together and support mutual learning. Most progress, so far, has been made on human rights issues related to working conditions on fishing vessels, and on the human rights of small-scale fishers, whose decades-long advocacy efforts culminated in the call for a human rights-based approach in the FAO [SSF Guidelines](#) – the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication. Nevertheless, the need to clarify the full content of the human rights of small-scale fishers among fisheries experts motivated a collaboration between the FAO, the UN High Commissioner for Human Rights and the [One Ocean Hub](#) during 2022 – the International Year of Artisanal Fisheries and Aquaculture, calling for their coherent interpretation and protection of all their indivisible human rights (see [joint policy brief](#)). There still remains limited understanding, however, of how, by protecting small-scale fishers' human rights to health, food and culture that are underpinned by a healthy ocean, there is a benefit for [everyone's human right](#) to a healthy environment, as far as the [ocean](#) is a component of it.

Second, threats to [human rights](#) dependent on a healthy ocean arise both from ocean-related policy areas (fisheries, offshore oil and gas, coastal tourism), and from land-based activities. For instance, 80 percent of [ocean plastics](#) comes from land, and only the remaining 20 percent from fishing activities. [Ocean plastics](#) pose increasing threats to everyone's human right to health, particularly to [children's' rights](#).

Third, we are still catching up (compared to our knowledge of land dispossessions) on the historic exclusion of Indigenous peoples and other

communities from marine areas and from the continued colonial legacies in this connection in today's laws and policies on marine natural resources, as [Wilson](#) has highlighted. In a powerful [report on sustainable development](#), the UN Special Rapporteur on Cultural Rights called for 'unearthing and acknowledging historical injustices committed in the name of progress and in violation of the cultural rights of local populations, which have resulted in 'prevailing development practices' that disregard different values and worldviews and are shaped by 'inequalities and stereotypes that prevent transformative change and are based on colonial legacies' (paras 21 and 25-26).

The fourth, inter-connected reason, is the limited engagement with ocean culture (including Indigenous and other communities' customary laws, worldviews, knowledge and cultural heritage) in ocean governance processes. This, in and of itself, limits the recognition of relevant human rights holders in ocean-related decision-making processes. Based on evidence from the One Ocean Hub, the UN Special Rapporteur [confirmed](#):

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.

### **Progress towards better recognition and protection**

Since 2021, the UN System has engaged in a series of global and regional [consultations](#) on improving the ways in which environmental human rights defenders are recognised and protected. As part of these efforts, the One Ocean Hub and other partners have underscored the need to raise awareness across the UN System of the need to recognize and offer protection to ocean defenders. The 2023 [UN guidance](#) to country offices on EHRD ('Guidance Note for United Nations Resident Coordinator & Country Teams: supporting governments to better respect, promote and protect EHRDs'), however, does not make an explicit reference to ocean defenders, although it does mention land defenders several times. This is regrettable as it keeps feeding into a still widely-held blind spot. On the other hand, children and young people have been increasingly acting as ocean defenders, including at the [ocean-climate nexus](#) – for instance, with reference to [deep-seabed mining](#). The 2023 UN [General Comment](#) on Children's Rights and a Healthy Environment, with a special focus on Climate Change, calls on states to take immediate action, to protect children's human [right to a healthy environment](#), by explicitly requesting states to prevent marine pollution and transform industrial fisheries. The General Comment also clarifies more general state obligations that are applicable to the ocean, such as the equitably phase-out the use of coal, oil and natural gas, and the conservation and restoration of biodiversity. It is, therefore, essential also to recognise the role and need of protection of the human rights of [child ocean defenders](#). Equally, it is essential in ocean decision-making at the national and [international](#) level to create enabling

environments for children to express their views on matters that affect their human rights and through that for generative intergenerational dialogue. Meanwhile, [coalitions of ocean defenders](#) and their allies in [academia](#) and civil society are developing [case studies](#) to raise awareness about the frequency and specificities of the threats to them. These alliances require new modalities of solidarity research and practice for academic researchers, their employers and research funders to effectively support ocean defenders, as [Pereira and Erwin](#) have emphasised.