**The One Ocean Hub’s Written Evidence to**

**the UN Special Rapporteur on the Right to Development:**

**Call for input for the 2024 report on the right to development of children and future generations**

By

Prof Elisa Morgera ([elisa.morgera@strath.ac.uk](mailto:elisa.morgera@strath.ac.uk))

Dr Mia Strand ([miavstrand@gmail.com](mailto:miavstrand@gmail.com))

Dr Alana Malinde S.N. Lancaster ([alana.lancaster@cavehill.uwi.edu](mailto:alana.lancaster@cavehill.uwi.edu))

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**About the One Ocean Hub**

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. The Hub brings together coastal people, researchers, decision-makers, civil society, and international organisations to value, and learn from, different knowledge systems and voices in Ghana, Namibia, South Africa, Fiji, Solomon Islands, Vanuatu and the Caribbean. The Hub is funded by UK Research and Innovation through the Global Challenges Research Fund and is led by the University of Strathclyde, UK. It gathers 126 researchers and 40 research and project partners including UN bodies.

**Scope of this submission**

The One Ocean Hub very much welcomes the Special Rapporteur’s vision report to the Human Rights Council ([A/HRC/54/27](https://www.ohchr.org/en/documents/thematic-reports/ahrc5427-reinvigorating-right-development-vision-future)) underlining the priority focus on the development aspirations of certain marginalised or vulnerable beneficiaries, including children, youth and future generations. In particular, the Hub welcome the proposed focus of the 2024 report on what the right to development (economic, social, political and cultural development) means for children and future generations, how their human rights are impacted by decisions taken by the present adult generation, and how to ensure a meaningful participation of children and future generations in decision-making processes at all levels. We contribute to questions 1-3 and 5 posed by the Rapporteur below.

1. **What does the right to development mean for children in line with the relevant policy frameworks and normative instruments? What about the right to development of future generations?**

As a general point, we wish to emphasize that children’s human right to development should be understood as:

* a holistic concept ‘embracing the child’s physical, mental, spiritual, moral, psychological and social development’, as emphasised by the UNCRC General Comment no 5; and
* a process that facilitates children’s ability to shape their lives in a way which affirms their agency - expanding their capability, increasing their real opportunities, and asserting that children should not be bound by choices made by others (Peleg 2016; 2019).

More specifically, we wish to underscore that **the right to development of children and future generations is closely interlinked with a healthy ocean**. The ocean is important for children’s human right development in terms of food, nutrition, health, water cycle, and climate regulation. According to [Strand et al 2023](https://brill.com/view/journals/chil/31/4/article-p941_008.xml), “A healthy ocean is fundamental to the lives and longevity of children in all countries across the globe, in securing a happy and healthy early years experiences, supporting a child’s transition to adulthood, and ensuring the fair and equitable inheritance of the ocean for future generations.” As discussed in [Shields et al, 2023](https://brill.com/view/journals/estu/aop/article-10.1163-15718085-bja10140/article-10.1163-15718085-bja10140.xml), children’s right to life, survival and health calls attention to immediate concerns, whereas their right to development emphasises the long-term effects of environmental degradation on children.

Therefore, the [UN General Comment no 26](https://www.ohchr.org/en/documents/general-comments-and-recommendations/crccgc26-general-comment-no-26-2023-childrens-rights) on Children’s Rights and the Environment, with a Focus on Climate Change can be [interpreted](https://oneoceanhub.org/wp-content/uploads/2023/12/Policy-Brief-What-childrens-human-rights-experts-need-to-know.12.12.23-.pdf) to indicate that States must take immediate action to protect children’s human right to development by:

* protecting and restoring marine biodiversity;
* preventing marine pollution, and the introduction of substances which are alarmingly damaging to children, including greenhouse gases;
* addressing the ocean-climate nexus, and prioritizing ocean-based climate action on the basis of the ecosystem and human rights-based approaches;
* transforming industrial fisheries to produce healthy and sustainable food, aimed at preventing malnutrition and promoting children’s growth and development.

States must also:

* take preventative and precautionary measures and targeted steps to protect children’s human rights at the ocean-climate nexus;
* include consideration of children’s rights in environmental impact assessments and strategic environmental assessments for projects, policies and plans that concern the ocean (including [blue economy and just transition initiatives](https://oneoceanhub.org/publications/integrating-human-rights-in-the-regulation-and-oversight-of-blue-economies-and-just-transitions/)), as well as in marine spatial planning; and
* provide children with appropriate and timely access to justice and remedies, in redress for current and future harms to the marine environment.

**Children’s rights to development is also closely linked to cultural rights and certain children’s cultural lives are inextricably linked to a healthy ocean.** The link between children’s right to development and cultural rights is essential to prevent discrimination. In fact, the ocean is imperative for cultural heritage, spiritual and cultural connections, identities, customary rights and interactions with nature and the environment across the globe. For example, in South Africa, the ocean is a place of tangible or intangible cultural heritage, such as traditions, oral histories, cultural practices and ceremonies, places of Indigenous cultural heritage and spiritual significance ([Boswell and Thornton, 2021](https://brill.com/view/journals/chil/31/4/article-p941_008.xml#CIT0009); [Strand et al., 2022a](https://brill.com/view/journals/chil/31/4/article-p941_008.xml#CIT0085)). For some Nguni descendant communities, the ocean is seen as the home and resting place of the ancestors ([Bernard, 2013](https://brill.com/view/journals/chil/31/4/article-p941_008.xml#CIT0008)). In Ghana, the ocean and its relevance to customary fishing practices and canoe cultures represents important intangible and tangible cultural heritage ([Oduro and Ansah, 2021](https://brill.com/view/journals/chil/31/4/article-p941_008.xml#CIT0071)). In Canada, Indigenous people’s cultural heritage and systems are closely linked to ocean stewardship and sustainable fish harvest, such as place-based salmon management systems ([Vierros et al., 2020](https://brill.com/view/journals/chil/31/4/article-p941_008.xml" \l "CIT0103)). In the Pacific Islands, the ocean cannot be separated from people’s cultural identities and sense of community ([Hau’ofa, 1998](https://brill.com/view/journals/chil/31/4/article-p941_008.xml" \l "CIT0037)), and people from the Solomon Islands often identify as “from the sea” (Lysa Wini, 2022). In the Caribbean, the ocean is the golden thread which binds the islands, mainland and a diversity of peoples transplanted as a result of ‘discovery’ ([Lancaster et al., 2022](https://brill.com/view/journals/chil/31/4/article-p941_008.xml#CIT0049)).

Ocean governance and mainstream ocean science (which provides the evidence base on which decisions on the ocean are taken), however, generally pay unduly limited attention to culture and cultural heritage, and to human rights, including children’s human rights. We thus recommend that **the UN Special Rapporteur on the Right to Development emphasize that the** [**UN General Comment no 26**](https://www.ohchr.org/en/documents/general-comments-and-recommendations/crccgc26-general-comment-no-26-2023-childrens-rights) on Children’s Rights and the Environment, with a Focus on Climate Change, **clarifies that a** [**healthy ocean**](https://oneoceanhub.org/un-guidance-on-childrens-human-right-to-a-healthy-environment-calls-for-protecting-marine-ecosystems-transforming-industrial-fisheries-and-preventing-marine-pollution/) (in terms of “marine pollution” and “fisheries”, as well as with implicit references to marine biodiversity and ocean-climate nexus) **is essential for the protection of children’s human rights, including their right to development.**

1. **How are the human rights of children and future generations impacted by development-related decisions (e.g., related to economic development or new technologies) made by the present adult generation? Please provide examples from your country or area of work.**

Children’s and future generations’ human rights are negative impacted by unsustainable and exclusionary decisions on the [ocean](https://oneoceanhub.org/publications/policy-brief-what-ocean-experts-need-to-know-about-childrens-human-right-to-aclean-healthy-and-sustainable-environment-including-a-healthy-ocean/), including decisions on the blue economy, [just transition](https://oneoceanhub.org/wp-content/uploads/2023/09/Policy-Brief-INTEGRATING-HUMAN-RIGHTS_13.09.23-1.pdf) and marine spatial planning. Based on our evidence, the UN Special Rapporteur on Cultural Rights ([UN Doc A/77/290](https://www.ohchr.org/en/documents/thematic-reports/a77290-development-and-cultural-rights-principles), 2022) already expressed concern about discrimination and historical stereotyping of ocean-related cultures of small-scale fishers and Indigenous peoples, which hinders their potential contribution to sustainable economic development through a holistic and integrated environmental ethos. We therefore recommend that the UN Special Rapporteur on the Right to Development underscores the need to consider the human rights to development of children in the context of [small-scale fisheries](https://oneoceanhub.org/publications/integrating-the-general-comment-26-on-childrens-rights-and-a-healthy-environment-in-the-implementation-of-the-fao-guidelines-on-small-scale-fisheries/), and generally in the context of sustainable fisheries, sustainable ocean uses and marine conservation under the 2022 [Global Biodiversity Framework](https://oneoceanhub.org/publications/policy-brief-integrating-the-general-comment-26-on-childrens-rights-and-a-healthy-environment-in-the-implementation-of-the-global-biodiversity-framework/).

In addition, we agree with the UN Special Rapporteur on Cultural Rights that “prevailing development practices are lacking consideration of cultural rights, different values and worldviews, due to inequalities and stereotypes that prevent transformative change and are based on colonial legacies that have shaped dominant conceptions of development imposing a paradigm of ‘progress’ that is not compatible with affected communities’ understandings” (para 21 and 25-26). We also agree with the UN Special Rapporteur on Cultural Rights that there is a need to decolonise and democratise sustainable development, including by unearthing and acknowledging historical injustices committed in the name of progress and in violation of the cultural rights of local populations (paras 25-25). **We thus urge the UN Special Rapporteur on the Right to Development to reflect further on how to decolonize and democratize sustainable development processes on the basis of the inter-dependencies of children’s human right to a healthy environment (including a healthy ocean), the right to development and cultural rights.** In particular, it will be very useful to reflect on the role of children’s human [right to be heard](https://oneoceanhub.org/wp-content/uploads/2023/08/Policy-Brief-A-Framework-for-Facilitating-Childrens-Participation-in-International-Processes-at-the-Ocean-Climate-Nexus_29.08.23.pdf) in the context of national and international process on sustainable development, including a healthy ocean ([Shields et al, 2023](https://brill.com/view/journals/estu/aop/article-10.1163-15718085-bja10140/article-10.1163-15718085-bja10140.xml)).

We raise specific concerns in relation to decisions on **large-scale fisheries** ([Nakamura et al, 2022](https://onlinelibrary.wiley.com/doi/10.1111/reel.12462)) and **deep-seabed mining** ([Morgera and Lily, 2022](https://oneoceanhub.org/publications/public-participation-at-the-international-seabed-authority-an-international-human-rights-law-analysis/)), who can have significant negative impacts on biodiversity and climate change, and on the children’s rights dependent on a healthy environment.

1. **How to ensure a meaningful participation of children and future generations in development-related decisions at all levels (e.g., in policy formulation or impact assessment)? Are there any existing good practices or models?**

**We have developed a** [**model**](https://oneoceanhub.org/publications/policy-brief-a-framework-for-facilitating-childrens-participation-in-international-processes-at-the-ocean-climate-nexus/) **to implement children’s meaningful participation in international for a at the ocean-climate nexus**, based on children’s right to be heard, which we think could be helpful for States and UN officers to operationalise intergenerational equity and implement Target 22 of the 2022 Global Biodiversity Framework: “ensur[ing] the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by ... children and youth.” In addition, **we recommend that the** **UN Special Rapporteur on the Right to Development reflect on the need for the implementation of the 2023 “High Seas Agreement”** or the [Agreement](https://treaties.un.org/doc/Treaties/2023/06/20230620%2004-28%20PM/Ch_XXI_10.pdf) on Marine Biodiversity of Areas beyond National Jurisdiction (BBNJ) under the UN Convention on the Law of the Sea **to provide for meaningful consideration of children’s best interests and for the new BBNJ institutions to respect children’s right to be heard** ([Shields et al, 2023](https://brill.com/view/journals/estu/aop/article-10.1163-15718085-bja10140/article-10.1163-15718085-bja10140.xml)).

In Latin America and the Caribbean, the entry into force of the Escazú Agreement provided an excellent opportunity for children and youth to participate in decision-making process and serve as climate and ocean defenders (Lancaster and Nurse, 2024 forthcoming). Additionally, the parties to the Aarhus Convention recently established a new Rapid Response Mechanism for environmental defenders, which affords the Special Rapporteur a suite of powers to intervene and use their unique position on the international plane to ensure that environmental defenders do not suffer due to their engagement for the environment (Weber, 2022).

1. **What measures should be taken to protect and empower child human rights defenders?**

As outlined in our earlier submission to the UN Special Rapporteur[on human rights defenders on child and youth human rights defenders](https://www.ohchr.org/en/calls-for-input/2023/call-input-report-special-rapporteur-human-rights-defenders-human-rights), it is essential to highlight the **specific role and risks of children environmental human rights defenders at the ocean-climate nexus**, because of:

* Limited understanding and awareness of the negative impacts on children’s human rights of ocean degradation, which results in a limited range of allies for child ocean defenders;
* Limited understanding of the interdependence of children’s [human right to culture](https://oneoceanhub.org/publications/protecting-childrens-rights-to-development-and-culture-by-re-imagining-ocean-literacies/), their [right to development](https://oneoceanhub.org/publications/policy-brief-10-key-messages-for-reimagining-ocean-literacies-that-consider-childrens-human-rights-to-development-and-culturepolicy-brief/) and a healthy ocean, as part of broader lack of consideration of culture in ocean-related decision-making;
* Lack of sufficient references to the inter-dependence of children’s human rights and a healthy ocean in [ocean literacy](https://oneoceanhub.org/publications/policy-brief-10-key-messages-for-reimagining-ocean-literacies-that-consider-childrens-human-rights-to-development-and-culturepolicy-brief/) and environmental education, which does not support the exercise of children’s civil and political rights at the ocean-climate nexus;
* Limited range of allies and resources to engage in less known international fora that are crucial for children’s human right to a healthy environment, such as the [Convention on Biological Diversity](https://oneoceanhub.org/what-does-the-global-biodiversity-framework-and-other-2022-un-biodiversity-summit-outcomes-mean-for-the-ocean-and-ocean-research-part-1/) and, after its entry into force, the 2023 “[High Seas Treaty](https://brill.com/view/journals/estu/38/3/article-p447_3.xml)” (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);
* Engaging in international fora that are crucial for children’s human right to a healthy environment that have already raised grave concerns for adult [environmental human rights defenders](https://theecologist.org/2023/jul/18/draconian-deep-sea-mining-negotiation-restrictions-threatened), such as the [International Seabed Authority](https://onlinelibrary.wiley.com/doi/epdf/10.1111/reel.12472).

Additionally, as was highlighted in our [Submission](https://oneoceanhub.org/publications/joint-submission/) to the Inter American Court on Human Rights, child defenders in some parts of the world are at increased risk, and therefore require added protection, as well as mechanisms to access justice and information, such as those provided for under the Escazu Agreement and Aarhus Convention.

To that end, the Special Rapporteur on the Right to Development could also underscore that State obligations under the UN Convention the Rights of the Child and on child defenders are relevant in the context of biodiversity, climate change and the ocean, and the need to:

* integrate considerations on children’s human rights to development, culture, a healthy environment, as well as the role of child defenders in [ocean literacy](https://oneoceanhub.org/publications/policy-brief-10-key-messages-for-reimagining-ocean-literacies-that-consider-childrens-human-rights-to-development-and-culturepolicy-brief/) materials/programmes;
* build the capacity of human rights experts to support [child ocean defenders](https://oneoceanhub.org/publications/policy-brief-what-childrens-human-rights-experts-need-to-know-about-a-healthy-oceanas-part-of-the-right-to-a-clean-healthy-and-sustainable-environment/); and
* build the capacity of [ocean experts](https://oneoceanhub.org/publications/policy-brief-what-ocean-experts-need-to-know-about-childrens-human-right-to-aclean-healthy-and-sustainable-environment-including-a-healthy-ocean/) to respect children’s human rights, particularly children’s rights to development, culture and a healthy environment; and recognize and support child defenders.