



# NICE DECLARATION HUMAN RIGHTS AT SEA



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## PRESENTATION

The Ocean Chair's proposal to prepare a formal declaration on Human Rights at Sea arose from a meeting held at the University of São Paulo, at the *Maison du CNRS*, on 25 October 2024. The meeting was attended by Ambassador Olivier Poivre d'Arvor, the French president special envoy for the Ocean Conference, who discussed the agenda of the event with 15 researchers.

Amongst the important themes presented for consideration - such as Law of the Sea, technology, maritime genetic resources - the idea of a Declaration was presented as a symbolic and strategic opportunity for the world to reaffirm the importance of protecting Human Rights at Sea during the Decade of the Oceans. The proposal aims to be at the heart of discussions at the Ocean Conference to be held in Nice in 2025.

At the end of the meeting, Ambassador Olivier Poivre d'Arvor, recognizing the relevance of the proposal, asked the Ocean Chair to prepare a reasoned draft of the Declaration and promote its discussion involving the academic and scientific community, civil society and states.

On 3 December 2024, during the "Seminar on Ocean Innovation and Transformative Technologies", chaired by Professor Alexander Turra and attended by academic and political authorities, the proposal was formally introduced. It will be made available to the society with universal access via the Unesco Chair website, in four languages (Portuguese, Spanish, French and English).

The proposed Declaration is a non-binding document – soft law – along the lines of the Universal Declaration of Human Rights, the Rio Declaration on Environment and Development and the Sustainable Development Goals, and is of great importance due to the urgency of establishing international paradigms for the protection of human rights at sea.

The draft Declaration, comprising a preamble and a catalog of 22 principles, recognizes that human rights are universal and must be fully protected both at sea and on land. It also highlights the need for a more effective global regime for the realization of human rights at sea, stressing that no scientific advance, achievement or alliance will be of value if it takes place in an environment where fundamental human rights are violated.

The 22 principles address inclusion and diversity at sea; the rights of maritime workers; protection against human trafficking and exploitation, the rights of refugees and maritime migrants; food security, technology transfer, rescue at sea, cultural protection of traditional communities and peoples; and the rights of fisherfolk, among others.

The document aims to achieve universal participation and engagement. We therefore invite everyone not only to know the proposal, but to raise awareness of its content.

Join us!

## HUMAN RIGHTS AT SEA

### A proposal for the Ocean Decade

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In response to a global consensus, in 2017 the United Nations proclaimed the United Nations Decade of Ocean Science for Sustainable Development, proposing that, from 2021 to 2030, states direct their initiatives to boost ocean science and broaden people's understanding of the sustainable use of the oceans.

The avant-garde conception of the oceans evokes the idea that human life is deeply connected to marine life, in a symbiotic relationship that demands recognition of the ocean's essential role in sustaining life and ecological balance. This includes an understanding of its connection to human society and the future of humankind.

International conferences have been held with the aim of improving people's awareness of the sustainable use of the sea, including events in Lisbon (2022) and Barcelona (2024), where research programs, marine observation, spatial planning systems, and technological innovation were coordinated. These events resulted in documents that reinforce the importance of fighting marine pollution, developing the "blue economy", protecting coastal communities and strengthening cooperation and monitoring, with the aim of securing the health of the oceans for future generations.

In 2025, Nice will host the "*United Nations Ocean Conference*" whose central goal is to accelerate action and mobilize actors for the conservation and sustainable use of the oceans, in line with the Sustainable Development Goals (SDGs) concerning marine life. This will be a key opportunity to make progress on key issues concerning the sustainable use and governance of the oceans, especially with regard to their social dimension.

The international community now has the opportunity to advance on the recognition of a theme already proposed by the civil society initiative in 2014 – the "*Human Rights at the Sea*", with the "*Geneva Declaration*", but which has gone unnoticed as a fundamental principle for the conception of the use of the oceans: the definitive affirmation of Human Rights in the oceans.

Several universal documents issued since the 1945 United Nations Charter reaffirm the commitment to human rights. However, despite the holistic perspective promoted by the United Nations Educational, Scientific and Cultural Organization's (UNESCO) "ocean

*literacy*", international documents on the oceans have not made significant progress in terms of recognizing and protecting human rights at sea. Abuses and violations continue to occur in different jurisdictional and non-jurisdictional spaces of the sea, where monitoring is limited by the inherent difficulties of these spaces.

Global attention must turn to the ocean not only as a source of resources, technology and sustainable practices, but as a space where life flows, where tens of millions of people meet every day to work, travel or transit and develop different social relationships. In this sense, having human dignity at its core, protecting human rights at sea is an urgent and strategic necessity. This includes fighting human trafficking, protecting victims of abuse and setting stricter standards for coastal states.

Human dignity and the integrity of life must be guaranteed in the face of sexual and moral abuse and torture. The sea must be a plural and diverse space, where the relevance of women and lesbian, gay, bisexual and transgender workers in ocean activities is recognized, with respect for diversity of gender, race, creed, equality and inclusion. It is equally imperative to protect children in their fundamental rights, against child labor and separation from their families.

Although the International Labor Organization (ILO) has already regulated maritime work, labor exploitation and subhuman conditions on vessels, especially in the fishing and transport sectors, still persist. Violence against maritime workers, especially on vessels using flags of convenience, where inspection is limited, frequently occur. It is necessary to rigorously punish and implement an expedite collective international monitoring system to fight against these violations.

The safety of life at sea is equally fundamental. Regulations on navigational safety must be observed to protect those who risk their lives on a daily basis in maritime activities that are essential for the global supply of goods and services.

Maritime migration, as observed in the Mediterranean and the Gulf of Mexico, exposes individuals to inhumane conditions and significant risks with significant violations of their rights. The absence or refusal of safe rescue for vessels seeking refuge calls for the emergence of legislation obliging coastal states to provide assistance and reception to all coastal states.

Climate refugees, especially those affected by rising sea levels, must have citizenship rights recognized. Faced with shared environmental responsibility for marine pollution and the acceleration of ocean acidification and melting of the ice caps, states must, based on the principle of solidarity, promote their reception.

The right of all people to a healthy environment must be reaffirmed and re-dimensioned, and the economic exploitation of the oceans, whether through fishing, underwater mining or transportation activities, must be addressed as a threat to living ecosystems, demanding a rigorous assessment of standards on state concessions and application of the precautionary principle.

In turn, the recognition of the identity of traditional coastal communities and the inclusion of native peoples who depend on clean seas, sustainable management of landscapes, and marine resources for their culture and traditional ways of life, must guarantee maritime policies for the preservation of their tangible and intangible heritage.

For human rights at sea to be realized, states must develop effective national and international legislation with a multi-level and cross-cutting approach. The absence of unified regulation turns the ocean into a zone of impunity, where abuses are easily committed and ignored. States, especially coastal ones, have a duty to regulate and monitor activities in their waters, establishing minimum protections for human rights. Adopting multilateral commitments, investing in enforcement and training the agents responsible for monitoring the sea are essential to guaranteeing these rights.

Although human rights are universal, to be observed both on land and at sea, their reaffirmation in the marine environment will have the capacity to reinforce their meaning and specialize their conception, drawing the attention of the entire global community so that the sea is not a hostile environment and averse to compliance with elementary imperative norms of human dignity.

The adoption of a formal Declaration at the Nice Conference will have a profound symbolic and pedagogical impact, triggering the improvement of human rights at sea by the States, guaranteeing the primacy of human dignity in all activities carried out in maritime spaces.

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# NICE DECLARATION HUMAN RIGHTS AT SEA

## Nice Declaration on Human Rights at Sea

Preliminary proposal from the UNESCO Chair on Ocean Sustainability at the University of São Paulo, in the context of the Center of Excellence in Ocean Innovation and Transformative Technologies of the Organization of American States and the Ocean Pillar of the International Research Center of the University of São Paulo and the French National Center for Scientific Research (CNRS)

## NICE DECLARATION HUMAN RIGHTS AT SEA

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The United Nations Conference on the Ocean, meeting in Nice from June 9 to 13, 2025, and mindful of the need to reaffirm the primacy of human rights and their realization and improvement in maritime spaces,

### Preamble

**Recognizing** that the ocean is a common good of humankind, essential for the ecological balance and sustenance of life on the planet, and that the protection of human rights at sea is fundamental to guaranteeing the dignity and well-being of all people involved in ocean activities,

**Aware** of the vast and complex maritime environment, which covers more than 70% of the Earth's surface and in which millions of people work, live or pass through, including fisherfolk, offshore workers, sailors, migrants and refugees,

**Convinced** that the sustainable development of the oceans must integrate the protection of human rights and that a human rights approach is necessary to ensure that the sea is a safe, inclusive and protected space for all,

**Motivated** by the establishment of the "Ocean Decade" to trigger a radical change in the relationship between humans and the ocean, conceiving it as a functional, productive, resilient and sustainable space, but still essentially human,

**Aware** that no scientific breakthrough, achievement or alliance will have any value if it is produced in an environment where the fundamental rights of human beings are violated,

**Inspired** by the "Human Rights at the Sea" initiative arising from the "Geneva Declaration on Human Rights at Sea",

**Recalling** the United Nations Charter, the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, the International Convention for the Safety of Life at Sea, the Rio Declaration on Environment and Development, the United Nations Convention on the Law of the Sea,

the Maritime Labor Convention and other ILO resolutions on the subject, the Sustainable Development Goals, in particular SDG 14 on the conservation and sustainable use of the oceans, among other relevant international conventions,

**Noting** that, despite advances in the areas of environmental protection and maritime governance, human rights in the marine environment remain vulnerable to abuse, labor exploitation, discrimination, violence and denial of basic rights, especially in areas that are difficult to monitor,

**Convinced** that human rights are universal and must be fully observed both at sea and on land, and reaffirming that all people, regardless of their geographical location, status or condition, are entitled to dignity, freedom, security and the protection of their fundamental rights,

**Concerned** about the systematic violation of human rights at sea, with the urgent need to address abuses such as slave labor, human trafficking, abandonment of crews on the high seas, sexual violence, labor exploitation, and the use of arbitrary and excessive force, for which legal protection and remedy mechanisms are proving insufficient,

**Aware of** the need to address the limitations imposed by the nature of activities at sea, recognizing the sea as a space of shared and collective jurisdiction where the protection of human rights is a common and collective responsibility of the entire international community,

**Aware** of the need for a more effective global regime for the realization of human rights at sea, which systematizes different approaches and sensitive issues for a legal order that guarantees safe and secure seas and oceans, ensuring that all people at sea enjoy human rights, and that violations are effectively addressed and victims receive an effective remedy, especially on the part of States that have the responsibility to enforce human rights at sea, in particular flag States, coastal States and port States,

**Aiming** to achieve universal participation and engagement,

**Proclaims** this **Nice Declaration on Human Rights at Sea**, reaffirming principles and provisions that guide nations, states and peoples to promote, respect and protect human rights in the maritime context.



## Principles

### Principle 1: Universality of Human Rights at Sea

Human rights are universal and apply both at sea and on land. Geographical location or maritime jurisdiction does not affect, diminish, or suspend the right to human dignity and its protection.

### Principle 2: Human Dignity at Sea

All human beings who operate, inhabit or depend on the oceans, without discrimination of any kind, enjoy basic human rights and have the right to dignity, integrity and protection from all forms of violence, exploitation, and discrimination. States have a duty to ensure that there is no unequal or unprotected treatment justified by the maritime environment.

### Principle 3: Inviolability of Human Rights at Sea

No maritime circumstance or specificity can be used as a justification for denying or violating the human rights of any person at sea.

### Principle 4: Systemic perspective

All human rights, or any rights concerned with the provisions included in this document, established in the principles, treaties, and customary international law must be observed at sea.

### Principle 5: Commitment to the Implementation and Enforcement of Human Rights

The human rights established in international law and derived from its sources must be strictly observed in the maritime environment, with State implementation of effective bodies, systems, and mechanisms for prevention, monitoring, and accountability.

### Principle 6: Primacy of Peace in the Oceans

The right to peace in the oceans is a fundamental pillar of the international community and is intrinsically linked to the realisation of human rights. The oceans are to be used exclusively for peaceful purposes, promoting the well-being of humankind and sustainable development. Any dispute related to the use of the oceans must be resolved by peaceful means, under the principles stipulated by the United Nations Charter and other international instruments.

## **Principle 7: Right to a Healthy Marine Environment**

Every individual has the right to a healthy marine environment, the preservation and protection of which must be ensured against predatory practices, pollution, acidification, and unsustainable activities, with respect for intergenerational ethics, the precautionary principle, and shared responsibility, and under the concept that the ocean is a common heritage of humankind and that the issues of ocean space and continental space are closely interrelated and must be considered as a whole.

## **Principle 8: Environmental Responsibility and Liability and the Right to a Healthy Marine Environment**

All states have the obligation to prevent, reduce, and control harmful environmental impacts on the oceans, including pollution, acidification, overfishing and resource extraction, by adopting the precautionary principle as a guide to their actions and by strengthening scientific cooperation at all levels. Economic activities carried out in the marine environment must be regulated by States in order to protect ocean ecosystems and preserve the health of the oceans for future generations.

## **Principle 9: Inclusion and Diversity at Sea**

The ocean must be a space of respect and appreciation for diversity of gender, race, sexual orientation, language, religion, ethnicity, political opinion, social status, culture and beliefs, promoting equality and inclusion in all maritime activities, specifically for women, children, black, and LGBTQIAPN+ people, and those in situations of vulnerability.

## **Principle 10: Maritime Workers' Rights**

Maritime workers have the right to decent work, safe, appropriate and fair working conditions, free from exploitation and abuse, and must enjoy the fundamental rights guaranteed to all. States, especially flag states, have a duty to rigorously monitor working conditions, vessel safety, and social issues on board, applying severe sanctions in the event of violations, while the rule most favorable to the worker must prevail in the allocation of their rights.

### **Principle 11: Full protection for Ships' Crews**

In cases of seizure or detention of ships, the fundamental rights of the crews must be fully observed, safeguarding their dignity and safety in all circumstances in accordance with international law, including the United Nations Convention on the Law of the Sea (UNCLOS) and international human rights standards. It is essential to guarantee protection against the practice of violations, discrimination, cruel, inhuman or degrading treatment or punishment, as well as unlawful arrest or detention.

### **Principle 12: Protection against Human Trafficking and Exploitation**

Human trafficking and exploitation at sea are crimes against humanity, requiring coordinated action between states to prevent and fight against them, through monitoring systems and cross-border collaboration, as well as specific and effective measures to protect women, children, and vulnerable groups from abuse, sexual exploitation, forced labor, and other human rights violations.

### **Principle 13: Obligation to assist persons in distress at sea**

All ships anywhere at sea have the obligation to render assistance, provided they can do so without danger to themselves or others, to persons in distress at sea.

Every coastal state must promote the establishment, operation, and maintenance of an adequate and effective search and rescue service to guarantee maritime and air safety and, when circumstances so require, cooperate to this end with neighboring states through regional arrangements for mutual cooperation.

Sea rescue involves providing initial care to people in distress at sea and getting them to safety.

### **Principle 14: Rights of Refugees and Maritime Migrants**

Refugees, forced displaced persons, and maritime migrants have the right to dignified conditions of rescue and reception, with protection of their integrity and access to humanitarian assistance, and coastal states have the duty to guarantee the rescue of vessels in emergency and develop solidarity reception policies, in line with international human rights and refugee protection standards.



## **Principle 15: Cultural Protection of Traditional Communities and Peoples**

Coastal communities, traditional peoples, indigenous peoples or, as appropriate, local communities that depend on the seas and marine resources for their survival, culture and ways of life must have their rights recognized, protected and respected, with support for the preservation of their material and immaterial heritage.

## **Principle 16: Rights of Coastal Fishing Communities and Indigenous Peoples**

Traditional communities and indigenous coastal peoples have the right to access, preserve, and sustainably manage the marine resources on which they depend culturally and economically.

Marine conservation and exploitation policies must respect the rights and traditions of these peoples, promoting consultation and informed consent before any intervention that affects their territories and practices.

States must provide small-scale artisanal fisherfolk with access to marine resources and markets.

Any state restriction, temporary or definitive, on the fishing activities of traditional communities and indigenous coastal peoples will be compensated by pecuniary or other compensation that guarantees the existential minimum.

## **Principle 17: Food Security and the Sea**

The sea is an essential source of food for all peoples, and its exploitation through fishing is a collective heritage that imposes on States the responsibility of establishing productive processes in fishing, production, conservation, and distribution. These processes must be guided by the principles of sustainability and the efficient use of natural resources, with the maintenance and protection of marine ecosystems.

States have an obligation to guarantee food security, especially for the most vulnerable peoples who depend on marine resources for their livelihoods.

To this end, States must adopt effective measures to regulate the collection of food from the sea, combating illegal, unreported, and unregulated fishing practices, as well as eliminating destructive fishing methods. In addition, it is imperative to implement management plans based on scientific evidence, with the aim of restoring fish populations

in the shortest possible time, guaranteeing levels that allow the production of maximum sustainable yield, as determined by the biological characteristics of the species.

### **Principle 18: Economic benefits for developing states and vulnerable peoples**

Based on the principle of cooperation and solidarity, States must increase economic benefits offered to small island developing States, developing countries and vulnerable peoples, based on the sustainable use of living and non-living marine resources, including through sustainable management of fisheries, aquaculture and tourism.

### **Principle 19: Marine scientific research and technology transfer**

Marine scientific research and access to and sharing of maritime technology are essential for the realization of human rights. Marine scientific research must be carried out exclusively for peaceful purposes and for the benefit of all humankind.

States possessing capacity, knowledge, and know-how must support developing States, including but not limited to least developed countries, landlocked developing countries, geographically disadvantaged States, small island developing States, African coastal States, archipelagic States and middle-income developing countries, by ensuring their access to maritime technology, through capacity building and the transfer of marine technology for the management, conservation, and sustainable use of marine biological diversity.

### **Principle 20: International Monitoring and Multilateral Cooperation**

States commit to implementing international monitoring systems that ensure respect for human rights at sea, allowing for periodic reviews and sharing of data on identified abuses and violations. International cooperation must be strengthened to create a global network for the protection of human rights in the marine environment, involving governments, international organizations, non-governmental organizations, and civil society.

### **Principle 21: Observatory for monitoring human rights at sea**

An Observatory for Monitoring Violations and Affirmative Measures for Human Rights at Sea (OMHRS) is hereby established to receive information and submit annual reports on cases of violations of human rights at sea and good practices. The OMHRS will be established within the framework of the United Nations Division for Ocean Affairs and the Law of the Sea - DOALOS.

## Principle 22: Minimum Standards

The rights recognized under this Declaration constitute the minimum standards for the protection of human rights at sea. Nothing contained in this Declaration shall be interpreted as reducing or suppressing the human rights recognized at the present time or any others that may arise in the future on the basis of the principle of their progressive interpretation.

In the event of a conflict of laws, priority should be given to applying the law that is most protective of human dignity.

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## Conclusion

The **Nice Declaration on Human Rights at Sea** reaffirms the commitment of the international community to the protection and promotion of human rights in the marine environment. We hope that this declaration will inspire concrete universal actions to guarantee human dignity and the sustainable use of the oceans, transforming the sea into a space of peace, respect and solidarity for the protection and preservation of human rights.<sup>1-2</sup>

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<sup>1</sup> The draft of this declaration was conceived and written by Professor Wagner Menezes and was read and collaborated on by Professors Alexandre Machado, Daniela Bucci, Eloá Figaro, Jeison Batista de Almeida, Luis Renato Vedovato, Luiz Guilherme Piagentini, Marina Borges Soares, Paloma Gerzeli Pitre and Rafael Prado.

<sup>2</sup> Special thanks from the organizers to the translation made by Professor **Eloá Figaro**.

