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Towards Council of Europe strategies for healthy seas and oceans to counter the climate crisis

Report¹

Committee on Social Affairs, Health and Sustainable Development

Rapporteur: Ms Yuliia OVCHYNNYKOVA, Ukraine, Alliance of Liberals and Democrats for Europe

Summary

Our planet's seas and oceans are complex ecosystems that are vital for sustaining biodiversity and the livelihood of humans, as well as for regulating the global climate. Just like terrestrial landscapes, marine ecosystems suffer from the triple crisis of pollution, loss of biodiversity and climate change. Healthy seas and oceans can be our allies in mitigating the triple crisis and the associated threats of social, economic and political nature.

The report underscores the responsibility of member States in the realisation of the United Nations Sustainable Development Goals (SDGs) and, notably SDG 14 which aims at the conservation and sustainable use of the oceans, seas and marine resources. The Council of Europe should contribute to bringing the human dimension of maritime activities to the fore and ensure that European standards apply more broadly.

The report calls on European countries to support the implementation of major international treaties governing the protection of marine life and welcomes the launching of the United Nations High Seas Treaty. Marine governance should be strengthened, and a comprehensive Council of Europe strategy should be drawn up to consolidate the link between human rights and the environment.

1. Reference to committee: [Doc. 15327](#), Reference 4596 of 27 September 2021.



A. Draft resolution²

1. Our planet's seas and oceans are complex ecosystems that are vital for sustaining biodiversity and the livelihood of humans, as well as for regulating the global climate. According to the United Nations, oceans and seas provide 50% of the oxygen needed for life, absorb a quarter of all carbon dioxide emissions and capture 90% of the excess heat generated by those emissions. They are not only the lungs of the planet but also its largest carbon sink and play a crucial role in tackling climate change. Representing 71% of the world's surface, they are essential to life and the economy, in particular transport. However, just like terrestrial landscapes, seas and oceans suffer from the triple crisis of pollution, loss of biodiversity and climate change.
2. Healthy seas and oceans can be our allies in mitigating the triple crisis and the associated threats of social, economic and political nature. As seas and oceans are at the crossroads of human and environmental vulnerabilities, preserving their health is in the direct interest of humankind. In this context, the Parliamentary Assembly underscores the responsibility of member States of the Council of Europe in the realisation of the United Nations (UN) Sustainable Development Goals (SDGs) and, in particular, SDG 14: conserve and sustainably use the oceans, seas and marine resources for sustainable development. The Council of Europe should contribute to bringing the human dimension of maritime activities to the fore and ensure that European standards apply more broadly in order to raise the level of protection of human rights.
3. Following the Reykjavik Summit of Heads of State and Government of the Council of Europe (on 16 and 17 May 2023), political recognition of the right to a clean, healthy and sustainable environment paves the way to better protection and the full exercise of the human rights of current and future generations. The Assembly therefore highlights the duty and challenge of fully acknowledging the need to work on climate resilience, to repair harm and to preserve the maritime heritage for future generations as part of the Reykjavik process. Addressing the condition of seas and oceans from a human rights perspective implies a more adequate consideration of major problem areas linked to the fishing industry, exploitation of the mineral resources in the seabed (in particular deep-sea mining), protection of coastal populations, plastic waste and chemical pollution, proliferation of ships flying "flags of convenience" and unsafe reuse or dismantling of ships.
4. The Assembly recalls its [Recommendation 1888 \(2009\) "Towards a new ocean governance"](#) which called for novel approaches to managing oceans and seas. It welcomes the historic agreement which led to the adoption of the Biodiversity of Areas Beyond National Jurisdiction Treaty (also known as BBNJ or High Seas Treaty) concluded on 4 March 2023 under the auspices of the United Nations. This agreement covers international waters whose protection was previously fragmented and not included in the understanding of the territorial or internal waters of a State in line with the United Nations Convention on the Law of the Sea (UNCLOS, "Montego Bay Convention"). The new treaty fundamentally changes the governance arrangements both inside and outside territorial waters. The high seas are now regarded as a "global public good" which covers a little over half of the surface of the globe, or 64% of the oceans.
5. The Assembly notes that the preservation of biodiversity of seas and oceans is one of the objectives of the Convention on the Conservation of European Wildlife and Natural Habitats (ETS No. 104, "Bern Convention") and considers that this convention provides a good basis to contribute to better protection of seas and oceans around Europe. The activities of the Standing Committee of the Bern Convention should be further strengthened to protect marine ecosystems effectively and safeguard the rights of future generations.
6. The Assembly, therefore, calls on the Council of Europe member and non-member States to:
 - 6.1. support the implementation of major international treaties governing the protection of marine life:
 - 6.1.1. the UNCLOS which is the main component of the legal framework applying to the seas and oceans;
 - 6.1.2. the Agreement on Port State Measures to combat illegal, unreported and unregulated fishing;
 - 6.1.3. the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, of 1972 ("London Dumping Convention");
 - 6.1.4. the International Convention for the Prevention of Pollution from Ships of 1973 to prevent pollution of the marine environment by ships from operational or accidental causes;

2. Draft resolution adopted unanimously by the committee on 25 March 2024.

- 6.1.5. the Kunming-Montreal Global Biodiversity Framework and the European Union Habitats directive on the conservation of natural habitats and of wild fauna and flora, of 1992, which protect the seabed and marine species amongst other;
 - 6.2. sign and ratify the UN High Seas Treaty so that it can reach 60 ratifications and enter into force in 2025;
 - 6.3. support the Bern Convention and stabilise the resources allocated to its implementation;
 - 6.4. consolidate the link between human rights and the environment, including the seas and oceans dimension, through the Reykjavik Process, and work towards agreeing a comprehensive Council of Europe strategy in this field;
 - 6.5. incorporate the seas and oceans dimension in their national mitigation, adaptation and resilience policies to tackle the climate crisis and ensure adequate involvement of the population whose livelihood directly depends on the health of seas and oceans, notably with regard to fishing activities and exploitation of coastlines;
 - 6.6. ensure the rights enshrined in the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) and provide intelligible information to the public;
 - 6.7. raise public awareness on the issues of overfishing and illegal fishing and expand public participation in decision making aimed at addressing these problems;
 - 6.8. ensure a broad, democratic and transparent mandate of the UN international legally binding instrument to put an end to plastic pollution, including in the marine environment, in order to address the entire life cycle of plastic waste and not only their release into oceans and seas, to be completed by the end of 2024,;
 - 6.9. provide for effective, proportionate and dissuasive penalties for those responsible for any marine pollution, including the possibility of prison sentences in case of deliberate pollution;
 - 6.10. strengthen their legal arsenal and capacity to introduce a new offence that would make it possible to criminally prosecute those who harm the health of seas and oceans;
 - 6.11. contribute to the work of the International Maritime Organisation with a view to bringing the human dimension of maritime activities to the fore, promoting the application of key European human rights standards so that each sector of global maritime activity would meet a high level of protection of human rights;
 - 6.12. promote the codification of the term “ecocide” at national, regional, European and international levels;
 - 6.13. ask national parliaments to provide awareness raising for their parliamentarians on the issue of the right to a healthy environment in general and in relation to marine environment and maritime law;
 - 6.14. support Black sea mine clearance initiatives and activities.
7. The Assembly invites member States to consider “An Environmental Compact for Ukraine – A Green Future: Recommendations for Accountability and Recovery” proposed by the High-level Working Group on the Environmental Consequences of the War concerning the environmental damage affecting the Black Sea. The Assembly encourages Ukraine to co-ordinate activities with allied States that abut the Black Sea in order to:
- 7.1. collect and analyse information on mines and unexploded ordnance in the Black Sea, water pollution levels and other effects of war on animal and sea life and on biodiversity;
 - 7.2. establish a standing body to report regularly on the environmental impact of the war and transmit this information to the Black Sea Commission and to other relevant international institutions together with recommendations to address this damage and prevent further harm.
8. With regard to good governance of marine resources, the Assembly invites member States to create networks of marine protected areas (MPAs) across Europe’s seas, in order to:
- 8.1. better identify the elements of biodiversity in MPAs and build a comprehensive inventory of marine resources with a view to optimising their conservation;
 - 8.2. improve understanding of how marine systems are interconnected for ensuring better designation and planning of MPAs at regional level;

8.3. improve reporting mechanisms, data flows and knowledge sharing across Europe regarding marine areas with protected species and habitats, as well as the experience in management regimes designed to protect marine life and observations of how marine life reacts to pressures;

8.4. measure and assess the extent to which MPAs and their networks are achieving their intended purpose.

9. Lastly, the Assembly invites European Union member States to protect and restore 30% of the European Union's marine areas by 2030 by expanding MPAs with the goal of stopping trawling in those areas and calls on the non-European Union countries to draw on those measures to improve their domestic legislation.

B. Draft recommendation³

1. The Parliamentary Assembly refers to its Resolution ... (2024) "Towards Council of Europe strategies for healthy seas and oceans to counter the climate crisis" and underscores the strategic goal to make the link between human rights and the environment a visible priority of the Council of Europe through the Reykjavik process. The Council of Europe has undertaken to come up with its own response to the triple planetary crisis by initiating the Reykjavik process and recognising, at political level, the right to a healthy, clean and sustainable environment at the 4th Summit of Heads of State and Government. A healthy environment can never be possible without healthy seas and oceans. The Council of Europe must contribute to networking between like-minded partners and provide a forum for civil society and young people.
2. The Assembly welcomes the intention to strengthen the tools of the Council of Europe for environmental protection as part of the Reykjavik process, ensuring their sustainability through the provision of stable resources. The member States should consolidate the Council of Europe capacity in this field and underpin it with adequate long-term funding in follow-up to decisions of the Reykjavik Summit. The Council of Europe should join forces with other international organisations, notably the European Union, in the realisation of the United Nations Sustainable Development Goals (SDGs) and, in particular, SDG 14 which is aimed at conserving and sustainably using the oceans, seas and marine resources for responding in a holistic manner to a host of direct and indirect threats including plastic and other marine pollution, ocean warming, eutrophication, acidification and the collapse of fisheries and biodiversity.
3. The Assembly therefore recommends that the Committee of Ministers:
 - 3.1. take into account the need to ensure comprehensive, efficient and effective protection of oceans and seas when preparing strategic documents (such as the Strategy on the Environment and its related Action Plan) and in other relevant work such as co-operation and technical assistance activities, including with neighbouring countries;
 - 3.2. in the development of the Council of Europe's work on the environment, keep to the forefront the human rights perspective, including the right to a healthy environment, taking into account the needs of all the different stakeholders in society including future generations;
 - 3.3. take advantage of the Council of Europe observer status to the International Maritime Organisation (IMO) to raise awareness on the human rights perspective;
 - 3.4. ensure close co-operation with civil society actors, NGOs working to protect the seas and save lives at sea, and relevant international organisations such as the IMO.

3. Draft recommendation adopted unanimously by the committee on 25 March 2024.

C. Explanatory memorandum by Ms Yuliia Ovchynnykova, rapporteur

1. Introduction

1. According to the United Nations, oceans and seas provide 50% of the oxygen needed for life, absorb a quarter of all carbon dioxide emissions and capture 90% of the excess heat generated by those emissions. They are not just the lungs of the planet but also its largest carbon sink and play a crucial role in tackling climate crucial change.⁴ They also regulate the climate of the planet. They cover 71% of the world's surface, and play an essential role for life and the economy, in particular transport. Nevertheless, like terrestrial landscapes, they are suffering from the triple crisis of pollution, rising temperatures and loss of biodiversity.

2. Pollution, acidification and eutrophication destroy life in the oceans and seas and harm our health and that of future generations. These trends are generating ever higher environmental costs, which could one day exceed our economic, technological and financial capacity. We must react and make sure that everything is done to preserve the health of the seas and oceans, in the direct interest of humankind.

3. As of 2021, after over a decade of efforts, the oceans were integrated into the work on climate change in the Glasgow Climate Pact.⁵ The time has therefore come to consider this heritage, its condition, its role and its future in the light of the right to life, the possible impact on the preservation of human rights and Sustainable Development Goal 14 (SDG 14), which is aimed at the conservation and sustainable use of the oceans, seas and marine resources.

4. Oceans and seas are home to over 2 million species, while 3 billion human beings depend on them for their livelihood and food. The Intergovernmental Panel on Climate Change (IPCC) has warned that global warming has already impacted them severely, and the effects are increasing. Rising sea levels are now inevitable. Our societies must mitigate these effects and adapt to a new paradigm. The health and survival of humankind are at stake. Our challenge is to embrace climate resilience, to repair harm and to preserve the maritime heritage for future generations.

5. Two-thirds of the oceans and seas seem to be under no legal jurisdiction or authority.⁶ But that is not entirely true. While there may be legislative, executive or adjudicative jurisdiction, it is not necessarily linked to territoriality when it concerns the actions of natural or legal persons based in a given State. Admittedly, oceans are not represented at all in international bodies. They are partially governed by a variety of legal frameworks, including the United Nations (UN) Convention on the Law of the Sea, mining agreements⁷ and many others. At the UN level alone, there are more than 20 different bodies vested with normative or regulatory competences for the high seas.⁸

6. Despite all of this, oceans and seas remain largely unknown. The direct and indirect benefits they provide are only vaguely understood. There is currently no internationally accepted scientific method or tool to estimate their economic contribution to the general wealth of humanity, nor is their full condition known. The cumulative impact of human activities in coastal areas has only been empirically estimated. Only three persons have reached the deepest point of Earth's seas, whereas humanity celebrates the exploits of 12 moonwalkers.

7. The planet has entered the Anthropocene age.⁹ For five decades, our Assembly has regularly warned member States about the situation of the oceans.¹⁰ The right of future and current generations to health, well-being, security, adequate food supplies and, ultimately, a future depends on their preservation. The 17 United Nations Sustainable Development Goals and, in particular SDG 14, set out a roadmap for achieving that.

4. United Nations, "[The ocean – the world's greatest ally against climate change](#)".

5. United Nations, 13 December 2021, "[The Glasgow Climate Pact – Key Outcomes from COP26](#)".

6. Philipp Vrancken explains that there is always at least one State which can exercise *de facto* jurisdiction over seas and oceans. The role of international law is to provide a framework for that authority with parameters that avoid harm to humans, culture and the environment. One Ocean Hub, "[10 things you need to know about State ocean jurisdiction](#)".

7. The *New York Times Climate Hub*, 8 November 2021, "Everyone's Claim, Nobody's Responsibility: Sustainable Ocean Governance".

8. Sturla Henriksen, Special Advisor, Ocean UN Global Compact, noted that even the biggest UN institutions (Food and Agriculture Organization (FAO), International Maritime Organization (IMO), United Nations Environment Programme (UNEP), International Seabed Authority (ISA), Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO/IOC)) only partially cover the seas and oceans in their mandates.

9. The term 'Anthropocene' was introduced by the Russian geologist, Alexei Petrovich Pavlov, and then popularised by the Dutch meteorologist, Paul Josef Crutzen, who won the Nobel Prize for Chemistry in 1995, and by the American biologist, Eugene Stoermer. It is widely accepted by the scientific community.

Following the Reykjavik Summit of Heads of State and Government of the Council of Europe (on 16 and 17 May 2023), political recognition of the right to a clean, healthy and sustainable environment paves the way to better protection and the full exercise of the human rights of current and future generations.

8. Overcoming this threat to the future depends on harmonious coexistence between nature and human activity. In this respect, the Council of Europe was a pioneer in implementing nature-based solutions. By joining forces with other international organisations, we must respond holistically to a host of direct and indirect threats: plastic and other marine pollution, ocean warming, eutrophication, acidification and the collapse of fisheries and biodiversity. It will also be necessary to lay the foundations for harmonious existence in a finite space and to prepare to address certain challenges that will fundamentally alter our societies.

9. In [Recommendation 1888 \(2009\)](#),¹¹ the Parliamentary Assembly called for a new governance of the oceans and seas. The call was neither heard nor understood. While the UN Convention on the Law of the Sea provides a general legal framework, there is a pressing need to give further consideration to the human, economic and social activities in our maritime neighbourhood. The climate crisis means it is vital to improve the condition of seas and consider the multiple challenges of enforcing second- and third-generation human rights in territorial waters and beyond. As the watchdog of human rights, the Council of Europe should ensure that rights are upheld everywhere, including at sea. Our continent must be a role model for others, as Professor Jeffrey Sachs insisted during the meeting of the Committee on Social Affairs, Health and Sustainable Development in September 2021.

10. According to the UN Foundation, oceans can help solve the climate crisis.¹² It is time to treat oceans and seas with respect and to consider them as the fragile and delicate entities they are. The Council of Europe steers its action by pursuing various thematic strategies and country-focused action plans. To play its part, it should now equip itself with tools covering seas and oceans. These would be geared to promoting dialogue and assistance between peers, constant improvement of public intervention and due diligence. The latter implies enriching cross-cutting commitments with human rights, equality, diversity and inclusive democratic participation. All the driving forces of our Organisation will have to be mobilised, including the Congress of Local and Regional Authorities and the national parliaments brought together in the Assembly.

11. Following a motion for a resolution entitled “Towards Council of Europe seas and oceans strategies against the climate crisis”,¹³ I was appointed rapporteur on 28 September 2021. I also wished to take account of some elements of the motion for a resolution on “Strengthening the protection of biodiversity in Europe through sustainable and fair financing of the Bern Convention”¹⁴.

12. I wish to thank the International Maritime Organisation (IMO) for hosting me for an online fact-finding visit on 20 November 2023. I would also thank Prof. Bayram Öztürk, Head of the Turkish Marine Research Foundation and the Department of Marine Biology at Istanbul University, who contributed to a public hearing held by the committee in İzmir (Türkiye) on 22 September 2022, and Prof. Elisa Morgera, professor of global environmental law at Strathclyde University (Glasgow, United Kingdom) and director of One Ocean Hub, a member association of the coalition of associations for the right to a healthy environment, with which the Network of Contact Parliamentarians for a Healthy Environment co-operates.

2. Contribution of the seas and oceans to humankind

13. The livelihoods of over 3 billion people worldwide depend on the oceans and seas, while 80% of commercial goods in the world are transported by sea. This involves not only food but also goods that form the basis of the entire economy. The seas and oceans are also home to biodiversity, whose preservation is one of the objectives of the Convention on the Conservation of European Wildlife and Natural Habitats (ETS No. 104, “Bern Convention”), as enshrined in Recommendation 152 (2011).¹⁵

10. Including [Resolution 429 \(1970\)](#) “Exploration and exploitation of the sea-bed and the ocean floor and the sub-soil thereof”, [Recommendation 798 \(1977\)](#) “Conservation of the living resources of the seas”, [Resolution 842 \(1985\)](#) “Threat to salmon fishing in Europe”, [Resolution 972 \(1991\)](#) “Future of ocean fisheries”, [Resolution 1169 \(1998\)](#) “The oceans: state of the marine environment and new trends in international law of the sea”, [Resolution 1295 \(2002\)](#) “State of the environment of the Baltic Sea”, [Resolution 1317 \(2003\)](#) “Marine pollution”, [Resolution 1439 \(2005\)](#) “Sea pollution”, [Resolution 1766 \(2010\)](#) “Fostering the socio-economic potential of the Baltic Sea region”, [Resolution 1794 \(2011\)](#) “Preserving the environment in the Mediterranean”.

11. “Towards a new governance of the oceans” adopted on 2 October 2009.

12. UN Foundation, 30 November 2021, “Q&A with Susan Ruffo: How the World’s Oceans Can Help Solve Climate Change”.

13. [Doc. 15327](#).

14. [Doc. 15727](#).

14. Seas and oceans can mitigate the climate crisis and the associated threats (social, economic and political crises). Nonetheless, bearing in mind our colleague Edite Estrela's (Portugal, SOC) report entitled "The climate crisis and the rule of law",¹⁶ one of the risks facing humankind would be to approach solutions only in terms of restrictions and prohibitions. Seas and oceans are at the crossroads of human and environmental vulnerabilities. As the objective of the report is to consolidate the link with human rights, seas and oceans should be part of a healthy environment. I have proposed that this be made clear in the title of the report. Resolution A/HRC/RES/48/13, adopted by the UN Human Rights Committee on 8 October 2021, recognises that all individuals have the right to a clean, healthy and sustainable environment as a human right, a stance which the UNGA shares.¹⁷ The Council of Europe has started work on such recognition and must provide its own responses as part of the Reykjavik process following the 4th Summit of Heads of State and Government.

15. I would point out that apart from the direct benefit to humankind of healthy seas and oceans, the marine heritage is also a great asset that needs to be preserved. This requirement means that more resources must be allocated to studying and understanding it. The UN declared 2023 the year for the climate, nature and pollution reduction.¹⁸ It is time to make a commitment for the effectiveness of the protection framework for seas and oceans and make sure that the human rights-based approach is applied to them.

3. What governance for the protection of the seas and oceans?

16. The law of the sea is mainly based on customary law and a complex network of intergovernmental organisations and the United Nations. It defines the various maritime areas and sets out the rights and duties of States. It is an expanding body of law which distinguishes the rules applied to the high seas from inland seas, where State sovereignty is clear. Recently, an international legally binding instrument was launched by the United Nations; it provides for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction and extends the protection to entire oceans and seas (see paragraph 24 below).

17. During the summer of 2023, the Libyan coastline was hit by floods that devastated the region and city of Derna.¹⁹ Extreme weather phenomena, probably caused by global warming, have recently affected the city of New York²⁰ and the Pas-de-Calais district in France. I therefore welcome the hearing held in September 2023 by the International Tribunal for the Law of the Sea (ITLOS) involving representatives of island countries.²¹ The tribunal will have to rule on whether greenhouse gases can be assimilated to marine pollution and determine States' liability in breaches of protection of the marine environment and the impact of their actions on climate change. For the representatives of small island countries, this is a matter of survival. The tribunal's ruling expected in 2024 could highlight the responsibility of States.²²

18. In the antipodes, the 11 000 inhabitants of Tuvalu have received guarantees from Australia, which is gradually going to offer them "special" rights to come and live, study and settle in the country. They are the first climate refugees on the planet. The nine-island archipelago is one of the 12 Small Island Developing States (SIDS) on behalf of which the Federated States of Micronesia have stressed the importance of climate justice.²³

3.1. The high seas

19. The International Maritime Organisation (IMO) is the main organisation providing a framework for oceans and seas. This technical organisation was not originally intended to respond to the climate crisis but now refers to it in its mission statement.²⁴ The IMO has proved useful in addressing major environmental

15. [Recommendation No. 152 \(2011\) on Marine Biodiversity and Climate Change](#) – Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention.

16. [Doc. 15353](#).

17. [United Nations General Assembly Draft Resolution A/76/L.75](#) on "The human right to a clean, healthy and sustainable environment", adopted on 26 July 2022.

18. UNEP, "2023: The year of implementation for climate, nature and pollution reduction".

19. *AP News*, 19 September 2023, "Climate change made storm that devastated Libya far more likely and intense, scientists say".

20. Common dreams, 3 October 2023, "[Study: New York Flooding 'Mostly Strengthened' by Climate Crisis](#)".

21. The Tribunal should issue a ruling in 2024 on this case brought by the Commission of Small Island States (cosis-ccil.org, www.cosis-ccil.org).

22. CIEL (Centre for International Environmental Law) has published a summary on its website, "[At Historic ITLOS Hearings, States Stake Out Positions on Climate Duties and Ocean Protection](#)".

23. *Reuters*, 10 November 2023, "[Australia signs security, migration pact with Pacific's Tuvalu](#)".

issues. Robust discussions are currently being held to address the many challenges which impact the future of oceans and seas. In 2018, the IMO Assembly²⁵ decided to extend the IMO Strategic Plan to add a human dimension to its mandate.²⁶

20. To date, 168 Parties (including the European Union) have ratified or acceded to the UN Convention on the Law of the Sea (UNCLOS, also known as the “Montego Bay Convention”). The Montego Bay Convention is the main component of the framework applying to the seas and oceans. It lays down the general principles for the exploitation of marine resources (biological resources, seabed and subsoil resources) and the principles for protecting the marine environment. It also established the International Tribunal for the Law of the Sea (ITLOS), with jurisdiction to rule on disputes relating to the law of the sea, which began operating officially in October 1996 and whose seat is in Hamburg (Germany).²⁷ In addition, member States have also ratified or acceded to its implementing agreements (150 Parties for the 1994 Part XI Agreement and 91 Parties for the 1995 UN Fish Stocks Agreement). A large number of Parties to these treaties have taken steps to implement them through legal, policy and institutional frameworks. However, the extent of ratification, accession and implementation varies by country.

21. The international framework regulating seas and oceans includes other texts. SDG 14 indicators underline that fishery resources are frequently poached, leading to the collapse of local fisheries and undermining efforts to manage them sustainably. To combat illegal, unreported and unregulated fishing, the international community adopted the Agreement on Port State Measures,²⁸ which is the first binding international agreement targeting illegal, unreported and unregulated fishing. The Agreement came into force in 2016 and currently includes 66 Parties (including the European Union). Its purpose is to prevent, deter and eliminate illegal, unreported and unregulated fishing by preventing vessels engaged in it from using ports and landing their catches.

22. The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter²⁹ known as the London Convention of 1972 is one of the first global conventions to protect the marine environment. It entered into force in 1975, with the aim of promoting the effective control of all sources of pollution. In 1996, a new protocol modernised the initial protection. Although the convention has provided some protection and control, the seas are still suffocating because of pollution. Assembly members should commit their parliaments in terms of having national laws passed to increase the protected maritime area to up to 30%.

23. The 1973 International Convention for the Prevention of Pollution from Ships³⁰ is aimed at preventing pollution of the marine environment by ships from operational or accidental causes. Applied to maritime preservation, the principle of “the polluter pays” is derived from the 1992 Rio Declaration. It is now commonly accepted practice that those who produce pollution should bear the cost of redress for the damage caused. Accordingly, the damage is not the responsibility of the community or future generations. This principle involves a major step forward, but is not always sufficiently taken into account.³¹

24. “The mission of the International Maritime Organization (IMO) as a United Nations specialised agency is to promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation. This will be accomplished by adopting the practicable highest standards of maritime safety and security, efficiency of navigation and prevention and control of pollution from ships, as well as through consideration of the related legal matters and effective implementation of IMO’s instruments with a view to their universal and uniform application.”

25. The Assembly is the highest governing body of the Organisation. It consists of all member States and meets once every two years in regular sessions.

26. It is now strategic direction SD6. The [IMO Strategic plan](#) includes eight strategic directions (SDs). SD6 “Human elements” states: “In its role as the global regulator of shipping, IMO will build on work already completed to address the human element and will take the human element into account in the review, development and implementation of new and existing requirements. This includes the provision of machinery for cooperation among governments on practices concerning the human element in the maritime sector. To address human element-related issues, the Organisation will develop or amend provisions, including but not limited to training, certification and watchkeeping, including consideration of new technologies; human-centred design; safe manning; drills and exercises; fatigue management; operational safety, security, and environmental protection; and fair treatment of seafarers; taking into account the important role of gender equality.”

27. “Global Oceans Governance: New and Emerging Issues”, Lisa M. Campbell, Noella J. Gray, Luke Fairbanks, Jennifer J. Silver, Rebecca L. Gruby, Bradford A. Dubik, and Xavier Basurto.

28. Food and Agriculture Organisation of the United Nations ([fao.org](#)), [Agreement on Port State Measures \(PSMA\)](#).

29. [Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter](#).

30. [International Convention for the Prevention of Pollution from Ships \(MARPOL\)](#).

31. [Plastic Soup Foundation](#), “Polluter Pays Principle: How it Works”.

24. On 4 March 2023, a historic agreement was concluded at United Nations headquarters in New York concerning the protection of biodiversity on the high seas, in particular in areas beyond national jurisdiction (BBNJ³² or High Seas Treaty). The agreement covers international waters, namely all parts of the sea which are not included “in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State”, in accordance with Article 86 of the United Nations Convention on the Law of the Sea (UNCLOS). The new agreement fundamentally alters the existing law by filling a legal vacuum, as only 1.2% of the high seas are protected to date.³³ It changes the governance arrangements which were previously complex and fragmented, both inside and outside territorial waters. The high seas are now regarded as a “global public good” which covers a little over half of the surface of the globe, or 64% of the oceans.³⁴

25. The High Seas Treaty establishes a legal framework designed to make 30% of the oceans protected areas by 2030, raise more resources for marine conservation and regulate access to and the use of marine genetic resources.³⁵ It seeks to achieve the goals relating to the oceans in the United Nations Agenda 2030 for Sustainable Development and the Kunming-Montreal Global Biodiversity Framework. In addition to inclusion in the common heritage of humankind, States have internationalised decisions on environmental impact assessments and undertaken to share fairly and equitably the benefits arising from marine genetic resources; they also create protected areas to preserve, restore and maintain biodiversity; and, lastly, they share scientific knowledge and technical innovations relating to international waters.³⁶

26. While acknowledging progress, I believe that we need to go still further, following the recognition of the right to a healthy environment by the United Nations and at the time when it is in the process of being recognised in the Council of Europe. By opting for a human rights-based approach, the IMO has made a step towards the international consensus. It must now build on “healthy oceans” and, in turn, disseminate procedural human rights throughout its mandate and institutions.

3.2. Inland seas

27. In addition to being an influential party to the IMO, the European Commission is a major regulator for activities ending in the harbours of the European Union. Its competencies cover not only the transport sector but also the fishing sector, migration, the fight against maritime pollution and action in favour of biodiversity. It has an integrated maritime strategy based on five strands: blue growth, marine data and knowledge, maritime spatial planning, integrated maritime surveillance and sea basin strategies.³⁷ On 21 February 2023, the European Commission presented its action plan to protect 30% of the European Union’s sea area by 2030, in particular by expanding marine protected areas (MPAs), with the goal of stopping trawling in those areas.³⁸ The main aims of the measures proposed by the European Commission are to promote the use of cleaner energy sources; reduce dependency on fossil fuels and reduce the impact of the fisheries sector on marine ecosystems; and achieve carbon neutrality in the European Union by 2050.

28. The European Commission encourages member States to take fishery conservation measures to protect and efficiently manage marine protected areas by drawing up detailed timetables. It accordingly calls on member States to propose common recommendations and take national measures to gradually phase out bottom trawling in all MPAs by 2030 at the latest. The first measures should be taken by March 2024 for Natura 2000 sites under the European Union 1992 Habitats directive on the conservation of natural habitats and of wild fauna and flora, which also protects the seabed and marine species.³⁹ In addition, agreement was reached in November 2023 on the restoration of nature. The future legislation will set the goal of restoring at least 20% of land and maritime areas in the European Union by 2030, and all ecosystems which need it by 2050.

29. The Natura 2000 network is the marine biodiversity protection instrument established by the European Commission on the basis of the Bern Convention on the Conservation of European Wildlife and Natural Habitats, which it has joined. It supports the establishment of MPAs in Europe. Natura 2000 was established

32. For Biodiversity of Areas Beyond National Jurisdiction.

33. *The Guardian*, 28 February 2023, “The most important talks no one has heard of: why the high seas treaty matters”.

34. Lisa M. Campbell, Noella J. Gray, Luke Fairbanks, Jennifer J. Silver, Rebecca L. Gruby, Bradford A. Dubik, and Xavier Basurto. “Global Oceans Governance: New and Emerging Issues”.

35. “UN delegates reach historic agreement on protecting marine biodiversity in international waters” | Un News (un.org).

36. Vie publique, 6 March 2023, “Traité international de protection de la haute mer: un accord historique” (in French).

37. https://research-and-innovation.ec.europa.eu/research-area/environment/oceans-and-seas/integrated-maritime-policy_en.

38. European Commission, press release, 21 February 2023, “Fisheries, aquaculture and marine ecosystems: transition to clean energy and ecosystem protection for more sustainability and resilience”.

39. Ibid.

under the European Birds Directive (1979, revised in 2009) and Habitats Directive (1992). Its purpose is to use appropriate management measures to ensure the conservation or the restoration of the most valuable or most threatened natural habitats and species in Europe. The Natura 2000 network comprises land and marine natural sites proposed and managed by each of the EU member States. The Natura 2000 sites are regarded as the contribution by EU member States to the Bern Convention's pan-European Emerald Network, arising from the European Union's obligations as a party to the convention.⁴⁰

30. The Natura 2000 sites that are partly or solely in marine areas form the Natura 2000 marine protected areas network.⁴¹ The Natura 2000 network extends into the marine waters of 23 countries.⁴² The sites are designed to conserve a wide range of rare, vulnerable or threatened marine species, as well as certain characteristic marine habitats. In 2017, the Natura 2000 marine sites covered 515 000 km², or 8.9% of the European Union's seas. They are mainly in coastal waters near to shorelines. Several Emerald Network sites (and candidate parks) are also partly or solely in marine areas.⁴³ At present, MPAs cover only 12% of the EU's maritime areas, and the standard of protection is very variable.⁴⁴ In some cases, there is no real protection. Less than 1% of coastal zones are actually protected. That is not enough to ensure effective and efficient protection of biodiversity.⁴⁵

31. The Standing Committee of the Bern Convention conducts a number of activities directly related to seas and oceans. These include the conservation scheme for migrating sea turtles in the Mediterranean. The Standing Committee is also following up several complaints regarding alleged violations of the convention in connection with the protection of biodiversity in seas and oceans. Several European diplomas have also been awarded to marine areas of exceptional European importance for the preservation of biological, geological and landscape diversity and which are managed in an exemplary way⁴⁶ and to wetlands in direct contact with the sea. Since 2007, a group of experts has examined all types of issues relating to biodiversity and climate change, including in marine environments.⁴⁷ In 2009, the Standing Committee of the Bern Convention also set up a Group of Experts on Island Biodiversity in Europe, which has drawn up a Charter on the Conservation and Sustainable Use of Biological Diversity in European Islands.⁴⁸ The Bern Convention is fully equipped to contribute to better protection of seas and oceans in Europe. It is vital that our States and parliaments support it.

32. To discuss future co-operation, I held a videoconference meeting with IMO experts on 20 November 2023. At the time when that organisation is extending the human dimension of its activities, the Council of Europe, as the body behind the European Social Charter (ETS No. 35), could offer it support with regard to professional activity that depends on the seas. I therefore call on the Committee of Ministers to take account of the oceans and seas when preparing strategic documents, including when organising its co-operation and technical assistance with neighbouring countries.

4. Public awareness of the condition of international seas and effective human rights protection

33. Ensuring effective human rights protection and healthy seas and oceans requires us to address various sectors and phenomena from a human rights perspective. That includes discussing how these rights should interact with key sectors: the fishing industry, the blue economy, mineral exploitation of the seabed, extreme events and plastic waste pollution, but also how to provide greater protection for the most vulnerable individuals through the protection of children's rights, the rights of indigenous people, climate justice and marine environment activists.

40. European Environment Agency, 28 February 2023, "The Natura 2000 protected areas network".

41. "Natura 2000 en mer", Milieu marin France, le service public d'information sur le milieu marin, 28 May 2019 (in French).

42. European Environment Agency, "Marine protected areas. Designed to conserve Europe's marine life, marine protected areas are a globally recognised tool for managing and enhancing our marine ecosystems", Briefing No. 13/2018.

43. The [Emerald Network Viewer](#).

44. European Environment Agency, [Marine protected areas in Europe's seas \(8th EAP\)](#).

45. European Union, [Action Plan to protect and restore marine ecosystems](#).

46. Ekenäs Archipelago National Park (Finland), Selvagens Islands Nature Reserve (Portugal) and Scandola Nature Reserve and Port-Cros National Park (France) are marine sites or include a marine component (see the full list of diploma areas: www.coe.int/en/web/bern-convention/european-diploma-areas).

47. See: www.coe.int/en/web/bern-convention/on-biodiversity-and-climate-change#.

48. See: <https://rm.coe.int/1680746b90>.

34. Europe's seas are all suffering from the climate crisis, but the situation in the Arctic is even more worrying. It is probably the region which has suffered the most from global warming, according to a recent scientific study.⁴⁹

35. Over and above the impact on ecosystems, warming is having a disastrous effect on coastal populations, more so even than rising sea levels. The triple crisis has, first of all, an impact on the right to life, but also on the other human rights. It affects health as understood by the World Health Organisation, but also socio-economic rights referred to in the European Social Charter. I note that the Council of Europe was granted observer status at the IMO in 1974, and I welcome the opportunities that pooling the efforts of the two organisations would bring.

36. The current dire situation requires citizens to better understand the triple crisis in order to induce a change in mentalities. In this context, I am very pleased to have taken part in the *Fresque du climat* project during the gathering of the Network of Contact Parliamentarians for a healthy environment, in Morocco in March 2023. I would encourage all Assembly members to embrace this objective. To achieve it, member States should ensure a right of access to information and public participation in decision making on environmental issues and provide intelligible information to the public. The condition of seas and oceans jeopardises the exercise of different rights, and in conformity with the Aarhus Convention,⁵⁰ all European citizens have rights to access information, to participate in decision making and to have access to justice in environmental matters.

37. Experts from the US government agency in charge of the seas have announced that the Atlantic Ocean has never been so warm.⁵¹ It is highly likely that this "marine heatwave" will put severe stress on seagrass beds, which not only provide the oxygen we need, but also act as essential carbon sinks. These heatwaves also destabilise coastal ecosystems and, by extension, the people who live there and who are impacted by the death of marine mammals and the collapse of fisheries. Losses are in the billions USD. No one could have anticipated the severity of the 2023 episodes but thanks to the IPCC, we know that extreme events of this kind are set to become increasingly frequent and intense.

38. Various phenomena are known to threaten the seas and oceans. The sixth continent⁵² is the largest of the five marine concentrations of plastic. It is larger than Germany, France and Sweden combined. It is made up of approximately 1.3 billion plastic fragments, currently weighs around 80 000 tonnes and is growing ever larger. According to the United Nations Environment Programme (UNEP), the amount of plastic in the oceans could triple by 2040, with 37 million tonnes of waste added every year.⁵³ Plastics not only pose a problem for the safety and health of marine animals, they also have a serious impact on human health and the economy. 700 species have encountered marine debris, and 92% of these interactions are with plastic. 17% of the species affected by plastic are on the Red List of Threatened Species of the International Union for Conservation of Nature.

39. Plastics also enter the food chain through a process of bioaccumulation. Particles can even be found in the human body. The global economic impact of marine plastic pollution has been estimated at USD 19 billion.⁵⁴ A map of Europe illustrating the cost for each European country is published on The Ocean Clean Up website.⁵⁵ I am very pleased that the member States of the United Nations agreed in 2022 to adopt a binding international treaty to put an end to plastic pollution by 2024. It is important that the negotiators of this new treaty be given a broader mandate to capture the entire life cycle of plastics, and not only their release into the ocean. We need simple, global measures to reduce the manufacture of plastics. To achieve this, a broad, democratic and transparent exercise is required, one free from possible conflicts of interest.

40. Illegal fishing remains a major issue. It represents between 20 and 30% of the whole fishing sector and is worth from USD 10 to 20 billion per year. It is a direct threat to biodiversity and efforts to protect the breeding sites of endangered fish species. As consumers, we can act to end this poaching. On 26 September 2022, the European Court of Auditors published a report on illegal fishing, which found that the control systems in place to combat illegal fishing are only partially effective. Differences in the scope and quality of

49. Nature, Rantanen, M., Karpechko, A.Y., Lipponen, A. et al., 2022, "The Arctic has warmed nearly four times faster than the globe since 1979".

50. Aarhus Convention, United Nations Treaty Collection.

51. National Oceanic and Atmospheric Administration, "Global Ocean roiled by marine heatwaves, with more on the way".

52. "The Ocean Clean Up" has a page on its website dedicated to the Great Pacific Garbage Patch.

53. The joint initiative Back To Blue explains plastic pollution.

54. www2.deloitte.com/nl/nl/pages/sustainability/articles/the-price-tag-of-plastic-pollution.html.

55. <https://theoceancleanup.com/the-price-tag-of-plastic-pollution/>.

checks in member States risk undermining the effectiveness of the traceability and import control system, and the lack of digitalisation reduces the scheme's efficiency and increases the risk of fraud.⁵⁶ I note that not everything that could be done to stop illegal, unreported and unregulated fishing is being done.⁵⁷ Traceability is essential in this context so that consumers are no longer effectively aiding and abetting unscrupulous criminals who are destroying marine biodiversity. Illegal, unreported and unregulated fishing activities are a major threat for the entire ocean and fish stocks.

41. Overfishing is also a social and an economic issue. New technologies have helped increase fishing capacities. As a consequence, biodiversity is diminishing. This not only further damages the marine ecosystem but also threatens the rights of future generations. Pursuant to Article 6 of the Aarhus Convention, the authorities could canvas the views of citizens. Is there perhaps scope to expand citizens' participation in decision making?

42. Algal bloom has caused a rising number of dead littoral zones, where aquatic life is no longer possible. Harmful algal blooms have often been reported in recent years and need to be monitored nationally or regionally. Mangroves and coral reefs are also disappearing. Global warming has irreversibly impacted seas and oceans.⁵⁸ The tipping point was passed as far back as 2014.

43. The full impact of the Covid-19 pandemic on maritime resources is still unknown. The immediate effects have included dramatic reductions in ocean observations with all research vessels having been recalled to their home ports. International ocean research may never recover enough to be able to contribute to solving the climate crisis. The pandemic also caused extraordinary levels of direct pollution (because of masks and other plastics used in testing), in particular in the seas around Europe (Baltic, Mediterranean, Black Sea, etc.).

44. The condition of international seas has also worsened with the proliferation of ships flying "flags of convenience" to take advantage of less restrictive environmental regulations, operate substandard boats and pay less tax.⁵⁹ Between 2002 and 2019, the percentage of EU-nation-owned ships registered in low-income countries rose from 46% to 96%. According to researchers,⁶⁰ international treaties (such as the 1992 Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal and the 2009 Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships⁶¹) are inefficient in preventing the situation from worsening further. As consumers, we should all be aware of the weak corporate responsibility of international companies. It is high time to change our habits. In this respect, I would like to pay tribute to the work of Michel Forst, the UN Special Rapporteur on Environmental defenders under the Aarhus Convention, who intercedes directly with the heads of major companies headquartered in State Parties to the Aarhus Convention.

45. It is important to note that maritime transport continues to grow. In 2022, global capacity increased by 63 million tonnes⁶² to reach 2.2 billion tonnes. 80% of the world's freight is currently transported by ship. We are complicit in this situation through our lifestyles. On 7 July 2023, the IMO adopted a revised strategy to reduce greenhouse gas emissions from shipping, with the aim of achieving zero emissions by 2050.⁶³ I do not believe, however, that it will be physically possible for traffic to remain at historical levels. Quite apart from the quest for a "fair and just transition", I believe that the predicted demise of oil will eventually lead to a significant reduction in traffic.

46. With the growth in global freight also comes the issue of adequate social protection for maritime workers. In 2006 the International Labour Organisation adopted the Maritime Labour Convention.⁶⁴ The convention is the last pillar of a set of international standards providing a framework for seafarers' activities.

56. European Court of Auditors, [Special report 20/2022: "EU action to combat illegal fishing – Control systems in place but weakened by uneven checks and sanctions by Member States"](#).

57. [Environmental Justice Foundation, "Ending Illegal Fishing"](#).

58. *The Guardian*, 1 February 2022, "Extreme heat in oceans 'passed the point of no return' in 2014".

59. *Nature*, 24 May 2021, "[Boom in ships that fly 'fake' flags and trash the environment](#)".

60. Zheng Wan, Likun Wang, Jihong Chen, Daniel Sperling, 16 September 2020, "[Ship scrappage records reveal disturbing environmental injustice](#)".

61. In the margins of the meeting of the Committee on Social Affairs in Izmir (Türkiye) in September 2022, we spoke to civil society representatives who had campaigned to prevent the Brazilian aircraft carrier São Paulo (formerly the French aircraft carrier Foch) from anchoring. It was scuttled a few days later off the coast of Brazil. In the end, it was not recycled. This wreck is now polluting the seabed, with no regard to the environment and in complete defiance of international law.

62. The *Titanic* was 269 m long, with 52 000 metric tons of displacement. *Wonders of the Seas* is 362 m long, with 60 000 metric tons of displacement. There are dozens of ocean liners larger than the *Titanic*. The supertanker *Knock Nevis* was 458 m long. It was scrapped in 2010.

63. IMO, 7 July 2023, "[Revised GHG reduction strategy for global shipping adopted](#)".

64. ILO's [Maritime Labour Convention \(MLC 2006\)](#).

The European Commission is actively contributing to the consolidation of the framework. It proposed an agreement between social partners to improve the working conditions of seafarers on board EU-flagged vessels, to be enshrined in EU law. It has made some progress, but I wonder whether that progress is aligned with the European Social Charter. The same applies to the critical situation as regards migrants desperately trying to cross the Mediterranean Sea or the English Channel.⁶⁵

47. The Covid-19 pandemic highlighted the major and vital role of sea workers tasked with transporting goods to their final consumers. Seafarers⁶⁶ faced additional hardship due to the pandemic. Often forgotten, they should be given due consideration as regards access to education and professional training (SDG 4); decent work (SDG 8), industry (SDG 9) and gender equality (SDG 5). An essential group, they deserve to have their rights protected at appropriate levels when delivering goods in Europe. The Assembly has never examined the situation of seafarers on-board ships flying “flags-of-convenience”. It is time to address this issue as well.

48. In 2022, the IMO observed the first International Day for Women in Maritime.⁶⁷ The day celebrates women in the industry and is intended to promote the recruitment, retention and sustained employment of women in the maritime sector, raise the profile of women in the maritime sector, strengthen the IMO’s commitment to SDG 5, and support work to address the current gender imbalance in the maritime sector.

49. As the main watchdog of human rights in Europe, the Council of Europe could contribute to the work of the IMO to bring the human dimension of maritime activities to the fore. To reach this objective, I recommend that the Organisation adopt strategic documents to cover the seas and oceans, so that European standards apply more broadly. In its [Resolution 1694 \(2009\)](#), the Assembly called for action to raise public awareness of the problems and potential of the oceans. The objective of this resolution was not fully understood. This report is intended to ensure that each sector of maritime activity meets a higher level of protection of human rights.

5. Healthy seas and oceans are key to Europe’s future

50. I am deeply concerned about the situation in the Black and Azov seas in Ukraine. Firstly, the Kerch bridge that was built illegally on the occupied territory of the Crimean Peninsula, without the consent of the Ukrainian side, has destroyed biodiversity and ecosystems. Its construction has had an extremely damaging effect on water quality and on the people living in the region. It has impacted the seismic security of this part of Europe. Experts have noted that “the bridge is built in complicated engineering and geological conditions, in the place of active movement of sea surface currents, accumulation of sediments, coastal erosion, water and wind processes; its functioning is threatened by the risks of tectonic manifestations”. The marine ecosystems of Tuzla Island and the Taman Gulf have also been damaged.⁶⁸ The militarisation of the Azov and Black Sea areas, including seaports, could be deemed to constitute ecocide and a violation of international humanitarian law that must be prosecuted. Lastly, military operations in and around the seas have exacerbated the environmental crisis, causing serious imbalances in the ecosystems. Intensified traffic on the Kerch bridge has led to a rise in the temperature of the water and increased air pollution. Thousands of mammals are dying because of the military activities of the Russian navy not only on the Ukrainian coast, but also near the coastline of Romania, Bulgaria, and Türkiye. These unusual mass mortalities and stranded dolphins also need to be better monitored by relevant authorities.

51. For a quarter of a century, the authorities on our continent have failed to introduce an environmental crime that would make it possible to bring the entities that pollute and destroy our environment to justice. On 6 June 2023, the destruction of the Khakovka dam on the Dnipro (Ukraine) caused the worst ecological disaster in Europe since Chernobyl,⁶⁹ destroying landscapes and depriving the population of drinking water. The consequences are being felt as far away as the Black Sea, where pollutants and animal corpses have been washed up. The consequences of this crime against nature could be even worse if the Zaporizhzhia nuclear power plant were to be attacked by Russian armed forces.⁷⁰

65. See [Doc. 15348](#) “Climate and migration”, rapporteur: Pierre-Alain Fridez (Switzerland, SOC).

66. [World Maritime Theme 2021](#).

67. [Women in Maritime](#).

68. Environmental People Law (Ukrainian NGO located in L’viv), 3 October 2017, “[Kerch bridge will destroy the sea of Azov](#)”.

69. The Ukrainian Deputy Foreign Minister, Andrij Melnyk, calls the destruction of the dam “the worst environmental catastrophe in Europe since the Chornobyl disaster”. *CBS news*, 11 June 2023, “[Ecological consequences of dam collapse in southern Ukraine will be generational, experts say](#)”.

70. *The Guardian*, 8 June 2023, “[Dam collapse is a global problem as waters may poison Black Sea, Zelenskiy says](#)”.

52. The unilateral aggression by the Russian Federation against my country is currently being documented so that all the Russian officials who have committed four serious crimes (genocide, crime against humanity, crime of aggression and war crime) can be prosecuted as quickly as possible. The Ukrainians are currently working on gathering evidence for a fifth category: crimes against the environment and ecocide.⁷¹ There can be no question of allowing the environment to be a silent victim of the invasion.

53. I am counting on the speedy adoption in Europe of the new convention on the protection of the environment, including seas and oceans, through criminal law. Since this is a subject close to my heart, I intend to organise a side-event during a 2024 part-session of the Assembly. I would like to see the perpetrators of environmental crimes, be they natural persons or legal entities, subject to prosecution if they operate in one of our member States. I duly note the recent progress made on this subject by the European Union.

54. I support the decision of the Heads of State and Government to launch the Reykjavik process. I am looking to the Committee of Ministers to set up the Reykjavik Committee as soon as possible. I expect this committee to be able, among other things, to support policies to protect the seas and oceans, in order to strengthen the link between the rights set out in the European Convention on Human Rights (ETS No. 5) and the environment.

55. Climate change has long-term repercussions on the environment that require the world to urgently scale up the protection of marine environments, investment in ocean science, support for small-scale fishery communities and the sustainable management of the oceans.⁷² To accompany this change, the UN has proclaimed a Decade of Ocean Science for Sustainable Development (2021 to 2030) to create a common framework for action to enhance efforts on conservation and sustainability. More use must also be made of other nature-based solutions: the Bonn Convention on the Conservation of Migratory Species of Wild Animals, the Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat, the strategies for the conservation of the cetaceans, etc.

56. Modelled on the protection of terrestrial sanctuaries as established by the Bern Convention, the protection of large marine parks offers multiple advantages, including the preservation of biodiversity and their use as carbon and heat sinks. Only 2% of seas and oceans are currently protected. At least 30% must be protected by 2030, as pointed out by John Kerry, US special presidential envoy for the climate. The issue of deep-sea mining and mineral exploitation of the seabed may pose serious threats to the right to a healthy environment. I am of the opinion that no “Wild West” projects for mining should be explored before the risks are known and any possible damage avoided.

57. Whether in the European Commission's latest action plan for more sustainable fisheries,⁷³ announced on 21 February 2023, or in the historic agreement of March 2023 at the United Nations, following which States agreed on a high seas treaty, the concept of MPAs has been widely proposed as a means to protect biodiversity and marine environments. At EU level, in 2020, only 7.2% of waters (excluding overseas territories) had MPA status via Natura 2000, according to the European Environment Agency; in 2021, coverage rose to 12.1%.⁷⁴ These figures are still a long way from the target of 30% MPAs in the European Union's seas by 2030, which would represent 11 million km² of protected waters, 10% of which would be “strictly” protected (namely free from any potentially harmful human activity).

58. The International Union for Conservation of Nature regularly takes issue with the criteria defining MPAs, on the ground that their complexity is not conducive to effective and efficient protection of the seas and oceans. It calls on States to commit to ensuring that, by 2030: the loss of marine species and decline of marine ecosystem health is halted and restoration initiated; equitable access to water resources and all associated ecosystem services is secured; and water governance, law and investment decisions address the multiple values of nature and incorporate biodiversity knowledge.⁷⁵

71. *New York Time*, 17 August 2023, “As Dolphins Die in Black Sea, Ukraine Builds Case for Ecocide Against Russia”.

72. SG's progress report 2021.

73. EUR-Lex – 52023DC0103 – EN – EUR-Lex (europa.eu).

74. In 2020, the country with the largest network of marine protected areas was Germany, with 45.7% of its waters covered by Natura 2000. Next came Belgium (36.8%) and France (30.8%). The countries with the least extensive network were Ireland (2.1%) and Italy (1.2%). The data for 2021 show that the proportion of protected territorial waters increases, particularly in the case of Portugal, Italy, France and Spain, when national MPAs (designated by the Member States but not counted in the Natura 2000 network) are included. If these national initiatives are taken into account, the proportion of protected maritime areas in the European Union was 12.1% in 2021.

75. International Union for Conservation of Nature, [Ocean](#).

59. The Council of Europe is in favour of creating networks of MPAs in all of Europe's seas. Its objectives are to:

- better identify the elements of biodiversity protected in MPAs;
- improve understanding of how marine systems are interconnected in order to better designate and plan MPAs in Europe, and improve the connectivity and representativeness of MPA networks;
- better manage MPAs and optimise their conservation;
- improve reporting mechanisms and data flows across Europe, particularly in areas with protected species and habitats;
- share knowledge and experience about how European marine life reacts to pressures and the results achieved by management regimes designed to protect marine life;
- and lastly, accurately measure the extent to which MPAs and the network as a whole are achieving their intended purpose.

The Council of Europe underlines the need to strike a balance between the objective of preserving biodiversity and marine environments and the protection of socio-economic rights.

60. In December 2022, the fifteenth meeting of the Conference of the Parties to the United Nations Convention on Biological Diversity⁷⁶ resulted in the historic adoption of the Kunming-Montreal Global Biodiversity Framework. This framework consists of four overarching goals to be achieved by 2050, focusing on ecosystem and species health, including to halt human-induced species extinction, the sustainable use of biodiversity, equitable sharing of benefits, and on implementation and finance, including closing the biodiversity finance gap of USD 700 billion per year.

6. Conclusions

61. At the One Ocean Summit,⁷⁷ oceanographer Gilles Leboeuf reminded us that every human has some potassium chloride in their blood, inherited from the ocean. Every individual has an existential tie to the ocean, which should be preserved. In a degraded environmental context, an organisation like the Council of Europe that defends human rights, democracy and the rule of law has a role to play in strengthening the special link between human rights and the environment, including the seas and oceans.

62. I am delighted that the Council of Europe has undertaken to come up with its own response to the triple crisis by initiating the Reykjavik process and recognising, at political level, the right to a healthy, clean and sustainable environment at the 4th Summit of Heads of State and Government. In accordance with the final declaration, I am pinning my hopes on the Reykjavik Committee being up and running soon. The Council of Europe must contribute to networking between like-minded partners and provide a forum for civil society and young people.

63. I am concerned about recent abuses of our seas and oceans, in particular the decision by the Norwegian authorities to open up areas of the deep sea for exploration and extraction of mineral deposits. When it comes to exploiting the seas, I am opposed to "Wild West" ideas that have consequences we cannot control.

64. With the historic adoption of the Kunming-Montreal Global Biodiversity Framework in December 2022, at least 30% of the maritime domain is to be specifically protected by 2030. This minimum threshold is essential if biodiversity is to recover. It requires networks of protected habitats to be created. We need to take better care of our seas and oceans, as part of a paradigm shift. I also want recovering damaged areas to be a priority. It is important to support the work being done under the Bern Convention. I welcome the decision to strengthen the tools available to the Council of Europe for environmental protection as part of the Reykjavik process, ensuring their sustainability through the provision of stable resources. I am counting on the member States not to allow these instruments to deteriorate for lack of long-term funding. The Council of Europe budget must take into account the requisite deployment in the wake of the Reykjavik summit.

65. In addition, I encourage the Council of Europe to strengthen the capacity of member States to introduce a new offence that would make it possible to criminally prosecute those who harm the environment, seas and oceans. The latter must not be silent victims.

76. UNEP, [Kunming-Montreal Global Biodiversity Framework](#).

77. The One Ocean Summit took place in Brest (France) on 10 February 2022.

66. To accompany the profound change in our societies, the Council of Europe must include seas and oceans in its strategic thinking. Efforts must be made to promote human rights based on dialogue, assistance between peers and constant improvement of public intervention. These actions could contribute to creating a holistic approach to respond to documented human rights breaches affecting sea workers, migrants, coastal communities, ethnic minorities, and other vulnerable individuals. As the watchdog of human rights in Europe, the Council of Europe could contribute to the IMO's mandate to highlight the human dimension of maritime activities through a human rights-based approach. I am delighted that the Council of Europe will be able to implement its status as an observer organisation with the IMO, granted in 1974. I am counting on close co-operation between our organisations, including through technical assistance with the help of the European Union.

67. The seas and oceans must be part of our mitigation, adaptation and resilience policies to tackle the climate crisis. Major debates are taking place on the subject of ocean governance, biodiversity and plastic pollution. The first thing to do when discussing ocean governance is to involve as many people as possible, especially those who live directly by the sea and depend on the seas and oceans for their livelihoods and survival.⁷⁸ There is no simple solution to such a complex situation, where the interests of the stakeholders are diverse. Among the latter, the important role played by private companies and economic stakeholders in the maritime sector (ports, shipping companies, etc.) as well as by local governance entities and regional authorities cannot be overlooked in the drive to achieve the objective of zero-emission shipping by 2050.⁷⁹ Many factors come into play where issues relating to the sea are concerned, from deep-water mining to the status of seafarers, asylum seekers, plastic pollution, etc.

68. The role of women will be a major factor here in accomplishing a sustainable transformation. Even though the maritime sector is dominated by men, there are many women involved. Their role in the governance of seas and oceans should be reconsidered. Discrimination against women has made them very vulnerable, and it is essential to include them, since they represent half of the world community, and are equally at risk from maritime pollution. This lack of balance also applies to ocean research, where women account for only 27% of researchers.

69. Quite apart from the climate crisis, serious violations are being committed in the seas and oceans bordering Council of Europe States. It is not right that so many people fleeing their countries should die in the process every year. Addressing the Italian authorities from Lampedusa in June 2023,⁸⁰ the Commissioner for Human Rights, Dunja Mijatović, stressed that it was time to put an end to the policies and practices that hamper NGOs' search and rescue activities at sea: "It is crucial that NGOs can continue to carry out their life-saving work. The criminalisation of their activities goes against Italy's obligations under international law."

78. *The New York Times Climate Hub*, 8 November 2021, "Everyone's Claim, Nobody's Responsibility: Sustainable Ocean Governance".

79. At the One Ocean Summit in Brest, cities adopted the [Sea'ties Declaration](#).

80. Commissioner for Human Rights, [Visit to Italy](#).