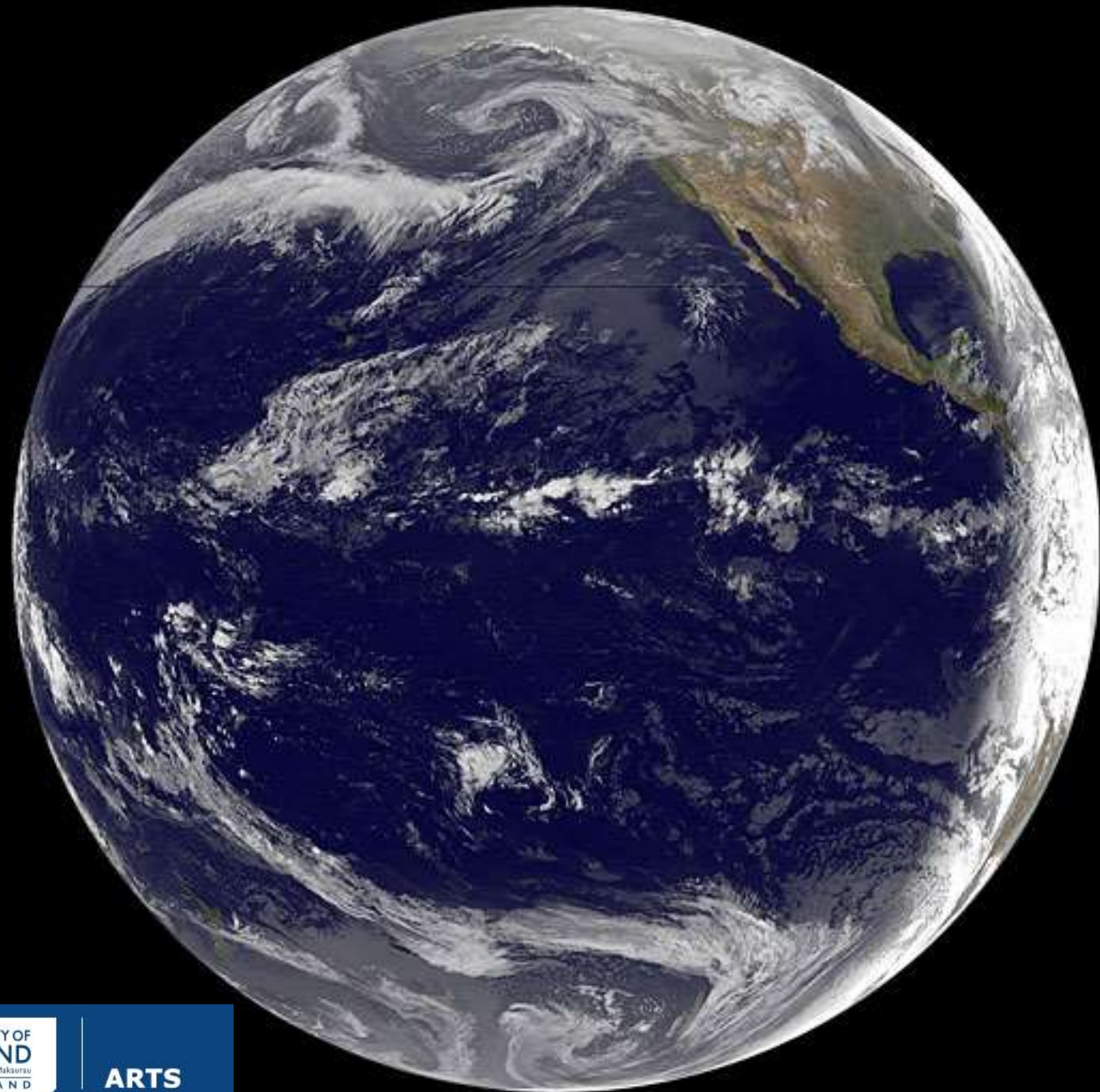


Legal personhood for the Gulf?



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International Ocean Rights



United Nations

Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction

[Home](#)[Background](#)[Officers](#)[Participation](#)[Documents](#)[Intersessional work](#)[Side Events](#)[Media](#)[Secretariat](#)[Training opportunities](#)[Resources](#)

Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (General Assembly resolution 72/249)




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Review

Indigenous Environmental Justice within Marine Ecosystems: A Systematic Review of the Literature on Indigenous Peoples' Involvement in Marine Governance and Management

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Abstract: We develop and apply a systematic review methodology to identify and understand how the peer-reviewed literature characterises Indigenous peoples' involvement in marine governance and management approaches in terms of equity and justice worldwide. We reviewed the peer-reviewed English-language research articles between January 2015 and September 2020 for examples of Indigenous peoples' involvement in marine governance and management using the analytical lens of environmental justice. The majority of research studies highlighted that Indigenous peoples experienced some form of environmental injustice linked to existing marine governance and management, most notably in the context of inequitable decision-making procedures surrounding the establishment and operation of marine protected areas. However, there are significant gaps in the current literature, including a notable absence of studies exploring Indigenous women and other gender minorities' involvement in marine planning and management and the limited number of studies about Indigenous peoples living throughout Asia, the Arctic, Russia, and Africa. More studies are needed to explore collaborative and intersectional approaches, including co-governance and co-management and ecosystem-based management, and critically evaluate what constitutes inclusive, equitable, and just marine governance and management processes, practices, and outcomes for different Indigenous peoples occupying diverse social-ecological systems.

Keywords: indigenous people; environmental justice; marine governance and management; collaborative natural resource management; marine protected areas; marine spatial planning; co-governance and co-management; ecosystem-based management; indigenous knowledge (ILK); food security



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Environmental human rights

- Not a new concept
- Stockholm Declaration 1972
- In October 2021, the United Nations Human Rights Council went so far as to recognise that a clean, healthy and sustainable environment is a human right, with the High Commissioner describing the triple planetary threats of climate change, pollution and nature loss as the single greatest human rights challenge of our era
- A change to the NZBORA?

Rights for nature – a legal personhood model

- Non-human personhood is already used in the case of corporations
- It's now widely accepted that non-human animals have some rights
- We have legal personhood even for non-sentient aspects of the natural world already, for Te Urewera and Te Awa Tupua
- In 2008, Ecuador enshrined the rights of nature into its constitution, giving its mountains, rivers, forests, air and islands legally enforceable rights to exist, flourish and evolve.

Is it time for the Gulf to become its own person?

- Who is the person and what are his or her interests?
- At what scale do we recognise a person?
- What rights does it have?
- Who gives a voice to the voiceless?

Questions to consider...

- If the Hauraki Gulf were a person, what would its interests be?
- What legal rights should the Hauraki Gulf, as a legal person, have?
- Who should speak for the Hauraki Gulf and give it a voice?
- What responsibilities do we as people have?