

## Subsection 5B

### Chapter 5

#### Equity, justice and human rights in the ocean

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#### Key points

- Equity, justice and human rights issues are widespread in the ocean.
- Ocean benefits are inequitably distributed across groups, countries and regions of the world, notably in fisheries, the ocean economy and access to marine ecosystem services.
- Environmental justice concerns are pervasive, as the impacts of marine pollution and plastics, climate change, fishery declines and environmental degradation are disproportionately affecting coastal populations and are inequitably distributed globally.
- Human rights violations are prevalent in the ocean, occurring in fisheries, in the ocean economy, in marine conservation and in relation to a healthy environment and climate change.
- The participation of all affected parties, which is foundational to the achievement of equity, justice and human rights, is needed in ocean governance at all scales, from local to global.
- Existing ocean governance processes lack adequate participation and inclusivity.
- Social equity, justice and human rights are often inadequately integrated into ocean decision-making processes, policies and practices.
- Social equity, justice and human rights are useful frameworks to guide best practices and governance for a sustainable and inclusive ocean.
- States have a key role to play in ensuring that equity, environmental justice and human rights are central to future ocean governance.

#### 1. Introduction

Humanity has always been deeply connected to, and dependent on, the ocean. This is especially true for coastal populations, island nations and countries adjacent to the ocean. Nevertheless, throughout history, some groups within society and some nations and States have had greater access to, and captured more benefits from, the ocean. Inequities in distribution of the ocean's benefits persist today and are amplified by a growing global demand for ocean resources (Jouffray and others, 2020) and the capture of large shares of the ocean economy by a few corporations and countries (Österblom and others, 2023; Virdin and others, 2021). For instance, global fisheries are dominated by higher-income countries (McCauley and others, 2018; Tickler and others, 2018). Meanwhile, Indigenous Peoples and small-scale fishers often lack adequate access and harvests to earn a livelihood and support adequate nutrition security, despite

industrial fleets fishing nearby (Amnesty International, 2023; Andreoli and others, 2023; Environmental Justice Foundation (EJF), 2022).

Simultaneously, climate change, pollution and biodiversity declines are placing increased pressure on the ocean environment, with disproportionate impacts on resource-dependent coastal populations and less wealthy nation States (Bindoff and others, 2019; Intergovernmental Panel on Climate Change (IPCC), 2021, 2019). Toxic pollution from oil development and spills is affecting the environment, fisheries and food security for countless coastal communities worldwide (Andrews and others, 2021; Gill and others, 2012; O'Rourke and Connolly, 2003). Human rights violations are also pervasive in global fisheries (Garcia Lozano and others, 2022; Marschke and Vandergeest, 2016a; Murphy, 2017; Stringer and others, 2016; Teh and others, 2019), in the ocean economy (Bennett and others, 2023b; Figueroa and others, 2023; Lamb and others, 2019; Morgera and Lily, 2022) and in relation to a healthy ocean environment (Bennett and others, 2024).

The above list of issues is emblematic of the widespread and growing inequities, injustices and human rights issues occurring across the global ocean. Meanwhile, efforts have been made to ensure that ocean governance frameworks keep pace with the accelerating environmental changes and declines through an ever-increasing and complex set of institutions, regulations and management efforts (Campbell and others, 2016; Partelow and others, 2023). However, local people and communities have often been inadequately included in ocean governance and decision-making processes, and there has been insufficient attention to equity, justice and human rights in the formulation and implementation of marine policies, management and conservation efforts (Bennett, 2018; Crosman and others, 2022; Österblom and others, 2023).

The present chapter contains a broad overview of the following interconnected substantive and procedural issues: (a) equity in the distribution of the ocean's benefits; (b) environmental justice and the ocean; (c) human rights and the ocean; and (d) participation in ocean governance (see box below for definitions). It concludes with best practices for bringing equity, justice and human rights into the centre of ocean governance.

#### **Definitions of key terms used in the present chapter**

*Distributional equity:* the level of fairness in access to, and benefits from, marine resources and opportunities among groups, countries and regions of the world, which is influenced by historical and contextual factors.

*Environmental justice:* the distribution of exposure to, and impacts of, environmental hazards and harms, in particular for populations subject to social and structural marginalization.

*Participatory ocean governance:* decision-making processes that represent all affected groups and through which equitable opportunities are provided for people to gain access to information, provide input, influence outcomes and seek justice.

## 2. Equity in the distribution of the ocean's benefits

Society receives a myriad of benefits from the ocean, including food, oxygen, transportation, health, inspiration, recreation, heritage, employment and climate regulation (Grorud-Colvert and Ward, 2023; Isson and others, 2020; Kearney and others, 2023; Lane and Pretes, 2020; Waiti and others, 2022; Wester and others, 2023). However, marine resources and ecosystem services do not flow to, or benefit, all people equitably (Blasiak and others, 2018; Blythe and others, 2020; Elias and others, 2024; Hicks and others, 2022).

Distributional equity refers to the level of fairness in access to, and benefits from, resources and opportunities derived from coastal and marine environments. Examples of ocean inequities include unequal distribution of fish allocations and catches among countries (Food and Agriculture Organization of the United Nations (FAO), 2024; Hicks and others, 2022); limited and insecure tenure and access rights for small-scale fishers, women and minorities (FAO, 2015a; FAO and others, 2023; Jentoft and others, 2019; Pinkerton, 2019); limited engagement of low- and middle-income countries in high-seas activities and the consolidation of an ocean economy involving relatively few transnational corporations (Frantzeskaki and others, 2025; Österblom and others, 2015; Viridin and others, 2021).

Some authors argue that inequity is a systemic feature of the ocean economy, embedded in existing political and economic systems that have been shaped by historical legacies of colonialism and exploitation (Clark, 2022; Clark and Cisneros-Montemayor, 2024; Pease, 2021). Current arrangements often favour wealthy and powerful States, corporations and individuals, resulting in benefits accumulated by a few, in harms from development often borne by coastal communities and the most vulnerable, and in considerable disparities in wealth, health, food security and economic opportunities (Österblom and others, 2023; Viridin and others, 2021).

The present part of the chapter serves to further explore how the benefits of the ocean are inequitably distributed across groups, countries and regions of the world, with a focus on three examples for which there is evidence of such inequitable distribution: ecosystem services, fisheries and the ocean economy.

### Equity in ecosystem services

Ecosystem services refer to the benefits provided by nature, such as air, water and food, to people (Millennium Ecosystem Assessment, 2005). The benefits of marine ecosystem services, such as fishery production and coastal protection, are often unequally distributed, which has negative impacts on the well-being of coastal communities and groups that are marginalized (Blythe and others, 2020; Drakou and others, 2018). Around the world, local people can find themselves excluded from beaches that they use for recreational, cultural or livelihood purposes (Gould and others, 2022; Middleton, 1988; Montgomery and others, 2015). Native Hawaiians, for example, experience barriers to gaining access to the diverse cultural values provided by beaches as a result of tourism and infrastructure development (Gould and others, 2022).

Many processes and factors, such as insufficient recognition and participation of all user groups in decision-making, insecure tenure rights and a lack of access to resources, contribute to the uneven distribution of coastal ecosystem services and the associated benefits. Tenure and access, for example, are key mechanisms that support benefits from marine and coastal ecosystem services (Fisher and others, 2014; Langemeyer and others, 2024). The erosion of marine tenure undermines local communities' right

to have access to their traditional fishing grounds, thereby depriving them of benefits, while exacerbating disparities in wealth and food security (Tholan and others, 2024). Without secure access, communities lack the power to manage and protect their resources (Bennett and others, 2018). Furthermore, disconnection from ancestral fishing practices erodes cultural identity and social cohesion (Patankar and others, 2015).

### **Equity in fisheries**

Global fisheries provide society with multiple social and economic benefits. Fisheries supply 3.2 billion people with a significant portion (>20%) of their protein intake and provide more than 60 million full-time or part-time jobs (FAO, 2024; Teh and Sumaila, 2013).

However, the benefits of fisheries are inequitably distributed among countries. At a global scale, the top eight capture fishery producers (China, Indonesia, India, Peru, Russian Federation, United States of America, Viet Nam and Japan) account for more than 51% of the total catch (FAO, 2024). Wealthy countries are responsible for 97% of industrial fishing on the high seas and for 78% within the exclusive economic zones (EEZs) of lower income countries (McCauley and others, 2018). Heavily subsidized distant water fishing fleets can deplete stocks that lower-income countries depend on for viable fisheries livelihoods and food security, thus exacerbating existing inequalities (Tickler and others, 2018). Meanwhile, fisheries access agreements often lead to limited economic benefits for host countries (Belhabib and others, 2015; Manach and others, 2013). The industrial fishing aspirations of developing States can be further disadvantaged in regional and international negotiations owing to international interests in fisheries conservation and catch limits (Andriamahefazafy and others, 2024).

The benefits of fisheries are also inequitably distributed among groups within countries. Small-scale fisheries constitute 90% of the employment in fisheries globally and contribute 40% of the catch (Basurto and others, 2025; FAO, 2023), thereby providing food security and livelihoods to local communities. However, despite their contribution, small-scale fishers continue to be marginalized in decision-making, and their tenure rights continue to be threatened (Islam and Chuenpagdee, 2022). Small-scale fishers often struggle to gain access to and benefit from fisheries due to regulatory barriers, limited access to capital, a lack of technology and limited access to fishing grounds and reduced allocation of catch (Bailey and others, 2016; Pita and Ford, 2023). Small-scale fisheries also lack direct access to markets, and are often dependent on intermediaries, thereby leading to reduced profit margins, whereas larger companies can sell directly to consumers or international markets (Bailey and others, 2016; Pita and Ford, 2023). At the same time, the environmental degradation associated with subsidized overfishing by industrial fleets disproportionately affects the catches and income potential of small-scale fishers (Andreoli and others, 2023; Skerritt and others, 2023).

### **Equity in the ocean economy**

The ocean economy has been growing rapidly and has spurred a rush to claim ocean space and resources (Barbesgaard, 2018; Jouffray and others, 2020; Organisation for Economic Co-operation and Development (OECD), 2016). Although it is claimed that so-called blue economy policies and interventions contribute simultaneously to economic prosperity, environmental integrity and coastal communities (Bennett and others, 2019; Cisneros-Montemayor and others, 2021; Silver and others, 2015), evidence suggests that benefits from the ocean economy are highly inequitable. For example, the 10 largest corporations in eight selected ocean economy industries (including oil and gas, tourism,

seafood, wind energy and shipping) generated, on average, 45% of the respective total industry revenues (Viridin and others, 2021). The biggest 100 companies accounted for \$1.1 trillion in revenues in 2018, representing 60% of the total (Viridin and others, 2021). Control over growing marine biotechnology markets is also highly concentrated, with a single corporation registering 47% and 10 countries registering 98% of all patented marine genetic sequences (Blasiak and others, 2018).

Despite the promise of jobs and other economic benefits from the development of the ocean economy, local communities may see few of the promised benefits. Oil and gas extraction often produces huge wealth for foreign corporations and national elites; however the hiring and procurement of goods seldom benefit local communities (Ablo, 2015; Obi, 2010; Oteng-Ababio, 2018). Similarly, shrimp aquaculture, which is resource- and technology- intensive and requires access to global markets, is seldom locally owned, often provides few jobs for local communities and undermines local fisheries livelihoods (Bergquist, 2007; Nickerson, 1999; Primavera, 1997; Stonich and others, 1997). Overlooking social equity in blue growth can lead to accelerated coastal and ocean grabbing processes (Bennett and others, 2021; Das, 2023), which refer to the "dispossession or appropriation of use, control or access to ocean space or resources from prior resource users, rights holders or inhabitants" (Bennett and others, 2015). Highly concentrated economic ownership in the ocean economy thereby leads to "unjust uneconomic growth," which produces few local economic benefits and numerous negative social externalities for local communities (Nogué-Algueró, 2020).

Furthermore, the unequal distribution of benefits is enabled by the exploitation of workers (Campling and Colás, 2018). In 2015, seafarers worked on average 77 hours per week, and investigations uncovered widespread forced labour on fishing vessels (Stringer and others, 2016; Vandergeest and others, 2017). Intense market pressure to reduce costs, combined with weak oversight and accountability for marine industries, has created conditions that enable exploitative labour practices (Campling and Colás, 2018).

## **Conclusion**

The benefits of the ocean are inequitably distributed across groups, countries and regions of the world due to a number of structural and contextual factors. Structural drivers of ocean inequality include: policies that prioritize access, allocation and benefits for industrial fishing fleets over the livelihoods, needs and aspirations of small-scale fisheries; a lack of recognition and enforcement of marine tenure and access for rights holders, including small-scale fishers, Indigenous Peoples and other traditional coastal communities; economic disparities that allow wealthier countries and corporations to exploit a greater share of marine resources; governance mechanisms and decision-making processes that prioritize the interests of historically industrialized States over the aspirations of developing States; corruption and weak rule of law; and persistent racist and colonial structures that continue to shape ocean policies and practices (Bennett and others, 2022b; Clark and Cisneros-Montemayor, 2024; Frantzeskaki and others, 2025; O'Neill and others, 2025; Österblom and others, 2023; Sparks and Sliva, 2019; Tholan and others, 2024). Inadequate governance and decision-making processes can often exclude persons in marginalized situations and communities, undermining their ability to advocate for access to, benefits from, and sustainable management of their marine resources (Bennett and others, 2018; Bodwitch and others, 2024; Crosman and others, 2022; Strand and others, 2024).

Inequity in the distribution of ocean benefits is driven by and reproduces significant economic disparities, leading to persistent imbalances that undermine local economies, jeopardize food security and

exacerbate poverty (Österblom and others, 2023). Additional factors, such as climate change, environmental degradation and global flows of pollution and waste, further exacerbate these inequalities by disproportionately affecting those regions and groups that are dependent on marine ecosystems and have fewer resources to adapt (Prellezo and others, 2023).

### **3. Environmental justice and the ocean**

According to research on environmental justice, populations such as Black and Afrodescendent communities, Indigenous Peoples, women, children and socioeconomically marginalized groups bear a disproportionate burden from polluting industries and waste disposal (Bullard, 1994; Cutter, 1995), climate change and environmental degradation (Brulle and Pellow, 2006; Bullard, 2018, 1994; Cutter, 2012; Sikor, 2013; Tsosie, 2007). Environmental justice issues can affect populations close to the source or in regions of the world far from where the issue is produced.

The present part of the chapter contains an outline of how environmental justice issues related to marine pollution and plastics, climate change, fishery declines and environmental degradation are disproportionately affecting coastal populations and are inequitably distributed globally.

#### **Environmental justice, marine pollution and plastics**

Pollution and plastics increasingly infiltrate and affect the ocean. Various pollutants, including persistent organic pollutants (POPs), trace metals, hydrocarbons, sewage, fertilizers, pesticides, flame retardants and pharmaceuticals, enter the ocean from various point and -nonpoint sources (Arias and Botte, 2020; Frid and Caswell, 2017). An estimated 4.8 million to 12.7 million tons of plastic waste, ranging from nanoplastics to macroplastics, are discharged into the ocean each year (Jambeck and others, 2015; Thevenon and others, 2015).

Marine pollutants and plastics harm marine species, fish and biodiversity (Beiras, 2018), as well as the health, food security, livelihoods and well-being of coastal populations (Bowen and others, 2014; Landrigan and others, 2020; United Nations Environment Programme (UNEP), 2021a). For example, toxic substances, such as methylmercury accumulate in seafood, pose risks that can affect the health and food security of fish-dependent communities, especially women and children (Donatuto and others, 2011; Landrigan and others, 2020; Probyn, 2018). Oil spills, such as the Exxon Valdez and Deepwater Horizon spills, have caused long-term economic and psychosocial damage (Chang and others, 2014; Gill and others, 2012; Palinkas and others, 2004; Picou and others, 2009). In coastal Cameroon, plastic waste now exceeds fish in the catches of small-scale fishers (Suh, 2024).

Some groups (including communities of colour, Indigenous and Afrodescendent groups, women and children) are more exposed and susceptible to the health effects of pollutants (Landrigan and others, 2020; Liboiron, 2021). For example, African -American communities in Louisiana, United States, face disproportionate pollution from offshore oil and gas production (Maldonado, 2018; Randolph, 2021). Inuit women in the Arctic are among the most contaminated humans on the planet due to the persistence and bioaccumulation of POPs in aquatic food chains (Arctic Monitoring and Assessment Programme (AMAP), 2021; Ghisari and others, 2014; Wielsøe and others, 2017). Furthermore, global flows in the disposal of pollution and waste disproportionately affect lower-income countries (Okafor-Yarwood and Adewumi, 2020), which is the case for both shipbreaking and ship disposal (Frey, 2015; Wan and others, 2021) and plastics (Pedra and Gonçalves, 2020; UNEP, 2021b).

## **Environmental justice and climate change**

Anthropogenic climate change is causing changing weather patterns, stronger storms, heatwaves, warming waters, shifting currents and nutrient cycling, deoxygenation and acidification, and sea level rise (Bindoff and others, 2019; IPCC, 2019). These changes are affecting marine species, including by influencing fish reproduction, growth and distribution (Bindoff and others, 2019; du Pontavice and others, 2020; Morley and others, 2018; Pinsky and others, 2020; Poloczanska and others, 2016) and stressing mangrove, seagrass, saltmarsh and coral reef ecosystems (Bindoff and others, 2019; Doney and others, 2012; Gilman and others, 2008; IPCC, 2022; Klein and others, 2022; Sippo and others, 2018).

Coastal populations are facing direct and indirect climate impacts. For example, changes in fish and shellfish stocks are threatening jobs, revenues and food security (Cheung and others, 2010; Doney and others, 2020; Fernandes and others, 2017; Lam and others, 2016; Narita and others, 2012; Tigchelaar and others, 2021), and rising seas and storms are damaging infrastructure and forcing communities to retreat (Ahmed and Eklund, 2021; Dannenberg and others, 2019; Dasgupta and others, 2022; Hauer, 2017; Heberger and others, 2011; Liwenga and others, 2019; Rahimi and others, 2020; Ryan and others, 2016; Schwerdtle and others, 2018). Displacement of Indigenous coastal communities is disruptive to long-held identities, cultures and traditions linked to the ocean (Weir and others, 2017).

Climate change affects individuals and groups inequitably. Black, Afrodescendent, Indigenous, migrant and low-income populations tend to live in areas more exposed to flooding and storms (Ahmed and Eklund, 2021; Gotham and others, 2018; Hardy and others, 2017) and often have lower capacity to respond (Senapati and Gupta, 2017). Small-scale fishers and Indigenous Peoples are more susceptible to the impacts of climate-related declines in marine ecosystems, ecosystem services and fisheries on livelihoods, food security and culture (Guillotreau and others, 2012; Lauria and others, 2018; Marushka and others, 2019). Adaptation efforts can further marginalize coastal communities, women, Indigenous and Afrodescendent peoples, and persons belonging to minority groups when their voices and needs are excluded or ignored (Bunce and others, 2010; Dannenberg and others, 2019; Sovacool, 2018).

Climate change exposure varies by geography. Coastal communities in Arctic and equatorial regions will likely experience the largest increases in temperatures and changes in the composition of fish species (Asch and others, 2017; Ford and others, 2019; Holbrook and others, 2021; Lam and others, 2016). Countries in Asia, Africa and South-East Asia and the Pacific islands near the equator will be most exposed to impacts on fisheries livelihoods, food security and nutrition (Asch and others, 2017; Golden and others, 2016; Holbrook and others, 2021; Lauria and others, 2018; Tigchelaar and others, 2021). Low-lying, densely populated regions and cities in Africa, Asia and the Pacific are highly susceptible to sea level rise (Dasgupta and others, 2022; Neumann and others, 2015; Oppenheimer and others, 2019). Moreover, lower-income countries, which are the least responsible for fossil fuel and other pollutant emissions, will suffer most from ocean-related climate impacts (Bindoff and others, 2019; Lamb and others, 2021).

## **Environmental justice and fishery declines**

Globally, fish stocks are in decline due to overfishing, destructive fishing, ineffective management, habitat loss and climate change. An estimated 37.7% of wild fish stocks are fished at biologically unsustainable levels, and the trend of overfishing continues (FAO, 2024; Fromentin and others, 2022). Despite increased fishing efforts since the 1990s (Bell and others, 2017), catch peaked in 1996 and has since declined (Pauly and Zeller, 2016).

The negative impacts of overfishing and fishery declines are unevenly distributed. Indigenous Peoples and small-scale fishers are particularly susceptible to declines in fish and shellfish due to their high reliance on fishing and harvesting for livelihoods and subsistence. Women, whose contributions to fish harvesting, processing and trade are often unrecognized, are particularly affected (Gopal and others, 2020; Harper and others, 2017). In the Pacific, for instance, women account for 56% of small-scale catches (Harper and others, 2013). In Senegal, female traders are severely affected by foreign fishing vessels and the demand of fishmeal factories (Sall, 2024).

Wealthy countries often capture a greater portion of fishery benefits, while driving the declines in fisheries that affect lower-income countries. Distant water fleets from high-income countries make up 78% of industrial fisheries in low-income countries (McCauley and others, 2018), where seafood provides vital micronutrients that are critical to human health (Hicks and others, 2019). These subsidized fleets undermine the catches, livelihoods and food security of small-scale fishing communities (Andreoli and others, 2023; Skerritt and others, 2023; Zeller and Pauly, 2019). Illegal, unreported and unregulated (IUU) fishing in West Africa, largely by foreign fleets, accounts for between 30 and 50% of the catch and is driving important food species towards extinction (Daniels and others, 2016; Watkins, 2014).

## **Environmental justice and environmental degradation**

Marine habitats are being destroyed and ecosystems are being degraded at alarming rates. For example, an estimated 19% of seagrasses, 30% of coral reefs, 35% of mangroves and 50% of salt marshes have been lost or degraded (Barbier, 2017; Dunic and others, 2021; Románach and others, 2018). Human activities threaten ecosystems and the essential goods and services they provide (Bindoff and others, 2019; Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), 2024, 2019), including food, medicine, livelihoods, carbon sequestration, storm protection, cultural heritage, health and well-being (Barbier and others, 2011; Blythe and others, 2020; Cisneros-Montemayor and others, 2016; Costanza, 1999; Cullen-Unsworth and others, 2014; Islam and others, 2020; Woodhead and others, 2019).

However, these losses and their impacts vary across groups and geographies and are not felt equally. Indigenous populations in the Canadian Arctic are directly affected by the changes in the distribution, health and abundance of beluga populations, which are central to their diets and culture (Loseto and others, 2018). Low-income coastal countries are more vulnerable to the effects of climate change on coral reef fisheries and food security (Hughes and others, 2012). Future losses of coastal protection will likely have the biggest impact on Africa and South-East Asia (Chaplin-Kramer and others, 2019).

## Conclusion

Environmental justice issues are widespread across the world's oceans (Bennett and others, 2023a; Blythe and others, 2023). The effects of marine pollution and plastics, climate change, fishery declines and environmental degradation are inequitably distributed across social groups and geographies. Groups and countries with strong ties to, and a high reliance on, the ocean are more exposed and vulnerable to the effects of these environmental issues. That situation is compounded for groups that are subject to historical or ongoing social, economic or political marginalization, including various racial groups, Indigenous Peoples, women, younger persons, migrants and groups with lower socioeconomic status (Bennett and others, 2023a; Blythe and others, 2023).

Many environmental justice issues are often localized, stemming from weak environmental laws, poor implementation, or the lack of accountability in ocean economy development or resource harvesting and management. At the same time, global environmental injustices exist in the ocean, as some regions face more pollution, overfishing, environmental degradation and climate impacts (Bennett and others, 2023a). These issues persist due to the continuation of global practices that enable high consumption in wealthy countries to drive resource extraction, waste dumping and climate change impacts in less wealthy regions of the world (Liboiron, 2021; Okafor-Yarwood and Adewumi, 2020).

## 4. Human rights and the ocean

Under international law, a universal set of human rights that underpin human dignity and security is acknowledged. In the International Bill of Human Rights, which includes the Universal Declaration of Human Rights of 1948 (United Nations, 1948), it is recognized that all people have a fundamental set of civil, political, economic, social and cultural rights (United Nations, 1976, 1966). The responsibility of society to safeguard the human rights of individuals that belong to groups subject to discrimination (ethnic, religious and minority groups) and vulnerable groups (women, children, older persons and persons with disabilities) is further clarified in subsequent conventions (United Nations, 2006, 1989, 1979, 1965).

In the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, Indigenous Peoples and traditional communities are recognized as having unique rights associated with their status and connection to the environment (United Nations Human Rights Council, 2018; United Nations, 2007). The General Assembly has recently recognized the human right to a clean, healthy and sustainable environment and that clean air, a safe and stable climate, healthy ecosystems and biodiversity, safe and sufficient water, non-toxic environments, and healthy and sustainable food are necessary for the realization of other human rights (e.g. to life, health, food, livelihoods and security) and the rights of specific groups, namely Indigenous Peoples, small-scale fishers, women and children) (United Nations, 2022). Countless other international instruments and frameworks, including on human rights (e.g. the Convention on the Elimination of All Forms of Discrimination Against Women (United Nations, 1979)), on labour (e.g. the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (Office of the United Nations High Commissioner for Human Rights (UN OHCHR), 1990) and the Work in Fishing Convention, 2007 (No. 188) (International Labour Organization (ILO), 2007)) and voluntary guidelines (e.g. the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (FAO, 2015b) and the Voluntary Guidelines on the

Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO, 2012)) are also relevant in the context of oceans, and are too numerous to review comprehensively here.

Human rights are universal; they apply to everyone, everywhere, including in marine and coastal environments (Barnes and others, 2018; Bennett and others, 2024). However, human rights violations are rife in the ocean. The substantive human rights issues in fisheries, the ocean economy and marine conservation and in relation to a healthy ocean are examined below.

### **Human rights issues in fisheries**

Human rights violations are widespread in fisheries. Evidence of trafficking in persons, forced labour, child labour and alarming working and living conditions on fishing vessels have been uncovered through journalism and research (Teh and others, 2019; Urbina, 2019). While such violations first emerged in South-East Asia (EJF, 2013; ILO, 2013a; Levitt, 2016), subsequent investigations have uncovered abuses across the globe (Lawrance and others, 2015; Marschke and Vandergeest, 2016b; Murphy, 2017; Stringer and others, 2016).

Fishers are vulnerable to human rights abuses due to numerous conditions inherent to the sector: isolation, length of time at sea, transnational operations and restricted labour supply (ILO, 2013b). Migrant workers are especially vulnerable in some places and situations due to unregulated recruitment, the withholding of identity documents, debt bondage and an absence of the right to organize (Marschke and Vandergeest, 2016b; Murphy, 2017). These issues have been notoriously difficult to address owing to the complexity of fisheries, the vastness of the ocean and the intersection with organized crime (Belhabib and Le Billon, 2022; Witbooi and others, 2023). Of note, the Western and Central Pacific Fisheries Commission recently adopted the world's first binding minimum standards for crew labour conditions by a regional fisheries management organization (RFMO) (Haas and others, 2024), thereby setting an important global precedent.

Furthermore, human and labour rights violations occur across the supply chain (Garcia Lozano and others, 2022; Nakamura and others, 2018), with a particular impact on women, who make important contributions in the post-harvest sector, including in processing and trading (FAO, 2023). Gender roles and systemic discrimination across different cultural contexts lead to increased risk and vulnerability for women in fisheries (Manyungwa and others, 2019), including gender-based and sexual violence (Lowen, 2014; Mangubhai and others, 2023; Nathenson and others, 2017; Yadao-Evans and Kauhiona, 2019). Despite representing 40% of fish workers globally (FAO, 2023), women are often “invisibilized” (Harper and others, 2013) and excluded from human rights protection efforts in fisheries (Finkbeiner and others, 2021).

Numerous pervasive human rights issues also affect small-scale fisheries globally (Allison and others, 2011; Sharma, 2011; Teh and others, 2019), including food and livelihood insecurity resulting from overfishing by foreign fleets (Aheto and others, 2020; EJF, 2019; FAO, 2021; Finkbeiner and others, 2021; Simmons, 2023); the erasure of traditional knowledge and cultural practices; and forced eviction from, or disrupted access to, territories, lands and waters (Ratner and others, 2014; Sharma, 2011). These issues emerge in large part due to inadequate recognition of, attention to and protection of small-scale fishers' human, tenure and access rights in fisheries management (Cohen and others, 2019; Figueroa and others, 2023). Women, Afrodescendent populations and Indigenous Peoples involved in small-scale

fisheries are often disproportionately subject to exclusionary and punitive practices (Galappaththi and others, 2022; Jentoft and others, 2019; Mbatha, 2022; Satizábal, 2018).

Another source of human rights violations in small-scale fisheries is when management measures put in place by States to address overfishing and IUU fishing undermine the rights of small-scale fishers and lead to their criminalization (Song and others, 2020).

### **Human rights issues in the ocean economy**

There is growing evidence that various sectors, including the aquaculture industry, across the broader ocean economy have undermined human rights in different ways. According to a sector-wide impact assessment of salmon farming in Chile, the aquaculture industry is infringing on labour rights, the right to a healthy environment and the rights of Indigenous Peoples (Fuentes and others, 2021). Simultaneously, aquaculture feed relies in large part on industrial fishing practices and fishmeal factories, which in certain regions, including West Africa, are contributing to overfishing of small pelagic fish stocks and the undermining of local fisheries and the rights to livelihoods and food security (Cashion and others, 2017; Jobe, 2023; Koigi, 2019; Sall, 2024).

Spatial displacement, dispossession and appropriation are also common features of the ocean economy that undermine the tenure and access rights of coastal communities, small-scale fishers and Indigenous Peoples (Bennett and others, 2021; Cohen and others, 2019; Narchi and others, 2024). Ocean and coastal grabbing is prevalent in sectors such as aquaculture, coastal tourism, oil infrastructure development and post-disaster reconstruction (Barbesgaard, 2018; Bavinck and others, 2017; Bennett and others, 2015; Franz and others, 2024; Mesmain, 2014; Narchi and others, 2024; Owusu and others, 2023; Silva and Pierri, 2024). The rapid global expansion of shipping and port infrastructures has displaced communities and small-scale fishers from traditional fishing sites, which affects their rights to food and livelihoods, particularly in Africa and Latin America (Contested Ports, 2020; Lawer, 2019; Okafor-Yarwood and others, 2020).

Violence against local people and ocean defenders – individuals and groups that are organizing and taking action to resist developments that threaten the ocean environment and their human rights – is prevalent in some places where dispossession, displacement, ocean grabbing and conflict result from development pressures, thereby threatening the rights to security of the person and to life (Bennett and others, 2022a, 2023b; The Ocean Defenders Project, 2025).

Human rights violations will continue to occur in the rapidly accelerating ocean economy if States and businesses do not take seriously their obligations and responsibilities to respect, protect and fulfil human rights.

### **Human rights issues related to a healthy ocean**

Mounting anthropogenic pressures on the ocean environment also threaten the right to a clean, healthy and sustainable environment (Bennett and others, 2024; Puentes Riaño, 2024; United Nations, 2022). Human rights to a healthy ocean are being undermined by marine pollution and plastics, the effects of climate change, degradation of habitats and biodiversity and fishery declines (Bennett and others, 2024; Landrigan and others, 2020; Puentes Riaño, 2024).

Oil exploration and extraction, for example, produce pollution that affects the rights to livelihoods, food and health of small-scale fishing communities globally (Andrews and others, 2021). In Quintero-Puchuncaví Bay, Chile, communities have endured decades of pollution from a sacrifice zone, where thermoelectric, petrochemical, oil refining, chemical and copper processing plants are concentrated, undermining their ability to live in a non-toxic environment with healthy food and clean air (Galaz, 2021; Panez and others, 2023; Valenzuela-Fuentes and others, 2021). The prevalence of plastics in the ocean and on beaches threatens the right of young people and future generations to be able to experience and live in clean environments (O'Meara, 2023).

Climate-related changes, including ocean warming, acidification, extreme weather, sea level rise and storm surges, are affecting safe and stable climate conditions, which are foundational to the rights to food, livelihoods, security and life (Bennett and others, 2024; Bindoff and others, 2019; IPCC, 2021; Puentes Riaño, 2024). This is particularly true for people who are highly reliant on marine resources, those living in low-lying coastal cities and residents of small island developing States (Bennett and others, 2023a).

A growing number of national court cases worldwide have featured arguments related to the right to a healthy environment in order to halt threats to fishing activities (Davide, 1997; Vasquez, 2023), to stop the development of a major coal port (Nyamweya and others, 2018), to stop oil and gas exploration (Mbenenge, 2022) and to mandate restoration (Velasco, 2008). Nevertheless, a concerning emerging trend is that ocean defenders who speak up for the protection of the human right to a healthy ocean are being marginalized, silenced, threatened and even murdered for their efforts (Bennett and others, 2023b).

### **Human rights violations in marine conservation**

Evidence of concerning practices by Governments and non-governmental organizations in the name of conservation (including substantive and procedural human rights violations and rights violations specific to Indigenous Peoples and women) began to emerge in the early 2000s (Agrawal and Redford, 2009; Brockington and others, 2006; Brockington and Igoe, 2006; Chapin, 2004; Springer and others, 2011; Tauli-Corpuz, 2016; West and others, 2006). Prevalent human rights violations in the context of the conservation of terrestrial wildlife and ecosystems are related to the lack of participation in decision-making or free, prior, and informed consent, forced displacement and restrictions on resource access, and impacts on the rights to livelihoods, food and culture, among others (Springer and others, 2011).

Recently, however, scholars have highlighted the pervasiveness of human and Indigenous rights issues in marine conservation (Smallhorn-West and others, 2023). For example, marine protected areas (MPAs) designated in the context of historical injustices associated with apartheid in South Africa, along with a failure to address ongoing inequities, have resulted in the weakening of local governance rights and processes, the loss of tenure rights and access to resources, and the loss of culture and sense of place (Sowman and Sunde, 2018).

Evidence of displacement and dispossession through inappropriate conservation and management measures, referred to as ocean grabbing (Bennett and others, 2015), exists across many different contexts, such as in Guinea-Bissau (Cross, 2016), Malaysia (Hill, 2017) and the United Republic of Tanzania (Kamat, 2018).

Although some violations persist, and there is a need for restitution and remedial action in many places, conservation organizations have recognized and taken numerous measures to address past issues related to human rights in marine conservation. Notably, the importance of respecting and protecting human rights, including Indigenous rights, and taking a human rights-based approach to conservation is acknowledged in the Kunming-Montreal Global Biodiversity Framework (Convention on Biological Diversity (CBD), 2022). Global conservation organizations and Governments have made progress by implementing environmental and social safeguards, improving participation and increasing benefit-sharing mechanisms, as well as by advancing support for conservation initiatives led by Indigenous Peoples and local communities (Ford-Learner and others, 2024; Smallhorn-West and others, 2023).

## **Conclusion**

States have an obligation, and businesses have a responsibility, to promote, respect and protect human rights in relation to the ocean, from coastal margins to the high seas (United Nations Human Rights Office of the High Commissioner, 2011; United Nations, 1998). Nevertheless, numerous human rights violations persist in fisheries, in the ocean economy and due to threats to a healthy ocean environment. Furthermore, marine conservation and fisheries management approaches often inadequately consider human rights. Despite the growing recognition of human rights issues that occur in marine and coastal environments, many national and international ocean governance frameworks and processes still lack explicit recognition of, and a requirement to address, human rights (Bennett and others, 2024).

## **5. Participation in ocean governance**

Participation in governance is foundational to the realization of equity, justice and human rights in the ocean. The achievement of more equitable distribution of the ocean's benefits and the reduction of environmental injustices, for example, is enabled by the recognition and representation of diverse groups in ocean governance processes (Bennett and others, 2023a; Spalding and others, 2023).

The realization of substantive human rights related to a healthy ocean also requires attention to procedural elements, which include access to information, public participation in decision-making and access to justice (Bennett and others, 2024; United Nations, 2022). Regional agreements, such as the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Economic Commission for Europe (UNECE), 1998; United Nations, 2018), underscore the importance of participation of all affected parties in environmental matters as a matter of human rights.

Participatory ocean governance requires all rights holders and stakeholders to be recognized, all affected actors and diverse perspectives to be included, and insights from natural science, social science and traditional knowledge to be represented in decision-making (Gosnell and others, 2025; Haas and others, 2023). Particular attention is needed to ensure that formerly excluded or silenced populations, such as Indigenous Peoples, small-scale fishers and women (Strand and others, 2024; United Nations Educational, Scientific and Cultural Organization (UNESCO) Intergovernmental Oceanographic Commission (IOC) and UNESCO Local and Indigenous Knowledge Systems (LINKS), 2024), are effectively included in ocean governance, planning and management processes (Strand, 2023). Inclusion must not be tokenistic, but rather influence and shape policies and management (Bennett and others, 2021; Flannery and others, 2018; Rivers and others, 2023).

The extent to which ocean governance processes are participatory, at various scales, is examined below.

### **Participation in national and local ocean governance**

Over the past few decades, there have been increasing efforts to make marine conservation, fisheries management and ocean economy planning processes more participatory. In practice, however, ocean governance at national and local scales varies substantially in terms of the level and quality of participation.

Acknowledging and including a diversity of actors, including Indigenous Peoples, local communities, small-scale fishers, women's groups and other local groups, is key to achieving participatory local and national ocean governance processes (Short and others, 2021). Nevertheless, in the context of marine conservation, for example, Indigenous and local communities often continue to be excluded from planning and management of MPAs, for example (Gill and others, 2023; Smallhorn-West and others, 2023).

In South Africa, decision-making processes related to the establishment and management of MPAs have excluded subsistence and small-scale fishers, Indigenous and coastal communities (Peer and others, 2022; Sowman and Sunde, 2018; Strand, 2023). On the other end of the spectrum is Haida Gwaii in Canada, where plans for marine protection, stewardship and governance have been co-developed between the Indigenous Haida Nation and the provincial government of British Columbia, with representation from the Haida governing council (Jones and others, 2024).

In general, advances in national policies aimed at improving participation and inclusion in fisheries have taken the forms of co-management (Cinner and others, 2012). For instance, in Chile, the progressive institutionalization of co-management has included introducing territorial user rights for fisheries (TURFs) in 1991 (Gelcich and others, 2010, 2012), creating collective action arenas in 2013 (Gelcich and others, 2019) and adopting voluntary conservation areas by artisanal fishers in 2024. In 2011, Belize committed to establishing territorial user rights for fisheries called "managed access areas" throughout its territorial sea (i.e. its EEZ) through two pilot sites at Port Honduras and Glover's Reef marine reserves, which were scaled up to ensure fishing rights for small-scale operators and communities throughout its territorial sea (Fujita and others, 2017, 2019). In Peru, a co-management scheme was introduced for the profitable scallop mariculture sector in order to address significant challenges relating to management, corruption, pollution and enforcement of rules (López de la Lama and others, 2018).

Fisheries co-management processes in different countries have been more or less successful at incorporating the various elements necessary for effective participation, which include policymaking processes that are co-produced and include fishers (Barceló and others, 2024; Sorice and others, 2018), clear roles and adequate capacity (Estévez and others, 2021), integration of diverse knowledge systems (Norström and others, 2020), support for local stewardship (Bennett and Satterfield, 2018) and agency for managing seascapes (Bandura, 2000). Nevertheless, women are often inadequately included in fisheries decision-making processes (Lawless and others, 2021; Mangubhai and Lawless, 2021).

## **Participation in international and regional ocean governance**

At the international level, the limited agency of less powerful States and the level of civil society participation in ocean governance processes are concerning. For example, the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction was adopted in 2023 under the auspices of the United Nations and addresses issues related to environmental impact assessments, area-based management tools, including MPAs, capacity-building and technology transfer, and marine genetic resources, including benefit-sharing. Despite lengthy negotiations intended to balance various interests and priorities, the Agreement on Marine Biological Diversity of Areas beyond National Jurisdiction process has been critiqued for offering limited opportunities for the participation of civil society, Indigenous Peoples and other interested non-State actors (Morgera and others, 2022; Strand and others, 2022). There have also been significant inequities in terms of participation, representation and influence of States with smaller economies (Sparks and Sliva, 2019).

Most of the world's oceans are now covered by at least one RFMO, and the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks institutionalize the duty to cooperate and requires all Parties to apply conservation and management measures established by existing RFMOs. Under the Fish Stocks Agreement, access to straddling fish stocks and tuna fisheries is limited to Parties that at the very least agree to implement the RFMO measures. RFMOs have the potential to increase the participation and agency of less wealthy and powerful States in ocean governance (Sinan and others, 2022). However, it could be argued that RFMOs have not adequately considered the interests of smaller or emerging economies, particularly with regard to the equitable allocation of fishing opportunities and the disproportionate burdens of conservation measures, which often favour historically developed fishing States over developing States (Seto and others, 2021; Seto and Hanich, 2018; Sinan and others, 2022) or non-State actors, such as Indigenous Peoples and local communities. Nevertheless, there have been positive developments in RFMOs, such as the Western and Central Pacific Fisheries Commission, in which collective bargaining by small island developing States has helped to ensure that their interests are more effectively considered.

Under the Fish Stocks Agreement, there is a need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers, women fish workers and Indigenous Peoples, and Parties must avoid transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States (United Nations, 1995). Unfortunately, however, only the Western and Central Pacific Fisheries Commission has adopted any measures to explicitly implement this requirement in practice (Western and Central Pacific Fisheries Commission (WCPFC), 2013).

## **Conclusion**

A major challenge for the realization of equity, justice and human rights is ensuring effective participation in ocean governance processes. Although progress is being made in local and national ocean governance processes, inclusivity in regional and international ocean governance processes is still limited. In particular, lower- and middle-income States have less power and voice in regional and international

ocean governance processes, and the opportunities for civil society organizations and groups to participate and contribute are limited.

In general, certain groups, including Indigenous Peoples and small-scale fishers, continue to be underrepresented in local and international approaches to ocean governance (Spalding and others, 2023). Furthermore, legacies of colonialism and levels of development continue to have an impact on who is involved, what knowledge systems and values are considered, and the overall quality and equity of ocean governance processes (Spalding and others, 2023; Strand and others, 2024).

## 6. Overall conclusion

In the present chapter, equity, justice and human rights issues in the ocean are examined. Benefits from fisheries, ecosystem services and the ocean economy are inequitably distributed among groups, countries and regions of the world. Marine pollution and plastics, climate change, environmental degradation and fishery declines disproportionately affect certain groups and geographies. Human rights violations occur in fisheries, the ocean economy, marine conservation and in relation to a healthy environment.

Behind these omnipresent issues are an ocean economy that prioritizes the economy over human well-being power asymmetries driven by wealth accumulation and colonial histories, increasing privatization and consolidated ownership of the ocean economy, and ocean governance processes that overlook equity, justice and human rights. Although current levels of participation in ocean governance processes remain largely insufficient to lay the necessary foundation for the achievement of equity, justice and human rights, there is significant potential to strengthen future ocean governance.

### Best practices

In that context, below are five best practices for how equity, justice and human rights can be placed at the centre of ocean governance and management.

1. **Recognize the unique relationships, dependence and rights of diverse peoples in relation to the ocean.** Humanity depends on the ocean; however, different groups have unique relationships with it. To lay the groundwork for effective participation and the promotion of equity, justice and human rights in ocean governance, society must formally acknowledge how diverse individuals, groups, communities, countries and nations relate to, rely on and have rights to the ocean, and integrate these considerations into ocean governance. For example, different communities depend on marine ecosystem services to a greater or lesser extent for various aspects of well-being. Coastal Indigenous Peoples and small-scale fishers have deep cultural connections that depend on access and tenure rights, but those rights are often unrecognized or have been eroded. A social science perspective, grounded in traditional and local knowledge, could support the integration of social considerations into ocean governance.
2. **Ensure equitable representation and meaningful participation in ocean governance processes at all scales.** Participation is foundational to achieving equity, justice and human rights in ocean governance, and is a key pathway to achieving sustainability. However, there are major shortcomings in the level of inclusivity and participation in local, national and international ocean governance. Under international human rights law, the participation of all affected parties in

environmental decisions, underpinned by access to information and access to justice, is mandated (UNECE, 1998; United Nations, 2018, 2022). Explicit recognition and representation of all stakeholders and rights holders is a first step towards more equitable governance processes. Effective participation requires transforming social cultural norms and addressing various procedural elements, including access to information, funding, capacity, facilitation, accountability and conflict resolution, in order to avoid tokenistic participation and ensure that all groups can influence decision-making.

3. **Pursue equity in the distribution of benefits from the ocean.** Without adequate controls, there is a risk that the ocean economy could exacerbate inequality, thereby undermining the achievement of the Sustainable Development Goals related to decent work, poverty reduction, gender equality and food security (Österblom and others, 2023; United Nations, 2015). Addressing inequalities requires ocean governance policies, processes and practices to prioritize human well-being alongside environmental sustainability. Practical policy measures include social impact assessments, benefit-sharing mechanisms, the implementation of tenure and access rights for coastal communities, and gender equality practices. Tackling corruption, impunity and tax evasion and enforcing fair labour practices are also essential. These solutions must consider actions to address systemic inequities in ownership and seek redress for historical disadvantages.
4. **Address the drivers, sources and disproportionate impacts of environmental injustices in the ocean.** Certain segments of society and regions of the world bear the brunt of marine environmental issues. At the highest level, bold policies and actions are needed to address the root drivers of each of the growing issues that are leading to environmental injustices – marine pollution and plastics, climate change, fishery declines and environmental degradation. Governments must create and enforce environmental policies and management actions to lessen the burden on the oceans by, for example, banning chemical pollutants, curtailing point source and -nonpoint source pollution, reducing plastic production and improving waste management, and addressing overfishing. Corporate actors might also be further incentivized or forced to improve technologies and the sustainability of their practices (Blasiak and others, 2021; Österblom and others, 2022). It could be argued that environmental justice issues in the ocean also persist due to enduring racism, colonialism and a capitalist economy that enables inequitable global flows of resources to wealthy countries and waste to less wealthy countries. These challenging issues must be brought into question.
5. **Embed human rights in national and international ocean governance frameworks and management practices.** Under international human rights treaties and law, Governments have an obligation, and businesses and other civil society organizations have a responsibility, to promote, respect, protect and fulfil human rights (Bennett and others, 2024; Knox, 2018; Puentes Riaño, 2024; United Nations Human Rights Office of the High Commissioner, 2011). This applies both within territorial seas and in areas beyond national jurisdiction. Despite some progress, human rights agreements and obligations should be more explicitly acknowledged in global ocean governance processes and agreements (Bennett and others, 2024), and national marine policies and management practices (e.g. related to marine conservation, fisheries and the ocean economy) must contain improved recognition and provisions to protect human rights.

Businesses engaged in the ocean economy must uphold human rights in their operations and supply chains, and States are obliged to regulate, monitor and prevent human rights abuses by the private sector (United Nations Human Rights Office of the High Commissioner, 2011). States and civil society organizations should adopt human rights-based approaches, including requiring economic and social impact assessments and free, prior and informed consent, in fisheries management, marine conservation, and restoration and climate adaptation efforts (One Ocean Hub, 2023; Smallhorn-West and others, 2023). The tenure and access rights of Indigenous Peoples and small-scale fishers should be acknowledged and respected in ocean governance (FAO, 2015b, 2012; UN Human Rights Council, 2018; United Nations, 2007). Ocean defenders must be safeguarded in their right to gather, organize and advocate for the ocean, their territorial rights and human rights. Lastly, all duty bearers – Governments, businesses and civil society organizations that have obligations and responsibilities – must be held to account for not upholding human rights related to the ocean (Smallhorn-West and others, 2023).

In summary, this chapter has served to highlight the types and scope of ocean-related distributional inequities, environmental injustices and human rights violations. Future ocean governance requires a fundamental shift to place equity, justice, and human rights at the centre of ocean policy, management and sustainability efforts. States have a responsibility to ensure inclusive and participatory decision-making and management, to promote the equitable distribution of benefits from the ocean, to address environmental injustices and to embed human rights in ocean governance frameworks. Creating robust ocean policy frameworks and implementing concrete and effective management actions regarding these priorities are essential to upholding broader international commitments related to human rights and sustainable development.

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