

On Europe's contribution to protecting Global Commons: the high seas, Antarctica and outer space

In their relentless quest for natural resources, states and companies are setting their eyes on places which do not fall under national sovereignty. These vast areas - the high seas, Antarctica and outer space - are part of the *global commons*. They belong to all of humanity. To ensure their sustainable and peaceful use, the international community needs to work together.

Greens want to avert a *tragedy of the commons*, whereby the collective resources of the high seas, Antarctica and space are lost as a result of misuse or overexploitation. We resist an *enclosure of the commons*, whereby these resources are monopolised by states or companies and benefit only a few. We do not want the quest for resources beyond national territories to become a new source of international conflicts. We want to take the lead in proposing solutions for the good governance of the global commons. Even at a time when international cooperation is hampered by the short-sighted, resentful nationalism of Putin, Trump and the like, there are political opportunities to make our voice heard.

MAN-MADE THREATS

The **high seas** cover nearly half of the Earth's surface. Like the waters under national control, they suffer from warming and acidification as a result of rising CO₂ levels in the atmosphere. The increasing acidity threatens calcifying organisms, such as oysters, corals, plankton and shellfish that grow hard shells made of a chalky mineral called calcium carbonates, as well as the species that are dependent on them.

Our fossil throwaway economy also pollutes the oceans with various forms of waste, such as microplastics. These endanger the entire marine food chain, up to humans.

Overfishing adds a menace to oceanic ecosystems. As those fish stocks that are easiest to exploit are depleted, fishers move to ever-deeper waters. However, the species of the deep sea are extremely slow-growing and do not reach sexual maturity for many years which makes them all the more vulnerable to overfishing and destructive practices such as bottom-trawling. Bottom trawling is currently the greatest human-induced threat to the marine biodiversity. Bottom trawls, the use of which, is now widespread - crush everything in their path, destroying fragile marine ecosystems like reefs, seamounts, hydrothermal vents, cold seeps, rocky regions, sand banks..., while killing a large amount of unwanted marine life as bycatch.

The deep sea not only attracts fishers, but also miners. The growing demand for metals has revived the interest in the minerals on the ocean floor. The International Seabed Authority, which governs mining in the high seas, has already entered into 26 exploration contracts with mining companies and national governments, despite the fact that little is known about the ecological effects of deep-sea mining.

Antarctica, the largest pristine wilderness left on Earth, enjoys better legal protections against human interference. Even though the issue of (overlapping) territorial claims remains unresolved, the 1959 Antarctic Treaty prohibits military activities. The 1991 Madrid Protocol

requires environmental impact assessments for all activities and prohibits mining until at least 2048.

However, Antarctica is vulnerable to global warming. Its glaciers are already thinning. If the Antarctic ice sheet melted completely, sea levels would rise by a catastrophic 60 meters.

In the Antarctic Ocean¹, warming water, changing sea ice patterns and acidification threaten to disrupt the ecological balance. Krill, a key species that many animals, such as whales, feed on, is at risk from both climate change and a growing appetite for harvested krill in fish-farming.

The proliferation of human activities in **outer space** produces ever more space debris. Every collision with or between debris generates more debris that increases the likelihood of further collisions. A tragedy of the commons in the low Earth orbit is looming. This puts satellite use and space travel at risk.

Meanwhile, a growing number of companies are developing technology to mine the Moon and asteroids. The 2015 US Space Act allows American companies to extract, own and sell resources from celestial bodies. The US government has approved the first commercial lunar landing, planned for late 2017 by Moon Express. This company aims to explore for mineable metal ores and water.

Whereas some countries are eager to join the race for space resources, others argue that the appropriation of these resources is at odds with the 1967 Outer Space Treaty. The fault lines run through the EU. There is a clear potential for conflict over the cosmic commons.²

GREEN SOLUTIONS

Greens consider the high seas, Antarctica and outer space to be part of the *common heritage of mankind*.³ The governance of these global commons should be inspired by the principles of non-appropriation, shared management, benefit-sharing, peaceful use only, and preservation for future generations. The living creatures and ecosystems of the global commons must be protected for their intrinsic value and not only because they serve mankind.⁴

The European Greens therefore demand the following:

- Protecting the **high seas and Antarctica** requires first and foremost that the international community limits climate change. We call on the EU and its Member States to take a leading role.
- The ongoing UN negotiations on a high seas marine biodiversity treaty need to deliver a strong framework for the protection of biodiversity in waters beyond national jurisdiction. At least 30 percent of the oceans must be protected by 2030 through a representative network of marine reserves off-limits to all extractive and damaging human activities that

¹ The Antarctic Ocean is part of the Antarctic Area as defined by the Antarctic Treaty, which extends to the 60th parallel south.

² See www.greeneuropeanjournal.eu/cosmic-bonanza-mining-in-outer-space/

³ This concept is incorporated in several international treaties, such as the 1979 Moon Treaty and the 1982 UN Convention on the Law of the Sea (with respect to the seabed of the high seas).

⁴ Since the *common heritage of mankind* concept has an anthropocentric bias, it needs to be supplemented with a tenet from ecologism: the moral considerability of non-human nature. The 1992 Convention on Biological Diversity recognises the “intrinsic value of biological diversity” in its preamble.

might have an impact on the marine ecosystems or involve the exploitation of non-renewable natural resources, like fishing and mining. To meet this target, the treaty must provide for a process to create and manage such areas. The Treaty must also set up mechanisms for the cumulative impact assessment of human activities and climate change and for benefit-sharing for marine genetic resources. We call on the EU and its Member States to use the June 2017 UN Ocean Conference to give impetus to the negotiation process and ensure that the biological diversity beyond areas of national jurisdiction (BBNJ) preparatory process concludes within the timeline established by the UNGA, as well as to work towards all the targets listed under Sustainable Development Goal 14 for life below water, including the elimination of plastic waste.

- The waters around the North Pole – including the international waters of the *Arctic donut hole* – must become one large MPA. We see the 2016 agreement between the US and Canada to ban oil and gas drilling in their Arctic waters as a welcome step towards a permanent sanctuary around the North Pole.
- Regional fishing management organisations need to cover all the high seas and be strengthened to ensure that all fish stocks are above levels capable of producing maximum sustainable yields. We call on the EU to globally promote its ban on deep-sea fishing outside areas where it has occurred in the past, and to prohibit bottom-trawling. Subsidies for large scale fisheries should be abolished and discards should be landed.
- The International Seabed Authority (ISA) needs to improve the draft environmental regulations for deep-sea mining that were published in 2016. We call on the EU and its Member States to make sure that the ISA fully respects the precautionary principle. No seabed mining whether within coastal areas, on continental shelves or in areas beyond national jurisdiction, should take place unless and until the full range of marine habitats, biodiversity and ecosystem functions are adequately protected. No mining in the seabed may occur before the potential ecological impacts have been fully examined, in order to minimise damage to ecosystems. The promise of benefit-sharing among all ISA member states must be kept.
- Since mining on land vs. mining in the seabed are equally detrimental for the earth's ecosystems, the push for a circular economy has to be reinforced. The EU should be a front-runner.
- We call for the withdrawal of territorial claims on **Antarctica**, so as to definitively establish it as a global commons. Any impacts of human activities, such as tourism, must be minimised.
- We welcome the decision of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) in 2016 to establish the largest MPA so far in the Ross Sea. We urge the European Commission and the eight EU states who are members of the CCAMLR to work towards the establishment of additional MPAs.
- In **outer space**, space-faring countries and companies must respect the space debris mitigation guidelines of the UN Committee for the Peaceful Uses of Outer Space (COPUOS). We want these guidelines to become legally binding. We call on the EU, the European Space Agency and their member states to lead the way in addressing the challenge of active debris removal.
- In the run-up to the next session of the legal subcommittee of COPUOS in 2018, which will discuss space mining, EU governments must overcome their differences and jointly promote international rules for space mining, respecting the principle of benefit-sharing as

enshrined in the Moon Treaty⁵. We insist that space mining is no excuse for continuing the overconsumption of earthly resources. The mining of minerals in space should primarily facilitate the further exploration of space. The common good should take precedence over private gain.

- We demand that the ban on weapons of mass destruction in space, as per the Outer Space Treaty, be extended to all weapons.

⁵ *The 1979 Moon Treaty has been ratified by only sixteen countries, three of which are EU members: Austria, Belgium and the Netherlands. With its poor backing, the treaty is not considered to be part of international customary law.*