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

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

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

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19 **MAN-MADE THREATS**

20 The **high seas** cover nearly half of the Earth's surface. Like the waters under national  
21 control, they suffer from warming and acidification as a result of rising CO<sub>2</sub> levels in the  
22 atmosphere. The increasing acidity threatens calcifying organisms, such as oysters, corals,  
23 plankton and shellfish that grow hard shells made of a chalky mineral called calcium  
24 carbonates, as well as the species that are dependent on them.

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

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

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

41 **Antarctica**, the largest pristine wilderness left on Earth, enjoys better legal protections  
42 against human interference. Even though the issue of (overlapping) territorial claims remains  
43 unresolved, the 1959 Antarctic Treaty prohibits military activities. The 1991 Madrid Protocol  
44 requires environmental impact assessments for all activities and prohibits mining until at least  
45 2048.

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

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51 In the Antarctic Ocean<sup>1</sup>, warming water, changing sea ice patterns and acidification threaten to  
52 disrupt the ecological balance. Krill, a key species that many animals, such as whales, feed on,  
53 is at risk from both climate change and a growing appetite for harvested krill in fish-farming.  
54 The proliferation of human activities in **outer space** produces ever more space debris.  
55 Every collision with or between debris generates more debris that increases the likelihood of  
56 further collisions. A tragedy of the commons in the low Earth orbit is looming. This puts  
57 satellite use and space travel at risk.  
58 Meanwhile, a growing number of companies are developing technology to mine the Moon and  
59 asteroids. The 2015 US Space Act allows American companies to extract, own and sell  
60 resources from celestial bodies. The US government has approved the first commercial lunar  
61 landing, planned for late 2017 by Moon Express. This company aims to explore for mineable  
62 metal ores and water.  
63 Whereas some countries are eager to join the race for space resources, others argue that the  
64 appropriation of these resources is at odds with the 1967 Outer Space Treaty. The fault lines  
65 run through the EU. There is a clear potential for conflict over the cosmic commons.<sup>2</sup>

## 66 GREEN SOLUTIONS

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

72 The European Greens therefore demand the following:

- 73 • Protecting the **high seas and Antarctica** requires first and foremost that the  
74 international community limits climate change. We call on the EU and its Member States  
75 to take a leading role.
- 76 • The ongoing UN negotiations on a high seas marine biodiversity treaty need to deliver a  
77 strong framework for the protection of biodiversity in waters beyond national jurisdiction.  
78 At least 30 percent of the oceans must be protected by 2030 through a representative  
79 network of marine reserves off-limits to all extractive and damaging human activities that  
80 might have an impact on the marine ecosystems or involve the exploitation of non-  
81 renewable natural resources, like fishing and mining. To meet this target, the treaty must  
82 provide for a process to create and manage such areas. The Treaty must also set up  
83 mechanisms for the cumulative impact assessment of human activities and climate change  
84 and for benefit-sharing for marine genetic resources. We call on the EU and its Member  
85 States to use the June 2017 UN Ocean Conference to give impetus to the negotiation  
86 process and ensure that the biological diversity beyond areas of national jurisdiction  
87 (BBNJ) preparatory process concludes within the timeline established by the UNGA, as  
88 well as to take strong measures in order to eliminate plastic wastes and to work towards  
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<sup>1</sup> The Antarctic Ocean is part of the Antarctic Area as defined by the Antarctic Treaty, which extends to the 60<sup>th</sup> parallel south.

<sup>2</sup> See [www.greeneuropeanjournal.eu/cosmic-bonanza-mining-in-outer-space/](http://www.greeneuropeanjournal.eu/cosmic-bonanza-mining-in-outer-space/)

<sup>3</sup> 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).

<sup>4</sup> 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.

- 98 | all the targets listed under Sustainable Development Goal 14 for life below water,  
99 | including the elimination of plastic waste.
- 100 | • The waters around the North Pole – including the international waters of the Arctic donut  
101 | hole – must become one large MPA. We see the 2016 agreement between the US and  
102 | Canada to ban oil and gas drilling in their Arctic waters as a welcome step towards a  
103 | permanent sanctuary around the North Pole.
- 104 | • Regional fishing management organisations need to cover all the high seas and be  
105 | strengthened to ensure that all fish stocks are above levels capable of producing maximum  
106 | sustainable yields. We call on the EU to globally promote its ban on deep-sea fishing  
107 | outside areas where it has occurred in the past, and to prohibit bottom-trawling. Subsidies  
108 | for large scale fisheries should be abolished and discards should be landed.
- 109 | • The International Seabed Authority (ISA) needs to improve the draft environmental  
110 | regulations for deep-sea mining that were published in 2016. We call on the EU and its  
111 | Member States to make sure that the ISA fully respects the precautionary principle. No  
112 | seabed mining whether within coastal areas, on continental shelves or in areas beyond  
113 | national jurisdiction, should take place unless and until the full range of marine habitats,  
114 | biodiversity and ecosystem functions are adequately protected. No mining in the seabed  
115 | may occur before the potential ecological impacts have been fully examined, in order to  
116 | minimise damage to ecosystems. The promise of benefit-sharing among all ISA member  
117 | states must be kept.
- 118 | • Since mining on land vs. mining in the seabed are equally detrimental for the earth's  
119 | ecosystems, the push for a circular economy has to be reinforced. The EU should be a  
120 | front-runner.
- 121 | • We call for the withdrawal of territorial claims on **Antarctica**, so as to definitively  
122 | establish it as a global commons. Any impacts of human activities, such as tourism, must be  
123 | minimised.
- 124 | • We welcome the decision of the Commission for the Conservation of Antarctic Marine  
125 | Living Resources (CCAMLR) in 2016 to establish the largest MPA so far in the Ross Sea.  
126 | We urge the European Commission and the eight EU states who are members of the  
127 | CCAMLR to work towards the establishment of additional MPAs.
- 128 | • In **outer space**, space-faring countries and companies must respect the space debris  
129 | mitigation guidelines of the UN Committee for the Peaceful Uses of Outer Space  
130 | (COPUOS). We want these guidelines to become legally binding. We call on the EU, the  
131 | European Space Agency and their member states to lead the way in addressing the  
132 | challenge of active debris removal.
- 133 | • In the run-up to the next session of the legal subcommittee of COPUOS in 2018, which  
134 | will discuss space mining, EU governments must overcome their differences and jointly  
135 | promote international rules for space mining, respecting the principle of benefit-sharing as  
136 | enshrined in the Moon Treaty<sup>5</sup>. We insist that space mining is no excuse for continuing  
137 | the overconsumption of earthly resources. The mining of minerals in space should  
138 | primarily facilitate the further exploration of space. The common good should take  
139 | precedence over private gain.
- 140 | • We demand that the ban on weapons of mass destruction in space, as per the Outer  
141 | Space Treaty, be extended to all weapons.

<sup>5</sup> 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.

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**Deleted:** <#>The ongoing UN negotiations on a **high seas** marine biodiversity treaty need to deliver a strong framework for the protection of ecosystems in international waters. At least 30 percent of the oceans must become marine protected areas. These MPAs have to be off-limits for fishing and mining. The treaty must provide for benefit-sharing for marine genetic resources and mandatory environmental impact assessments outside MPAs. We call on the EU and its Member States to use the June 2017 UN Ocean Conference to give impetus to the negotiation process, as well as to work towards the elimination of plastic waste and towards the other targets that come under Sustainable Development Goal 14 for life below water. -

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