

Draft EGP Resolution

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**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 CO<sub>2</sub> levels in the atmosphere. The increasing acidity threatens calcifying organisms, such as coral and some plankton, 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 very slow-growing and therefore all the more vulnerable to overfishing and destructive practices such as bottom-trawling.

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

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32 and national governments, despite the fact that little is known about the ecological effects of deep-  
33 sea mining.

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

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

40 In the Antarctic Ocean<sup>1</sup>, warming water, changing sea ice patterns and acidification threaten to  
41 disrupt the ecological balance. Krill, a key species that many animals, such as whales, feed on, is at  
42 risk from both climate change and a growing appetite for harvested krill in fish-farming.

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

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

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

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### 55 GREEN SOLUTIONS

56 Greens consider the high seas, Antarctica and outer space to be part of the *common heritage of*  
57 *mankind*.<sup>3</sup> The governance of these global commons should be inspired by the principles of non-  
58 appropriation, shared management, benefit-sharing, peaceful use only, and preservation for future

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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).

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59 generations. The living creatures and ecosystems of the global commons must not only be protected  
60 because they serve mankind, but also because they have intrinsic value.<sup>4</sup>

61 The European Greens therefore demand the following:

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63 • Protecting the **high seas and Antarctica** requires first and foremost that the international  
64 community limits climate change. We call on the EU and its Member States to take a leading  
65 role. We emphasize the need to cut soot emissions, since these unburned carbon particles  
66 accelerate ice and snow melt worldwide.

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

75 • The waters around the North Pole – including the international waters of the *Arctic donut hole* –  
76 must become one of the first MPAs. We see the 2016 agreement between the US and Canada to  
77 ban oil and gas drilling in their Arctic waters as a welcome step towards a permanent sanctuary  
78 around the North Pole.

79 • Regional fishing management organisations need to cover all the high seas and be strengthened  
80 to ensure that all fish stocks are above levels capable of producing maximum sustainable yields.  
81 We call on the EU to globally promote its ban on deep-sea fishing outside areas where it has  
82 occurred in the past, and to prohibit bottom-trawling.

83 • The International Seabed Authority (ISA) needs to improve the draft environmental regulations  
84 for deep-sea mining that were published in 2016. We call on the EU and its Member States to  
85 make sure that the ISA fully respects the precautionary principle. No mining in the seabed may  
86 occur before the potential ecological impacts have been fully examined, in order to minimise

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<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.

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- 87 damage to ecosystems. The promise of benefit-sharing among all ISA member states must be  
88 kept.
- 89 • Since mining on land vs. mining in the seabed presents us with a choice between the devil and  
90 the deep sea, the push for a circular economy has to be reinforced. The EU should be a front-  
91 runner.
  - 92 • We call for the withdrawal of territorial claims on **Antarctica**, so as to definitively establish it as  
93 a global commons. Any impacts of human activities, such as tourism, must be minimised.
  - 94 • We welcome the decision of the Commission for the Conservation of Antarctic Marine Living  
95 Resources (CCAMLR) in 2016 to establish the largest MPA so far in the Ross Sea. We urge the  
96 European Commission and the eight EU states who are members of the CCAMLR to work  
97 towards the establishment of additional MPAs.
  - 98 • In **outer space**, space-faring countries and companies must respect the space debris mitigation  
99 guidelines of the UN Committee for the Peaceful Uses of Outer Space (COPUOS). We want these  
100 guidelines to become legally binding. We call on the EU, the European Space Agency and their  
101 member states to lead the way in addressing the challenge of active debris removal.
  - 102 • In the run-up to the next session of the legal subcommittee of COPUOS in April 2017, which will  
103 discuss space mining, EU governments must overcome their differences and jointly promote  
104 international rules for space mining. These rules should be inspired by the principles of the  
105 Moon Treaty<sup>5</sup>, including benefit-sharing. We insist that space mining is no excuse for continuing  
106 the overconsumption of earthly resources. The mining of minerals in space should primarily  
107 facilitate the further exploration of space.
  - 108 • We demand that the ban on weapons of mass destruction in space, as per the Outer Space  
109 Treaty, be extended to all weapons.

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<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.