

61st IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Interactive Presentations - 61st IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (IP)

Author: Prof. Kai-Uwe Schrogl
European Space Agency (ESA), France, kai-uwe.schrogl@esa.int

WHICH FUTURE FOR THE “GLOBAL COMMONS”?

Abstract

The three “global commons (GC)” Antarctica, outer space and the high seas/deep seabed, which do not fall under the sovereignty of States (“State-free”), have become a symbol of peaceful cooperation and coordination of the international community. The international treaties which have already been negotiated from the 1950s show an astonishing degree of foresight concerning common public interest. Today, however, each of the three spaces is at risk in at least one of the following areas: peace and arms control, sustainability of use, and just and fair distribution of resources and benefits. This has gone so far that States have begun questioning the concept of non-appropriation. Could this potentially lead to conflicts – even armed conflicts? A new approach to the preservation and fair management of the GC is therefore necessary and requires appropriate political and diplomatic action. This paper intends to tackle the three GC together in order to identify steps for further developing their governance and to investigate, whether joint diplomatic initiatives for the three GC could be more effective than isolated efforts to deal with single hotspots. It will be argued that the future of the GC lies in the establishment of comparable moratoria, thresholds, fees and codes of conduct drawing from best practices in one or more of the three GC.