

« La mer a toujours été battue par deux grands vents contraires : le vent du large qui souffle vers la terre est celui de la liberté; le vent de la terre vers le large est porteur des souverainetés. Le droit de la mer s'est toujours trouvé au cœur de leurs affrontements (...) » R-J. Dupuy

Ethics

Ethics goes beyond a set of principles, it is a reasoned reflection to act well and adopt a behaviour that will make the world sustainable for all. It focuses on Values and is determined in a relative way in time and space, according to the community and Human interest.

UNCLOS

Maltese Ambassador Arvid Pardo proposed to the United Nations in 1967 that the merits Seas and oceans beyond the national jurisdiction is considered to be the Common heritage of mankind. He also pursued and developed an ethical concept to a new world order, based on new forms of cooperation, economic theory and philosophy.

The ocean space and its resources are a commons that is open to the international community of states, and its use is subject to international administration and management for the common good of all humanity.

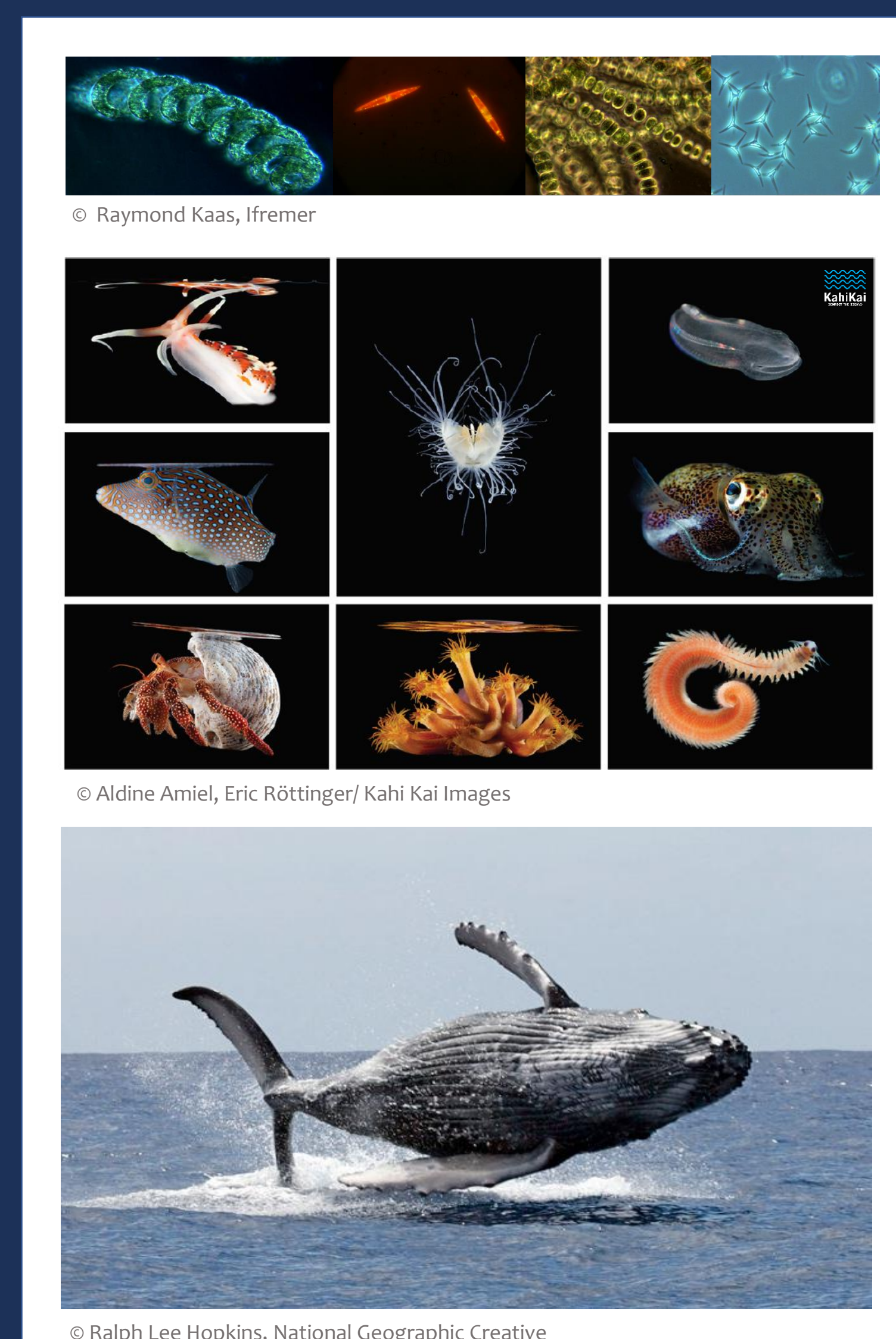
For resources existing within national jurisdiction, states are engaged to regulate and manage use on behalf of all mankind, and not solely for the benefit of national interests” (Pru, 2011)

This is the ethical heart of the common heritage for Humanity: the responsibility of humans to take care and protect the whole environment of which we are a part, for present and future generations.

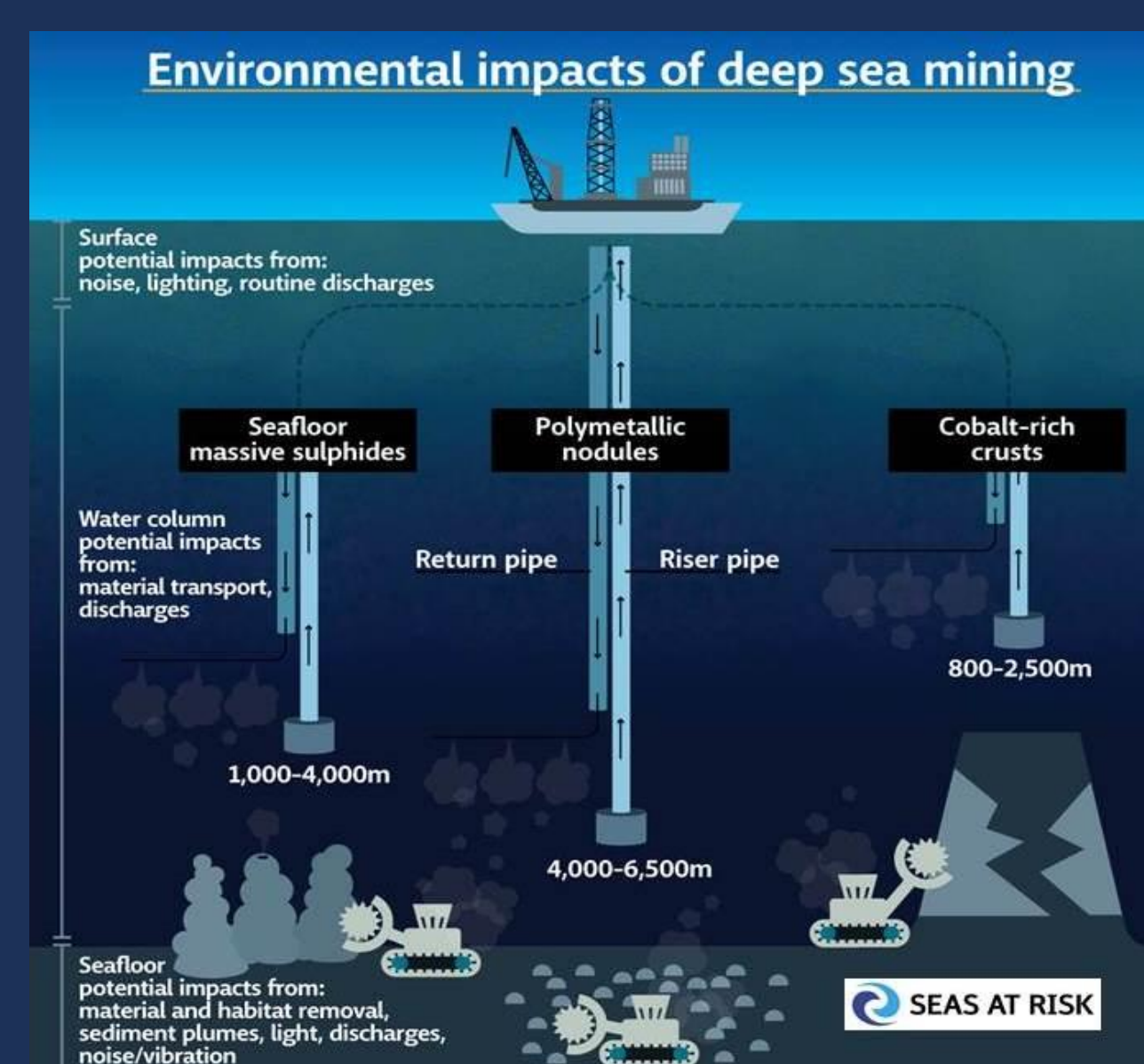
Natural Reserve

Antarctica has been designated as “a natural reserve, devoted to peace and science”.

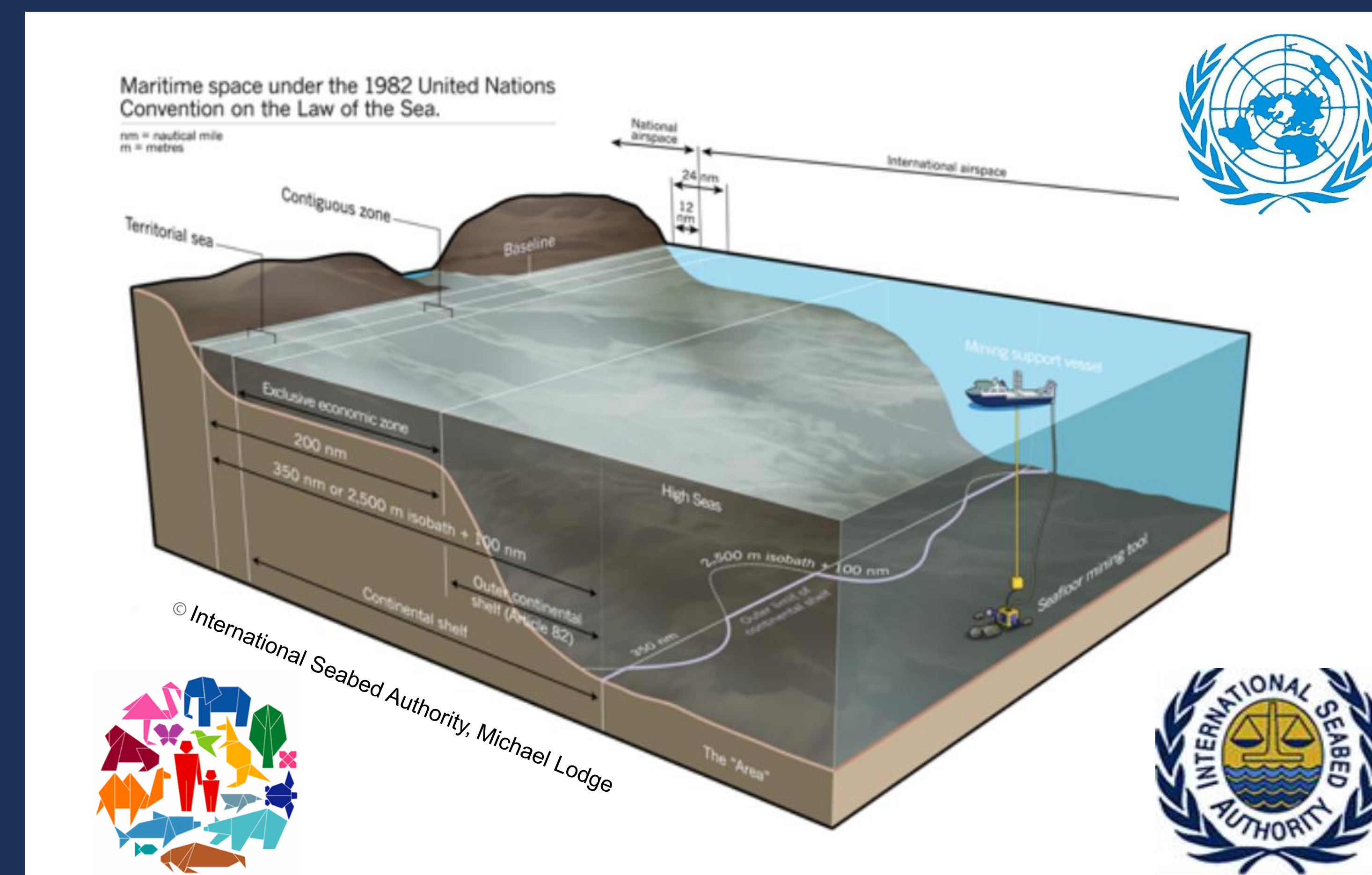
Activities are subject to regulations concerning environmental impact assessments, protection of fauna and flora, waste management and others. All activities relating to Antarctic mineral resources, except for scientific research, are forbidden.



Mineral resources



Different Laws, Treaty, Conventions



North Pacific Fur Seal Convention of 1911

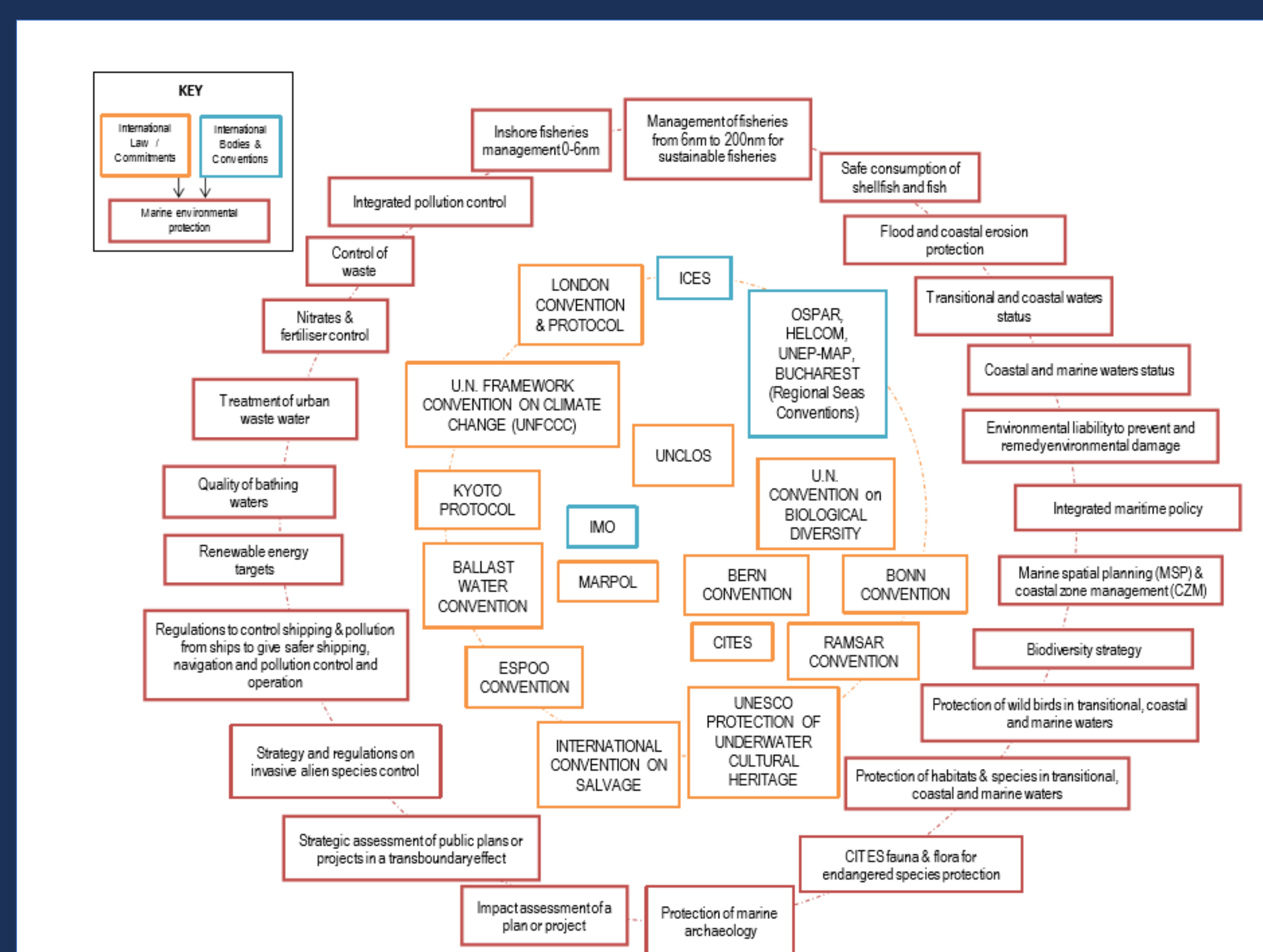


Antarctic Treaty System



Generic map of environmental protection

(Boyes & Elliot, 2014, (Boyes & Elliot, 2014) International, European and English Legislation giving protection to the marine environment



Source: *Marine legislation – The ultimate ‘horrendogram’: International law, European directives & national implementation*, Suzanne J. Boyes & Michael Elliott. 2014

"What we have ignored is what citizens can do and the importance of real involvement." -Elinor Ostrom

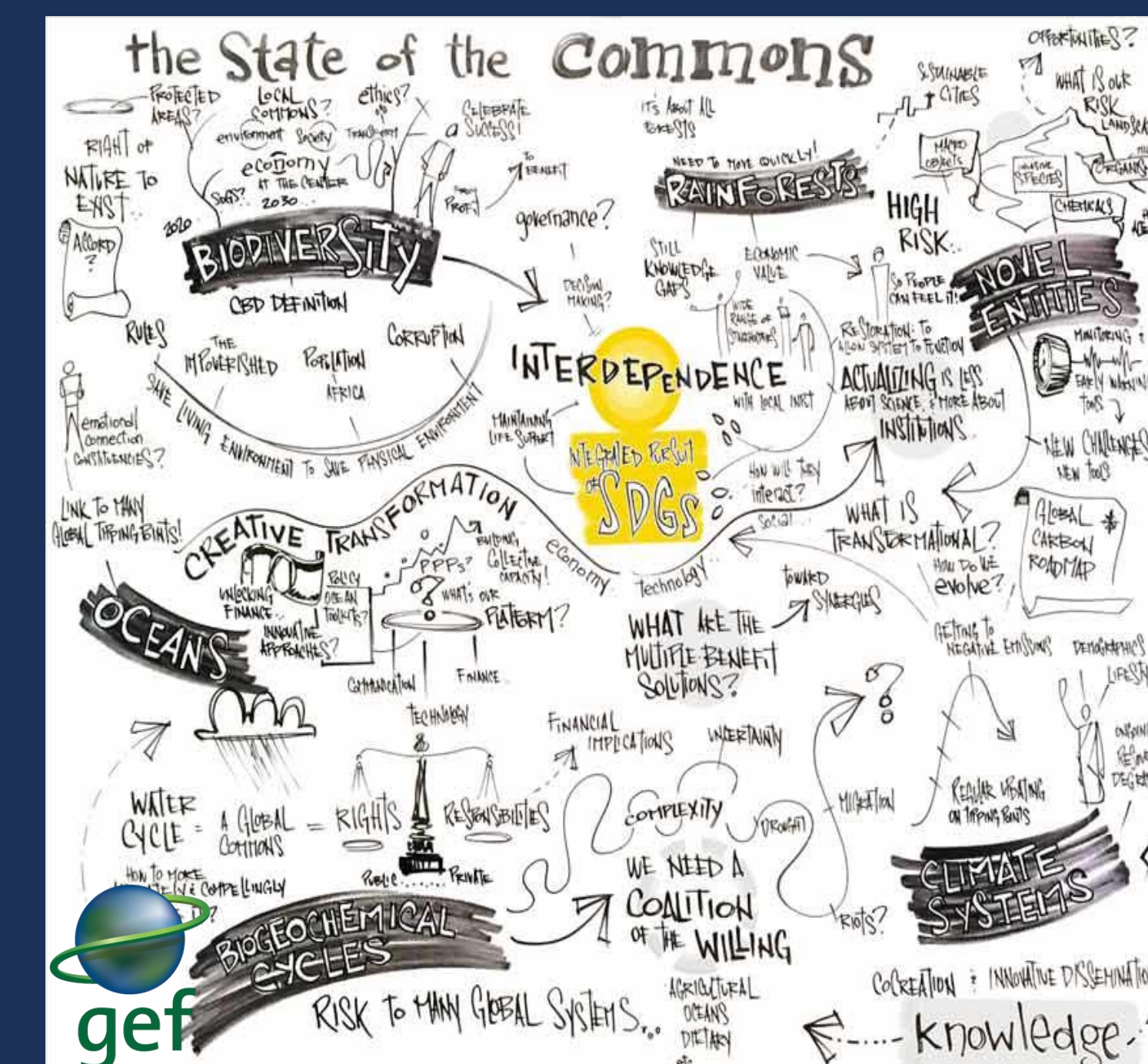
Commons

The 'Global commons' refers to resources that belong to the international community as a whole and are not subject to the national jurisdiction of a particular state.

Ocean and natural resources are considered as global commons : the high seas; the Area, Antarctica – as well as the globally common resources that fall outside national jurisdictions. “ However, the stability and resilience of the Earth system is also common to all. This stability and resilience is dependent upon both the global commons as recognized under international law and also the resources within national jurisdictions “ (Nakicenovic et al., 2016)

The Global Environment Facility (GEF) is catalyzing a movement to defend, enhance, and sustain the Global Commons through:

- * Protecting the diversity of life on earth
- * Developing innovative solutions that reflect the interdependence of all systems including food, urban, energy, production & consumption, freshwater, and oceans
- Engaging both top down and bottom up communities



<http://www.thegef.org/news/new-movement-global-commons>

Elinor Ostrom, Nobel price of Economy, 2009, has demonstrated the existence of social control mechanisms regulating the use of commons without having to resort to property rights. She offered solutions for how to govern commons sustainably and equitably. The 8th principle of managing a commons is “Build responsibility for governing the common resource in nested tiers from the lowest level up to the entire interconnected system”.

This implies a shared governance incorporating networks of different actors and areas of society which span multiple levels of governance as well as administrative jurisdictions. It opens consultation of all stakeholders, involving economists, lawyers, governments, scientists, industries as well as the civil society. The civil-society should be now considered as an actor and be involved in the decision-making process regarding the use of our ocean and its resources.

Ostrom emphasized the role of people's relationships in our economic arrangements rather than the focus on individualized market choices.

Nakicenovic N, Rockström J, Gaffney O, & Zimm C (2016). Global Commons in the Anthropocene: World Development on a Stable and Resilient Planet. IIASA Working Paper r. IIASA, Laxenburg, Austria: WP16019
www.iiasa.ac.at/publications/working-papers/wp16019