

Non-use Measures for Global Goods and Commons in International Law

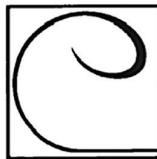
Publications on Ocean Development

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VOLUME 105



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Non-use Measures for Global Goods and Commons in International Law

Edited by

Solène Guggisberg
Catherine Blanchard



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Library of Congress Cataloging-in-Publication Data

Names: Guggisberg, Solène editor | Blanchard, Catherine editor

Title: Non-use measures for global goods and commons in international law / edited by Solène Guggisberg and Catherine Blanchard.

Description: Leiden ; Boston : Brill, 2025. | Series: Publications on ocean development, 0924-1922 ; 105 | Includes bibliographical references and index.

Identifiers: LCCN 2025018156 (print) | LCCN 2025018157 (ebook) | ISBN 9789004730564 hardback | ISBN 9789004730571 ebook

Subjects: LCSH: Global commons | Global commons–Antarctica | Law of the sea | Fishery law and legislation | Ocean mining–Law and legislation | Antarctic Treaty system | Environmental law, International

Classification: LCC KZ1322 .N66 2025 (print) | LCC KZ1322 (ebook) | DDC 341.4–dc23/eng/20250415

LC record available at <https://lcn.loc.gov/2025018156>

LC ebook record available at <https://lcn.loc.gov/2025018157>

Typeface for the Latin, Greek, and Cyrillic scripts: “Brill”. See and download: brill.com/brill-typeface.

ISSN 0924-1922

ISBN 978-90-04-73056-4 (hardback)

ISBN 978-90-04-73057-1 (e-book)

DOI 10.1163/9789004730571

Copyright 2025 by Solène Guggisberg and Catherine Blanchard. Published by Koninklijke Brill BV, Plantijnstraat 2, 2321 JC Leiden, The Netherlands.

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This book is printed on acid-free paper and produced in a sustainable manner.

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Acknowledgements

It was in March 2022, in the midst of an umpteenth pandemic lockdown, that we first sat together – on Teams – to talk about non-use measures. Our colleague Erik Molenaar had wisely suggested we brainstorm on the possibility of joining forces and exploring together non-use measures in our respective fields of research. We sincerely thank Erik for his guidance throughout the project, but also for planting the seed in our heads that eventually grew into the first comprehensive volume addressing the notion of non-use measures for global goods and commons in international law.

This initial brainstorming session evolved into a project proposal and then a call for abstracts, through which we received impressive submissions, some on cornerstone non-use measures and others introducing us to non-use measures that we did not even know could exist. It quickly became apparent that we would be able to put together an excellent team of authors, ranging from senior scholars to early career researchers, from academics to practitioners, from lawyers to (social) scientists, and representing different regions of the world.

On 9–10 May 2023, we organized a workshop in Utrecht, the Netherlands, to discuss the initial draft chapters that all authors had diligently prepared. We take this opportunity to thank all workshop participants, authors, contributors who could ultimately continue with the project, and colleagues alike, for their valuable input and comments, which have undoubtedly shaped the orientation and structure of the volume. The workshop was a milestone in the preparation of this book, and several people have contributed to its success. We wish to thank Samantha Robb for her assistance in organizing and hosting the workshop; Mathilde Hoarau for her useful note-taking; as well as Miranda Walraven and Inge Terwan for their administrative assistance in preparing the workshop.

We thank all authors for their hard work on their respective chapters throughout the project, as well as for their constructive and inspiring comments on each other's chapters during and after the workshop. We further thank all authors for their active engagement, their patience with our multiple requests during the editing process, and for their understanding that our need for coherence across chapters sometimes led to a strong editorial hand. We learned so much from all of them and enjoyed the pleasant and collegial atmosphere that guided our exchanges.

This book would not have been possible without the financial support of the projects *Proactive Management of Antarctic Tourism* (a collaboration

between Groningen University, Utrecht University, and Wageningen University, running from 2021 to 2026) and *Protecting deep seabed hydrothermal vent fields through area-based management tools* (a collaboration between Utrecht University and the Royal Netherlands Institute for Sea Research (NIOZ), running from 2021 to 2023), both funded by the Dutch Research Council (NWO). Not only did the funding grant us with the research time for this project, it also bore the expense of the 2023 workshop and now allows us to publish a large part of this book Open Access, therefore strengthening knowledge sharing and transparency in research. We also sincerely thank the authors who provided the necessary funds to make their respective chapters available Open Access.

There are finally a number of other people we would like to express our gratitude to for their assistance at different stages of the project: Alex Oude Elferink for his guidance during the submission process to the publisher; Anna-Marie Ritter and Tony Guggisberg for their diligence in editing and revising the chapters; and colleagues at the Netherlands Institute for the Law of the Sea (NILOS) and the Utrecht Center for Water, Oceans and Sustainability Law (UCWOSL) of Utrecht University for their continuous support. Our appreciation also goes to Beth Derr, Marie Sheldon, and Kan Wai Min for getting this book ready for submission to its intended audience.

Little did we know that the first Teams meeting back in March 2022 would lead to many virtual and in-person discussions, brainstorming sessions, hair-pulling but also eureka moments. During this time, we not only deepened our relationship as colleagues, but also as friends. This project started in a difficult period for both of us, and it has been a rewarding journey to transform initial ideas into the final output that is now this volume. Yet, supported by an excellent team of authors, and by the patience and understanding of our respective families and friends, we are happy to share – Open Access! – a volume that, we believe, makes an important contribution to the global goods and commons scholarship in international law.

Solène Guggisberg and Catherine Blanchard

The Hague and Ottawa

1 May 2025

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Acronyms

ABMT	Area-Based Management Tool
ABNJ	Areas Beyond National Jurisdiction
AiNP	Area in Need of Protection
AIS	Automatic Identification System
AMLR	Antarctic Marine Living Resources
APEI	Area of Particular Environmental Interest
ASMA	Antarctic Specially Managed Area
ASPA	Antarctic Specially Protected Area
ASTI	Area of Special Tourist Interest
ATCM	Antarctic Treaty Consultative Meeting
ATCP	Antarctic Treaty Consultative Parties
ATS	Antarctic Treaty System
AWI	Alfred Wegener Institute
BB	Building Blocks
BBNJ	Biodiversity Beyond National Jurisdiction
BBNJ Agreement	Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction
CAMLR Convention	Convention on the Conservation of Antarctic Marine Living Resources
CAO	Central Arctic Ocean
CAOFA	Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean
CBD	Convention on Biological Diversity
CBDR	Common But Differentiated Responsibilities
CBS	Central Bering Sea
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCAS	Convention for the Conservation of Antarctic Seals
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CCT	Cirrus Cloud Thinning
CCZ	Clarion-Clipperton (Fracture) Zone
CFC	Chlorofluorocarbon
CHM	Common Heritage of Mankind
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CLCS	Commission on the Limits of the Continental Shelf

CLRTAP	Convention on Long-Range Transboundary Atmospheric Pollution
CM	Conservation Measure
CMA	Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement
CMM	Conservation and Management Measure
CMS	Convention on Migratory Species
CO ₂	Carbon Dioxide
COP	Conference of the Parties
CRAMRA	Convention on the Regulation of Antarctic Mineral Resource Activities
DSM	Deep-Seabed Mining
DWFN	Distant Water Fishing Nation
EAMPA	East Antarctic Marine Protected Area
EBSA	Ecologically or Biologically Significant Marine Area
eDNA	Environmental DNA
EEC	European Economic Community
EEZ	Exclusive Economic Zone
EF-WG	Working Group on Exploratory Fishing
EIA	Environmental Impact Assessment
EMMP	Environmental Management and Monitoring Plan
ENMOD	Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques
ESA	Endangered Species Act
EU	European Union
FAD	Fish Aggregated Devices
FAO	Food and Agriculture Organization
FiSCAO	Fish Stocks in the Central Arctic Ocean
FPZ	Fisheries Protection Zone
FRZ	Fisheries Research Zone
GFCM	General Fisheries Commission for the Mediterranean
GHG	Greenhouse Gas
GPZ	General Protection Zone
HFC	Hydrofluorocarbon
HSM	Historic Site and Monument
IAATO	International Association of Antarctica Tour Operators
IAEA	International Atomic Energy Agency
IATTC	Inter-American Tropical Tuna Commission
ICC	Inuit Circumpolar Council
ICCAT	International Commission for the Conservation of Atlantic Tuna

ICRW	International Convention for the Regulation of Whaling
IFB	Instruments, Frameworks and Bodies
IGC-3	Third Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction
IGY	International Geophysical Year
ILC	International Law Commission
IMO	International Maritime Organization
IOTC	Indian Ocean Tuna Commission
IPCC	Intergovernmental Panel on Climate Change
ISA	International Seabed Authority
ISRU	In-situ Space Resource Utilization
ISS	International Space Station
ITLOS	International Tribunal for the Law of the Sea
IUCN	International Union for Conservation of Nature
IUU	Illegal, Unreported and Unregulated
IWC	International Whaling Commission
JNRFC	Joint Norwegian Russian Fisheries Commission
JPSRM	Joint Program of Scientific Research and Monitoring
KFZ	Krill Fishing Zone
KRZ	Krill Research Zone
LTC	Legal and Technical Commission
MARPOL	International Convention for the Prevention of Pollution from Ships
MCB	Marine Cloud Brightening
MEPC	Marine Environmental Protection Committee
MLF	Multilateral Fund for the Implementation of the Montreal Protocol
MMPA	Marine Mammal Protection Act
MOP	Meeting of the Parties
MOTU	Molecular Taxonomic Unit
MPA	Marine Protected Area
MSY	Maximum Sustainable Yield
NAP	National Antarctic Program
NASCO	North Atlantic Salmon Conservation Organization
NDC	Nationally Determined Contribution
NEAFC	North-East Atlantic Fisheries Commission
NGO	Non-Governmental Organisation
N-MAR	Northern Mid-Atlantic Ridge

NPFC	North Pacific Fisheries Commission
NPFMC	North Pacific Fishery Management Council
NUA	Non-use Agreement (for Solar Geoengineering)
OBIS	Ocean Biodiversity Information System
ODS	Ozone Depleting Substance
OSPAR Convention	Convention for the Protection of the Marine Environment of the North-East Atlantic
OST	Outer Space Treaty
PSCG	Provisional Scientific Coordination Group
QELR	Quantified Emission Limitations Reduction
REA	Regional Environmental Assessment
REMP	Regional Environmental Management Plan
RFMA	Regional Fisheries Management Arrangement
RFMO	Regional Fisheries Management Organisation
RoP	Rules of Procedure
RSR	Reciprocating States Regime
SAI	Stratospheric Aerosol Injection
SCG	Scientific Coordinating Group
SDC	Seabed Dispute Chamber
SDG	Sustainable Development Goals
SEAFO	South-East Atlantic Fisheries Organization
SEMPIA	Strategic Environmental Management Plan for Mining in the Mid-Atlantic
SiNP	Site in Need of Protection
SIOFA	Southern Indian Ocean Fisheries Agreement
SMS	Seafloor Massive Sulfides
SPRFMO	South Pacific Regional Fisheries Management Organisation
SPZ	Special Protection Zone
SRA	Scientific Reference Area
SRM	Solar Radiation Modification
SRZ	Special Research Zone
STB	Scientific and Technical Body
UK	United Kingdom
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNCOPUOS	United Nations Committee on the Peaceful Uses of Outer Space
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNFSA	United Nations Fish Stocks Agreement
UNGA	United Nations General Assembly

UNHE	United Nations Conference on the Human Environment
UNOOSA	United Nations Office for Outer Space Affairs
USA or US	United States of America
USSR	Union of Soviet Socialist Republics
VME	Vulnerable Marine Ecosystem
VSG	Visitor Site Guideline
WAG	Waste Assessment Guidelines
WCPFC	Western and Central Pacific Fisheries Commission
WSMPA P1	Weddell Sea Marine Protected Area, Phase 1
WWF	World Wildlife Fund

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Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area, Advisory Opinion (2011) ITLOS Case 17.

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- International Convention for the Regulation of Whaling (adopted 2 December 1946, entered into force 10 November 1948) 161 UNTS 72.
- Agreement on the establishment of the General Fisheries Council for the Mediterranean (adopted 1 November 1949, entered into force 20 February 1952) 126 UNTS 237.
- Statute of the International Atomic Energy Agency (adopted 26 October 1956, entered into force 29 July 1957) 276 UNTS 3.
- Convention on the High Seas (adopted 29 April 1958, entered into force 30 September 1962) 450 UNTS 11.
- Antarctic Treaty (adopted 1 December 1959, entered into force 23 June 1961) 402 UNTS 71.
- International Convention for the Conservation of Atlantic Tunas (adopted 14 May 1966, entered into force 21 March 1969) 37 UNTS 63.
- Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies (adopted 27 January 1967, entered into force 10 October 1967) 610 UNTS 205.
- Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (adopted 22 April 1968, entered into force 3 December 1968) 672 UNTS 119.
- Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331.
- Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft (adopted 15 February 1972, entered into force 1 May 1974) 932 UNTS 3.
- Convention on International Liability for Damage Caused by Space Objects (adopted 29 March 1972, entered into force 1 September 1972) 961 UNTS 187.
- Convention for the Conservation of Antarctic Seals (adopted 1 June 1972, entered into force 11 March 1978) 1080 UNTS 175.
- Convention Concerning the Protection of the World Cultural and Natural Heritage (adopted 16 November 1972, entered into force 17 December 1975) 1037 UNTS 151.
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (adopted 29 December 1972, entered into force 30 August 1975) 1046 UNTS 120.
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (adopted 3 March 1973, entered into force 1 July 1975) 993 UNTS 243.
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- Convention on Registration of Objects Launched into Outer Space (adopted 14 January 1975, entered into force 15 September 1976) 1023 UNTS 15.
- Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the Kingdom of Norway concerning mutual relations in the field of fisheries (15 October 1976, in force 21 April 1977) 1157 UNTS 139.
- Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (adopted 10 December 1976, entered into force 5 October 1979) 1108 UNTS 151.
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- Convention on Long-Range Transboundary Air Pollution (adopted 13 November 1979, entered into force 16 March 1983) 1302 UNTS 217.
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- Convention on the Conservation of Antarctic Marine Living Resources (adopted 20 May 1980, entered into force 7 April 1982) 1329 UNTS 47.
- Convention on Future Multilateral Cooperation in the Northeast Atlantic Fisheries (adopted 18 November 1980, entered into force 17 March 1982) 1285 UNTS 129.
- Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Stocks (adopted 11 February 1982, entered into force 2 December 1982).
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Seabed Hard Mineral Resources Act (2002) 30 U.S.C. §§1401-1473.

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