

THE NOTION OF THE "COMMON HERITAGE OF MANKIND"

In Summary

The seabed & its resources constitute the "common heritage of mankind" and belongs to everyone.

The first attempt to develop an international management system of some of the earth's resources.

This can possibly be viewed as a prelude to the New International Economic Order

"The concept of the common heritage of mankind represents an extremely radical, novel and imaginative approach. While the waters superjacent to the international seabed area may continue to be subject to the laissez-faire doctrine of freedom of the high seas, except as amended by international fisheries, conservation, environmental and disarmament treaties, the seabed below and its resources will be subject to a regime of international management, governed by a new international authority. The potential implications of this new concept are truly far-reaching. It can re-shape the thinking of all of us about how to live together in harmony, sharing instead of competing for finite resources.

What the international community is attempting to do is to develop the first international management system for some of the resources of the planet earth, based on principles of sound conservation, rational development and equitable distribution of benefits.

My personal view is that any negation of individual rights or state sovereignty involved is far outweighed by the collective benefit that may ultimately ensue. The attitudes, legal concepts, the economic principles and the international area of the seabed, to be reserved for purely peaceful uses and for the common heritage of mankind, can teach us lessons in international co-operation which we can translate into action in other areas of human activity—even on land.

The experience we can gain in the first true example of "supra-nationalism" can have profound effects upon existing world order, founded, as it is, on the concept of the "nation-state" with little or no sharing of sovereignty even within the UN. Quite apart, however, from the potentially negative aspects, such as the possible threats to peace which could follow from failure to translate this beautiful idea into concrete rule of law, there are other equally important considerations of a more positive nature.

The point of major importance in my view is that the common heritage is directly relevant to — and may even be a pre-condition to — attainment of the New International Order. If the developed states resist this trend, they jeopardize the fate of the Conference as a whole and in the process do a great disservice to the international community."

..... extract from an address entitled
The Third Law of the Sea Conference: The Consequences of Success or Failure. by J. Alan Beesley.

Find out about the New International Economic Order?

See article by Maria Eduardo Gonçales "Who Owns the Oceans?" for additional information on the links with the proposed New International Economic Order?