

Fourth Annual Common Property Conference  
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Common Property in Ecosystems Under Stress

**THE COMMON HERITAGE OF MANKIND  
AND GLOBAL ENVIRONMENTAL GOVERNANCE**

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With the Commission on Sustainable Development (CSD)<sup>1</sup> now in place<sup>2</sup> to recommend measures for the implementation of Agenda 21,<sup>3</sup> the global project of "sustainable development" will enter a new phase of consolidation. Considering the poor performance and unsatisfactory follow-up action of governments one year after the 1992 Earth Summit<sup>4</sup> the CSD embarks on its tasks with expected high hopes but amidst widespread pessimism about the possibilities of a truly global partnership in overcoming serious environmental problems facing humanity.

It is of course reasonable not to expect too much from the CSD in terms of effecting desired changes in the global political and natural environment for sustainable development. Notwithstanding its broad substantive mandate, the CSD is ill-equipped to implement its decisions, and the move to locate it in the UN Economic and

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<sup>1</sup> Chapter 38 of AGENDA 21 adopted by UNCED, UN Doc. A/CONF.151/4. 14 June 1992.

<sup>2</sup> The CSD, a high-level 53-member group of state representatives elected by the UN ECOSOC, had its first meeting on June 14, 1993.

<sup>3</sup> UN Doc. A/C.2/47/L.61 on Institutional Arrangements to follow up the United Nations Conference on Environment and Development, esp. par. 3.

<sup>4</sup> A year since Rio, and little sign of Earth's gain THE GLOBE AND MAIL, June 7, 1993.

Social Council (ECOSOC) is far from ideal. Within the UN System of decision-making, the overall recommendatory powers of the CSD are realized only in relation to the responsibilities the ECOSOC and the General Assembly.<sup>5</sup> It is, therefore, likely that its actions, or the consequences of its decisions and recommendations, may not be as effective or pervasive as they should be.<sup>6</sup>

Still, the work of the CSD invites all the attention it deserves for two reasons. First, the initiative to create the CSD takes place while the UN is undergoing a historic fundamental restructuring.<sup>7</sup> As it has been rightly pointed out, the success or failure of the post-UNCED process depends on this restructuring effort in the UN.<sup>8</sup> Secondly, the CSD's approach to specific problems or issues under Agenda 21 will define the concrete meaning of "sustainable development" as a hitherto abstract and general

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<sup>5</sup> Par. 18, UNGA Res. A/C.2/47/L.16.

<sup>6</sup> The emergent decision to locate the CSD in the ECOSOC has in fact not been favored because the challenge and the agenda of sustainable development could not but have belonged to the Security Council- the very heart of the UN. See Borgese, UNCLOS, UNCED, and the Restructuring the UN System PACEM IN MARIBUS [PIM] XX PROCEEDINGS (Malta, 1992).

<sup>7</sup> Par. 20 of UNGA Res. A/C.2/47/L.61 states "that the ongoing restructuring and revitalization of the United Nations in the economic, social and related fields should take into account the organizational modalities of the Commission on Sustainable development...."

<sup>8</sup> Borgese, Notes on the UNCED PEARSON NOTES (Dalhousie University, Summer 1992).

global policy concept.<sup>9</sup>

This paper focuses on sustainable development in the oceans. It will discuss the extent to which a fundamental idea in the regime of the oceans has contributed and will continue to contribute to the realization of sustainable development in ocean space, and how the work of the CSD will most probably be enriched by insights on sustainable development that has already formed in the arena of the oceans. This fundamental idea or notion is the "common heritage of mankind" whose impact in global environmental governance is realized more and more with the impending entry into force of the 1982 UN Convention on the Law of the Sea.<sup>10</sup> Specifically, the paper will briefly point out those aspects of the CHM embodied in the 1982 Convention which are significant in relation to the on-going restructuring of the United Nations and the overall global initiative to put substance in the broad principle of "sustainable development". This should be of interest not only to the CSD<sup>11</sup> but to anyone who believes in the inherent

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<sup>9</sup> See REPORT OF THE WORLD COMMISSION FOR ENVIRONMENT AND DEVELOPMENT (1987), otherwise known as the Bruntland Report, which popularized "sustainable development" as a policy concept: it means "development which meets the needs of the present without compromising the ability of future generations to meet their own needs." The substantive chapters of Agenda 21 outline sustainable development programs in various areas of concern.

<sup>10</sup> The Convention enters into force one year after its 60th ratification. At this writing, there have been 56 ratifications.

<sup>11</sup> Chapter 17 of Agenda 21 is entitled "Protection of Oceans, all Kinds of Seas, Including Enclosed and Semi-Enclosed Seas, and Coastal Areas and the Protection, Rational Use and Development of their Living Resources". Ironically, no reference at all is made on the international seabed and its resources, to which the CHM, as a technical principle, applies.

soundness of "sustainable développement" as a thematic tool in governance.

The first section of this paper will recall the background of the CHM concept in international law and relations, particularly in the development of the international law of the sea. This will be followed by a discussion of the relevance of the concept in international environmental law and global environmental governance. In the last section, some conclusions will be drawn to support the thesis that the CHM, with its underlying new system of knowledge, is a crucial pillar in any program of sustainable development - at the global, regional, and national levels.

#### The Common Heritage of Mankind

Arvid Pardo, who introduced the term in the United Nations, was not unaware of the environmental significance of the mainly developmental concept "Common Heritage of Mankind." In his historic speech of 1 November 1967, wherein he advocated that the seabed and ocean floor beyond national jurisdiction are "a common heritage of mankind and should be used and exploited for peaceful purposes and for the exclusive benefit of mankind as whole," he had occasion to state:

I think it is clear that there can be no doubt that an effective international regime over the seabed and the ocean floor beyond a clearly defined national jurisdiction is the only alternative by which we can hope to avoid the escalating tensions that will be inevitable if the present situation is allowed to continue. It is the only alternative by which we can hope to escape the immense hazards of a permanent impairment of the marine environment. It is, finally, the only alternative that

gives assurance that the immense resources on and under the ocean floor will be exploited with harm to none and benefit to all.<sup>12</sup> (Underscoring supplied)

The amazing events following this speech, chief of which was the energizing of the UN to convene the Third UN Conference on the Law of the Sea (UNCLOS III)<sup>13</sup>, are abundantly documented in history and need not be repeated. It is clear though that as early as 1967, a notion of "sustainable development" as is now known, garbed in the language of the CHM, has already been put forward for consideration by the international community.<sup>14</sup> The proposed concept, it must be noted, even reaches further in scope as it attempts to weave development, environment and disarmament concerns into a unified framework, an integrated perspective, on ocean space with far-reaching implications for international law and organization as a whole.<sup>15</sup> It is worth dwelling on the elements of

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<sup>12</sup> Presentation before the First Committee of the UNGA to introduce an item on the agenda: "Examination of the question of the reservation exclusively for peaceful purposes of the seabed and the ocean floor, and the subsoil thereof, underlying the high sea beyond the limits of present national jurisdiction, and the use of their resources in the interest of mankind." Text in PARDO, A. THE COMMON HERITAGE. SELECTED PAPERS ON OCEANS AND WORLD ORDER 1967-1974 1, 38 (1975).

<sup>13</sup> See Alexander, L. Looking Back COUPER, A. & GOLD, E. THE MARINE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: LAW, POLICY, AND SCIENCE 647 (1993), who describes this "era of innovation" in the law of the sea process.

<sup>14</sup> In 1970, the UNGA passed a resolution adopting the CHM, on "Declaration of Principles Governing the Seabed Beyond the Limits of National Jurisdiction" Res. 2749 (XXV) 25 UN GAOR Supp. 28 at 24, UN Doc. A/8028 (1970).

<sup>15</sup> See Borgese, Perestroika and the Law of the Sea: A Case Study 8 OCEAN YEARBOOK (1990). Ambassador Pardo of Malta, however, did not recognize this potential comprehensive framework or the

a part of the total concept."<sup>18</sup>

Applied to the international seabed area as it was originally advocated, the CHM proposition consisted of five elements:

1. The seabed and the ocean floor, underlying the seas beyond the limits of national jurisdiction as defined in the treaty, are not subject to national appropriation in any manner whatsoever.
2. The seabed and ocean floor beyond the limits of national jurisdiction shall be reserved exclusively for peaceful purposes.
3. Scientific research with regard to the deep seas and ocean floor, not directly connected with defense, shall be freely permissible and its results available to all.
4. The resources of the seabed and ocean floor, beyond the limits of national jurisdiction, shall be exploited primarily in the interests of mankind, with particular regard to the needs of poor countries.
5. The exploration and exploitation of the seabed and ocean floor beyond the limits of national jurisdiction shall be conducted in a manner consistent with the principles and purposes of the United Nations Charter and in a manner not causing unnecessary obstruction of the high seas or serious impairment of the marine environment.<sup>19</sup>

With the signing of the Convention on the Law of the Sea in December 1982, which Convention embodied the most advanced articulation of the CHM concept,<sup>20</sup> sustainable development in the

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<sup>18</sup> Borgese, Introduction, PARDO, THE COMMON HERITAGE supra xi.

<sup>19</sup> PARDO, THE COMMON HERITAGE at 40-41.

<sup>20</sup> The CHM principle is also employed as a general principle in the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage as well as the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the 1979 Agreement Governing the Activities of States on the Moon and Other Celestial Bodies. All conventions

oceans was decisively launched. But then there were serious problems which have haunted the Convention to this day. To be sure, Part XI of the Convention, which plots out in detail the meaning of the CHM,<sup>21</sup> is not only a most novel regime introduced in the new law of the sea; it is also the most controversial, and remains so up to the present.<sup>22</sup> Basically on ideological<sup>23</sup> and tactical<sup>24</sup> grounds, the United States have refused to sign the Convention, steadfast in its position that the regime established in Part XI is too burdensome for deep seabed mining.<sup>25</sup> Even Arvid Pardo, soon after the conclusion of UNCLOS III, maintained a pessimistic view of the CHM regime in the Convention.<sup>26</sup>

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are now in force. The second Convention was negotiated at the same time as the UN Seabed Committee was conducting its deliberations on the CHM. See POSTYSHEV, V. THE CONCEPT OF THE COMMON HERITAGE OF MANKIND (1990).

<sup>21</sup> See also Resolutions I and II of Annex I of the Final Act of the UNCLOS III.

<sup>22</sup> See WANG, J. HANDBOOK ON OCEAN POLITICS (1992). For some additional literature on the legal regime of the CHM as applied in the 1982 Convention, see SOHN & GUSTAFSON, THE LAW OF THE SEA (1984); POST, AM. DEEP SEA MINING AND THE LAW OF THE SEA (1983); MAHMOUDI, S. THE LAW OF DEEP SEABED MINING (1987).

<sup>23</sup> BORGESE EM, THE FUTURE OF THE OCEANS: A REPORT TO THE CLUB OF ROME (1986); For a justification of the US view, see Goldwin, RA. Common Sense versus "The Common Heritage" BK 6 OCEAN POLICY STUDY SERIES: UNITED STATES LAW OF THE SEA POLICY OPTIONS FOR THE FUTURE 21 (Virginia Law School, 1985).

<sup>24</sup> Carty, A. Reason and Rhetoric: Legal Discourse and the Common Heritage of Mankind in the Resources of the Seabed 1991 SOVIET YRBK MARITIME LAW 30.

<sup>25</sup> See SCHMIDT, M. COMMON HERITAGE OR COMMON BURDEN (1989).

<sup>26</sup> Pardo, A. The Convention on the Law of the Sea: A Preliminary Appraisal 20 SAN DIEGO L REV 489 (1983).

The imperfections of the CHM regime in the 1982 Convention are currently being negotiated to make the Convention universally acceptable.<sup>27</sup> Indeed, there is a good reason to be optimistic that the problems regarding Part XI of the Convention will be overcome in the near future, and that not only will a universal Convention come into force but a CHM regime will likewise be securely established.<sup>28</sup> When this eventuality materializes, it will not be an exaggeration to assert that a "New Sustainable World Order" based on the CHM experiment in the great laboratory of the oceans,<sup>29</sup> will have dawned,<sup>30</sup> with the 1982 Convention achieving the following goals:

- o a triumph of international democracy and the international parliamentary process;
- o the most radical redistribution of ocean space through peaceful change, reconciling the interests of maritime and coastal states;
- o the replacement of a system of self-destructive laissez-faire, with a system of management for sustainable development;
- o the introduction of the principle of the Common Heritage of Mankind into international law, pointing in the direction of a new economic system of sustainable development;

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<sup>27</sup> See Kapumpa, M. Reflections on Institutional Aspects and How to Facilitate Universal Acceptance of the Convention and Jesus, JL. The Completion of the Work of the Preparatory Commission and the Universality of the Convention both in KURIYABASHI, T. and MILES, E. THE LAW OF THE SEA IN THE 1990s: A FRAMEWORK FOR FURTHER INTERNATIONAL COOPERATION (1992).

<sup>28</sup> See UN Doc. A/47/L.28 on UN Consultation on the Law of the Sea; 23 ENVIRONMENTAL POLICY AND LAW 5, 46 (Feb. 1993).

<sup>29</sup> BORGESSE, EM. THE FUTURE OF THE OCEANS supra.

<sup>30</sup> "The debate about the legal regime to govern the deep seabed poses starkly the fact of the absence of an economic constitution for international society." Carty, supra at 45.

- o the recognition that "problems of ocean space are closely interrelated and need to be considered as a whole," giving rise to "integrated coastal and marine management" with all its institutional implications;
- o the reservation for peaceful purposes of the largest part of our planet: a concept to be elaborated during the coming decades;
- o the most advanced framework for North-South cooperation in science and technology development, and regional cooperation, including land-locked States;
- o the most comprehensive, binding and enforceable international environmental law; and
- o the most comprehensive, binding system of peaceful settlement of disputes.<sup>31</sup>

#### The CHM and Sustainable Development

While the systems-transforming character of the CHM<sup>32</sup> only becomes truly tested with the entry into force of a universally acceptable Convention on the Law of the Sea, which is likely to be very soon, it is evident that, inside and outside of the UN, the evolving impact of the concept has been so far profound and dramatic. Especially with the rise of a global environmental consciousness, and the increasing recognition of crisis and stress in the "global commons", the language of the Common Heritage, or its variants,<sup>33</sup> proliferated - suggesting perhaps the growing

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<sup>31</sup> Borgese, EM. On the Coming Into Force of the United Nations Convention on the Law of the Sea (Forthcoming, 1993).

<sup>32</sup> See BORGESSE, EM. THE FUTURE OF THE OCEANS supra.

<sup>33</sup> The concept of "Common Concern of Mankind" as a basic proposition in environmental law is employed by Kiss, A. The International Protection of the Environment in MACDONALD, RStJ & JOHNSTON, DM. THE STRUCTURE AND PROCESS OF INTERNATIONAL LAW: ESSAYS IN LEGAL PHILOSOPHY, DOCTRINE AND THEORY 1069, 1083 (1986).

validity or feasibility of governance on the basis of the CHM principle. Thus, the proposals to declare Antarctica as CHM, or to adopt a CHM regime for the geo-stationary orbit, are a direct offshoot of the seabed precedent.<sup>34</sup> With a background of CHM considerations, climate change was recognized by the UN to be a "common concern of mankind."<sup>35</sup> The International Ocean Institute, during its 20th Pacem in Maribus Conference, studied the possibility of extending the CHM, or its elements, to five sectors of global concern: energy, food, outer space, atmosphere, and science and technology, and came up with tentatively favorable conclusions.<sup>36</sup> Truly, establishing the CHM not only provides a basis for a global legal order in the oceans but also generates a tool for international cooperation in an interdependent world.<sup>37</sup>

As mentioned earlier, what makes the CHM principle a radical concept in international law and social organization is its attempt to unify development, environment and disarmament in a total framework of comprehensive security.<sup>38</sup> The five attributes of the

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<sup>34</sup> See Postyshev, supra.

<sup>35</sup> UN Docs. A/CONF.151/PC/42/Add. 1 and A/CONF.151/PC/60 (July 1991).

<sup>36</sup> See PIM XX PROCEEDINGS (Malta, 1992).

<sup>37</sup> Imnadze, LB. Common Heritage of Mankind: a Concept of Cooperation in our Interdependent World? in KURIBAYASHI & MILES supra. at 312.

<sup>38</sup> See also Borgese, EM. Ocean Mining and the Future of World Order DAHLEM CONFERENCE PROCEEDINGS (Berlin, 1990).

CHM<sup>39</sup> indeed respond to the requirements of development, environment and disarmament.

The developmental component of the CHM is reflected in the attributes of (1) non-appropriation or non-property, (2) management, and (3) benefit-sharing for humanity as a whole. The environmental aspect of the CHM is revealed with the requirement that the CHM must be (4) conserved for or shared with future generations. Finally, the (5) reservation of the CHM for peaceful purposes meets the disarmament criterion.<sup>40</sup>

The first four CHM attributes listed above, covering developmental and environmental concerns, certainly spell out the "sustainable development" dimension of the CHM.<sup>41</sup> From the standpoint of the international seabed regime, the developmental component of the CHM<sup>42</sup> is fairly established as international law in terms of three principles which have gained universal acceptance:

1. The resources of the deep seabed are the common heritage of mankind, and developing countries must enjoy genuine benefits from seabed exploitation.

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<sup>39</sup> Borgese, EM. Expanding the Common Heritage of Mankind DOLMAN, A. GLOBAL PLANING AND RESOURCE MANAGEMENT (1980); DOLMAN, A. RESOURCES, REGIMES AND WORLD ORDER (1981).

<sup>40</sup> See Background Paper OCEAN GOVERNANCE: A MODEL FOR GLOBAL GOVERNANCE IN THE 21ST CENTURY? PIM XX Proceedings (Malta, 1992).

<sup>41</sup> Ibid.

<sup>42</sup> The first objective of seabed mining policy listed in the 1982 Convention, upon suggestion by western nations, is development of the resources of the Area. See Art. 150 (a), 1982 CONVENTION ON THE LAW OF THE SEA; UN Chronicle (1982).

2. If the law of the sea treaty is completed and if it is "generally accepted", it will bind non-parties.
3. If a treaty is not completed, nations cannot claim the exclusive use of seabed mine sites.<sup>43</sup>

On the other hand, the doctrinal aspects<sup>44</sup> of the environmental component of the CHM - that it must be conserved for future generations - are still in an progressive stage of elaboration. Of central importance in the process is the notion that "Mankind" is a legal entity and could be a subject of international law.<sup>45</sup> This is a radical development in international law! Based on a legal philosophy of the CHM, two aspects of "mankind" are embodied in Part XI of the 1982 Convention:

- it is transpatial, in that it regroups all contemporaries irrespective of the location of their establishment;

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<sup>43</sup> Van Dyke, J & Yuen, C. "Common Heritage" vs. "Freedom of the High Seas": Which Governs the Seabed 19 SAN DIEGO L REV 493 (1982); Cf. Brown, ED. Freedom of the High Seas versus the Common Heritage of Mankind: Fundamental Principles in Conflict 20 SAN DIEGO L REV 521 (1983).

<sup>44</sup> As opposed to the practical aspects of conservation, which are already being addressed by the Preparatory Commission. See Draft Regulations on Prospecting, Exploration and Exploitation of Polymetallic Nodules in the Area (Mining Code) Protection and Preservation of the Marine Environment from Activities in the Area UN Doc. LOS/PCN/SCN.3/ 8 Feb 1990; UN Doc. LOS/PCN/SCN.3/WP/Add.5.; See also Markussen, JM. Commercial Exploitation of Polymetallic Nodules: Comments on Some Central Issue Areas KURIBAYASHI & MILES *supra* at 336, 347-348; Thiel, H & Foell, E. Environmental Risk Assessment for Manganese Nodule Mining and Application of the Precautionary Principle and Kimball, L. A Framework for Environmentally-Sound Development of Non-Living Resources in International Areas both in COUPER, A. & GOLD, E. THE MARINE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: LAW, POLICY, AND SCIENCE 226, 234 (1993).

<sup>45</sup> See Dupuy, RJ. Humanity and the Environment PIM XX PROCEEDINGS (Malta, 1992).

- its scope is transtemporal, because mankind does not include only today's peoples, but also those which will come. Mankind thinks beyond the living.<sup>46</sup>

The recognition that mankind is a subject of international law leads to no other conclusion than the necessity to consider future generations and their patrimony from a legal standpoint. Inevitably, the environmental regime of the CHM invites a close examination of the inter-generational consequences of present development policy, in the oceans and beyond - which is the essence of sustainable development.<sup>47</sup> With this in mind, the definition and observance of generational rights and responsibilities become part of the outstanding challenge for the entire environmental movement.<sup>48</sup> In that light, the ocean experience in the development and application of the CHM leads the way.

A specific legal regime of sustainable development, with potential application elsewhere, is therefore apparent in the new law of the sea. Moreover, the institutional requirements of sustainable development are equally clarified with an analysis of the institutional implications of the CHM. The self-contained regulatory system in Part VI of the 1982 Convention which implies management for the purpose of maintaining a balance between

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<sup>46</sup> Dupuy, RJ. The Notion of Common Heritage of Mankind Applied to the Seabed ROZAKIS, CL & STEPHANOU CA. THE NEW LAW OF THE SEA 199 (1983).

<sup>47</sup> See WEISS, EB. IN FAIRNESS TO FUTURE GENERATIONS: INTERNATIONAL LAW, COMMON PATRIMONY, AND INTERGENERATIONAL EQUITY (1989).

<sup>48</sup> See BUSUTTIL, et al. (Eds.) OUR RESPONSIBILITIES TOWARDS FUTURE GENERATIONS (1990).

conservation and optimal utilization of seabed resources, coupled with a comprehensive dispute settlement mechanism, draws up a holistic approach that informs a strategy of sustainable development.<sup>49</sup> Broadly stated, the CHM is realized through a process of institutional integration (which, one may add, should be the direction of the restructuring efforts in the UN<sup>50</sup>):

At each level: national, regional, global, institutions must be restructured to reflect the shift from a sectoral to an inter-sectoral approach to planning and decision-making. Ocean policy must be integrated horizontally, across disciplines, departments and specialized agencies, and between the public and private sector, as well as vertically, across levels of governance, national, regional and global, in a coherent system.<sup>51</sup>

### Some Conclusions

What made the CHM regime in the 1982 Convention on the Law of the Sea objectionable to the United States was its suspected linkage with the movement to establish a New International Economic Order (NIEO) by the South. Although many are convinced that the Part XI of the Convention represents a Third World expression of

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<sup>49</sup> See Pinto, MCW. The United Nations Convention on the Law of the Sea: Sustainable Development and Institutional Implications PIM XIX PROCEEDINGS (Lisbon, 1991).

<sup>50</sup> See Kimball, L. International Law and Institutions: The Oceans and Beyond 20 OCEAN DEVT AND INTL LAW 147 (1989).

<sup>51</sup> 2nd item, Conclusions and Recommendations PIM XIX OCEAN GOVERNANCE: NATIONAL, REGIONAL, GLOBAL INSTITUTIONAL MECHANISMS OF SUSTAINABLE DEVELOPMENT IN THE OCEANS (Lisbon, 1991).

the NIEO,<sup>52</sup> Arvid Pardo himself admits that the CHM is a third option in the creation of a new international order - as an alternative to George Bush's "New World Order", or the NIEO proposals of the 1970s.<sup>53</sup> With the onset of "sustainable development" as the prevailing global creed, it is now fruitless to argue whether the CHM is or is not a pretension of the NIEO. Admittedly, the CHM has very well foreshadowed the imperatives of sustainable development,<sup>54</sup> and the only wise course it seems is to acknowledge the validity of the CHM as an ecological world view, substantiating and giving direction to the emergent global program of sustainable development now being shaped by the CSD.

What is clearly called for by the realization that the CHM is an advanced expression of sustainable development is to uphold the political momentum already gained by the CHM in providing a new direction, first in the governance of the oceans,<sup>55</sup> and next in the management of other global commons. In this regard, the 1982 Convention on the Law of the Sea or Preparatory Commission are not the only arena for consolidating the CHM as a principle of global governance. If there is anything reassuring about the CHM, it is

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<sup>52</sup> E.g., WANG, supra 51; Dupuy, RJ. The Convention on the Law of the Sea and the New International Economic Order in RICHARDSON, J. MANAGING THE OCEANS: RESOURCES, RESEARCH, LAW 282 (1985); Cf. Carty, supra 46-47.

<sup>53</sup> Pardo, A. Address PIM XX (Malta, 1992).

<sup>54</sup> Pinto, supra.

<sup>55</sup> See Henkin, L. Old Politics and New Directions II CHURCHILL, SIMMOND, & WELCH. NEW DIRECTIONS IN THE LAW OF THE SEA 3, 8 (1973).

the fact that it responds to deep-felt values<sup>56</sup> about human existence, harking back to what is spiritual or innate in our sense of humanity. The CHM principle is, thus continually revived and recovered in every cultural and ethical aspect of man's interaction with nature.<sup>57</sup>

The real area of inquiry that needs to be pursued in light of promise of the CHM for a sustainable world is, therefore, its implications for knowledge itself, and its reconstruction. Hence, the beginnings of an "economics of the common heritage" have been inaugurated,<sup>58</sup> revealing the fundamental inadequacy of conventional economic theory. Also, a study of indigenous perspectives about the oceans affirms the basic logic of stewardship concepts so essential in the rationale of the CHM.<sup>59</sup> The quest for knowledge amidst the current environmental crisis should not be too desperate: "Based on the dream of the common heritage, we see, emerging from the sea, a new 'ecological consciousness', a different vision of man's relationship to nature in general, and to the sea in particular."<sup>60</sup>

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<sup>56</sup> See Borgese, EM Introduction in PARDO, A. THE COMMON HERITAGE supra at xi.

<sup>57</sup> BORGESE, EM. THE FUTURE OF THE OCEANS supra at 125 et seq.

<sup>58</sup> See Giarini, O. A Note on the Economics of Common Heritage PIM XX PROCEEDINGS (Malta, 1992); GIARINI, O. DIALOGUE ON WEALTH AND WELFARE: REPORT TO THE CLUB OF ROME (1980).

<sup>59</sup> Van Dyke, JM, The Role of Indigenous Peoples in Ocean Governance PIM XIX PROCEEDINGS (Lisbon, 1991).

<sup>60</sup> Borgese, EM. The Sea and the Dream of Man RICHARDSON J. MANAGING THE OCEANS supra at 384, 395.