

STUDY AND DISCUSSION GUIDE

for

TRANSFORMING THE UNITED NATIONS SYSTEM: DESIGNS FOR A WORKABLE WORLD

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Unit 13: Towards a Sustainable Planet and an Expanded Common Heritage (p. 272-295)

Why Is This Important? (p. 272-274)

Societies and economies are guided by paradigms that most people accept as received truth and often adhere to long after the validity of those paradigms becomes problematic. This chapter examines two increasingly dysfunctional paradigms that now need to be revised or replaced. The first, the notion that economic growth is *ipso facto* good, must be supplanted by the belief that future growth must be *sustainable*. One cannot have continuous growth in a finite system without destroying the system. Second is the belief that all spaces or things should be under the exclusive control of sovereign states and that, within a state, all things may be regarded as commodities subject to individual ownership. In many situations, this idea must yield to the *common heritage* principle, which holds that portions of our environment cannot be appropriated and must be regarded as belonging to the whole of humankind. Sustainability and the common heritage principle are *core* solutions to the largest problems of our time.

Key Issues (p. 274-87)

Sustainable Development

Only recently has the world begun to come to terms, often grudgingly, with the finite and fragile nature of its resource base. This is especially true of its supplies of petroleum, control of which has provided the generally misrepresented *raison d'être* for so many conflicts in the Middle East and elsewhere. But the supply of other minerals and, more importantly, of arable land, is also limited. There is no guarantee, despite major scientific advances in agricultural productivity, that food production will keep pace with population growth. Wars over water, a resource most persons in affluent societies have long taken for granted, are increasingly likely. In some places (e.g. Sudan) such wars are already underway.

Over much of the world, human agency is degrading large swaths of the natural environment essential for the maintenance of healthy ecosystems and ultimately of human life. Nowhere is this more evident than in the wholesale clearing of tropical rainforests for the sake of short-term gains for forest industries, ranchers and previously landless farmers. Extinction

or decimation of plant and animal species is rampant and increasing rapidly. Rising atmospheric and ocean temperatures are causing massive melting of glaciers, thawing of permafrost and the destruction of coral reefs. The threat posed by rising ocean levels is incalculable.

UN-sponsored conferences have already addressed these problems in many ways, as have civil society and academia. Intelligently formulated and practicable recommendations abound. In 2015, the UNGA adopted a set of 17 “Sustainable Development Goals,” including 169 specific targets (<http://www.un.org/sustainabledevelopment/>), to be achieved *globally* (not just in developing nations) by the year 2030. The problem is that, in the absence of meaningful enforcement mechanisms, the quest for short-term economic gain almost always trumps wisdom and long-term economic welfare. Humankind continues on a self-destructive course.

The Global Commons

Neither states nor private individuals should enjoy an unfettered right to do whatever they wish in regard to resources that they did not create, especially when their actions have adverse environmental consequences for other parts of our shared planet. Hence the need to recognize the applicability of a “common heritage” principle in regard to the atmosphere, the electromagnetic spectrum, the high seas, Antarctica, the moon and outer space. These should be shared and managed by the whole of humankind and, to the extent that their use generates wealth, that wealth should be equitably shared.

In fact, various treaties are already in place that conform to the common heritage principle. Antarctica, for example, has been a region of remarkably effective cooperation among nations, even those that have elsewhere been adversaries. Multi-national cooperation in space, especially between the USA and Russia, has also been noteworthy. Other treaties have had less successful outcomes. For instance, negotiations based on the *United Nations Convention on the Law of the Sea* resulted in capitulation to the territorial demands of coastal states for a 200 nautical mile “exclusive economic zone” (EEZ), rather than maximizing the portion of the ocean subject to the common heritage principle. And thus far there has been no consequent sharing of commons-derived wealth.

Nor has any consensus emerged in regard to how far the common heritage principle should extend. Should it, for example, be applicable to such natural wonders as the Grand Canyon, Victoria Falls, the Great Barrier Reef off the coast of Australia and hundreds of other locales

designated as “world natural heritage sites”? And what about *cultural* creations such as China’s Great Wall, India’s Taj Mahal, Peru’s Machu Picchu, and the city of Venice, deemed to be of “outstanding *universal* value”? What of Earth’s atmosphere, which is of concern not only because of what humans put into it but also because of its role as the medium through which telecommunication signals travel? Finally, what of the genetic codes of human, plant and animal genomes, components of which, are of potential medical value for humans everywhere? Who should make the crucial decisions of what may be classified as “intellectual property” and how broad or binding those decisions should be, and how might one ensure that the decisions are honored?

Possible Solutions (p. 287-292)

1. Broaden and strengthen the mandate of ECOSOC, reformed as ESEC (Economic, Social and Environmental Council) (as discussed in Unit 5), greatly increasing its ability to coordinate and monitor the policies of other UN agencies and, in particular, the Sustainable Development Goals. Policy formulation will need to:
 - a. reconcile the demands of stakeholders with markedly differing perspectives:
 - i. those preferring market-based decisions and those inclined towards government planning;
 - ii. industrialized and relatively unindustrialized states;
 - iii. rich and poor;
 - iv. states with secular democracies and theocracies;
 - v. states under severe environmental stress and states that are relatively free from such concerns.
 - b. accept the policy implications of scientific evidence.
 - c. promote an ethos that puts global welfare and intergenerational equity ahead of the near-term interests of nations with rich resource endowments and of corporate giants.
 - d. establish a credible system of sanctions for rule violators (but apply sanctions only as a last resort).
2. Establish a UN Common Heritage Council comprised of experts elected by the GA (along with the WPA should such a body be established), to serve in an advisory capacity only. Council members would represent all major sectors of the scientific community (biological sciences, physical sciences, social sciences), the humanities (including law and theology), and the private sector. Additionally, they would be drawn from all major regions of the world, include representatives from

indigenous communities, landlocked and small island states, and be gender balanced.

3. Establish a carefully considered international principle of “eminent domain,” enabling the UN to regulate and tax the use of portions of the environment (especially in the oceans and atmosphere) of vital interest to human survival.

QUESTIONS:

1. *The adoption of the Sustainable Development Goals indicates that the UN system (and most of its member nations) have at last recognized the salience of sustainability in the future management of the world’s economies. But endorsing sustainability and actually implementing the needed changes in policy, with strict monitoring for non-compliance, are two different things. What will be necessary to persuade individual societies/economies to make the needed adjustments, and how can the UN best contribute to this effort?*
2. *In recent years, many political forces and MNCs have rejected scientific evidence in regard to environmental issues. How can the UN system best deal with this problem?*
3. *Population growth will affect sustainability and the establishment of any global commons in many ways. List those that you believe are most important.*
4. *The ideas of establishing additional global commons and a global right of eminent domain are among the most revolutionary recommendations put forward in the book. They are certain to be hotly contested, despite the fact that the Antarctic, the atmosphere, much of the high seas, and outer space are already regarded as global commons. Can you devise a general principle, or set of principles, specifying what spaces may or may not be converted to global commons and how those spaces might best be governed?*
5. *It is one thing to establish a commons in uninhabited spaces (such as Antarctica), but quite another when dealing with populated places under the sovereignty of a particular state, or with the human genome. When, if ever, should one consider extending the idea of the commons to these new domains?*