

Interpretation of the Principle of Human Common Inheritance of Property in International Law

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Abstract: The principle of the common heritage of mankind is an important legal principle stipulated in the United Nations Convention on the Law of the Sea. It is an important application of the law of the sea in the international seabed area. It is of great significance to resolve the attribution of international seabed areas and resource rights and promote the fair and rational distribution and utilization of marine resources. Starting from the definition and legal attributes of the common heritage of mankind, it traces back to the principle of the common heritage of mankind, and explains the main content and scope of the principle of the common heritage of mankind in the framework of international law. In combination with the concept of the human destiny community proposed by China, it puts forward feasible suggestions for the development and practice of the principle of human common inheritance, and explores the development path of the principle of the common heritage of mankind from the perspective of international law.

Key words: International seabed area; principle of common heritage of mankind; United Nations Convention on the Law of the Sea

1. Introduction

At present, the global shortage of resources has led many countries to begin developing resources for the international seabed region. Countries have developed differences over the development and utilization of resources in specific regions and the applicable legal system. In this context, the principle of the common heritage of mankind as an important legal principle came into being. The principle of the common heritage of

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mankind applies not only to the ocean, but also to Antarctica and outer space. Due to the advance of science and technology, the development and utilization of the ocean by human beings has gradually increased, far exceeding Antarctica and outer space. Therefore, the principle of human common inheritance in practice is more manifested in the controversy over the legal attributes and rights of human resources in the international seabed region. The study of the principle of joint inheritance of human beings has important theoretical and practical significance for the development, utilization and benefit sharing of biological and non-living resources in the international seabed region.

I. Principles of the Common Heritage of Mankind under the Framework of the United Nations Convention on the Law of the Sea

(1) The definition and legal attributes of human common inheritance property

In the 1960s, the revival of natural law and the concept of the common heritage of mankind came into being, but the common heritage of mankind is not only a concept, but also a series of principles and systems. Whether the scope of the current international "property" should include biological resources and the application of principles and systems is highly controversial. Therefore, the definition of the common heritage of mankind and the confirmation of its legal attributes are particularly important for the application of the principle of common heritage of mankind in the international seabed area.

With the emergence of the concept of the common heritage of mankind, "common property" as the "object", human ownership of the common inheritance property became the mainstream thought in the 1960s, but the word "human" was accompanied by the social development process. The birth of a new life and the aging of some life, the human vocabulary has gradually been given a different meaning. "Humanity" cannot gain status in the international community, nor can it be unanimously recognized by "humans." If "human" has ownership of resources, it will inevitably allow the state to manage the ownership of human beings. Then the state will take note of the ideas of future generations. The state may be more concerned with the idea of contemporary power, which creates problems of different perceptions and irrational use of common property, thereby wasting resources and causing environmental damage, global warming and waste of resources. Therefore, mortal beings should only enjoy co-ownership rather than ownership of the inherited property.

The emergence of the name "Human inheritance of property" has given the basis for the application of the principle of common heritage of mankind and opened up a new situation in the development and realization of the common interests of all mankind. Some scholars believe that this concept is a political concept, and some scholars believe that this is a principle of international law, and more scholars believe that it does not constitute a political principle, and its status in international law is still open to question, but it must be affirmed that

although the concept is highly controversial, provisions have been made in international treaties such as the United Nations Convention on the Law of the Sea, the Moon Agreement, and the Treaty on the Principles for States to Explore and Use Outer Space Activities, including the Moon and Other Celestial Bodies. And has been applied to the international seabed area, outer space and the relevant areas of the Antarctic.

As Professor Wang Tieya said: "Human heritage is a legal concept that contains specific legal principles and rules," and "no subject" is defined in the Black Law Dictionary as something that is not part of anyone. It is one which is not owned by anyone, or never occupied or abandoned by everyone, but can be obtained by possession¹. If only unilaterally believe that the common heritage of mankind belongs to the unowned object, then it means that the universal property of mankind does not belong to anyone. Any country can preempt, so it is extremely unfavorable for developing countries. The principle of common heritage of mankind is not developed countries. The products are the embodiment of the common interests of developing and developing countries. At the same time, developing countries are often relatively weak in development, so they should consider the interests of developing countries. Therefore, the common heritage of mankind should also be distinguished from "no main thing."

In summary, the legal attributes of human inheritance of property are different from "no subject" and "public".

(2) The scope of application of the principle of joint inheritance of human beings

Although the scope of application of the principle of the common heritage of mankind is controversial, it is worthy of recognition that this principle has been followed in outer space and the Antarctic region. The application in the international seabed region has become the focus of the international community on the exploitation and utilization of the ocean. It can be seen that the principle of the common heritage of mankind has become a customary international law.

Article 137, paragraph 1, of the United Nations Convention on the Law of the Sea provides for the application of the principle of the common heritage of mankind in the international seabed area, that is, no State may claim ownership and any sovereign rights over any part of the international seabed area and its resources. Or other rights, some countries have already recognized the principle of "not to occupy" in the international seabed area. With the development of the international community and the introduction of the Agreement on the Guidance of States on the Moon and Other Celestial Bodies, developed and developing countries have adopted different approaches to recognize the application of the principle of common heritage of mankind in the international seabed region, for example, developed countries Approve the status of the

¹ Wang Jingyi. On the principle of human inheritance of property [D]. Southwest University of Political Science and Law, 2011.

International Seabed Authority in the international seabed region and the principle of the common heritage of mankind by ratifying or acceding to the United Nations Convention on the Law of the Sea and the Agreement on the Guidance of States on the Moon and Other Celestial Bodies or by separate legislation. Developing countries have also taken a different approach by recognizing the principle of the principle of common humanity than developed countries — providing guarantees for developed countries or their entities to apply for reservations, and obtaining certain guarantee fees to enjoy the benefits of the United Nations Convention on the Law of the Sea and benefit arising from the principle of common heritage of mankind.²

(3) The basic content of the principle of common heritage of mankind

The United Nations Convention on the Law of the Sea has been accepted by most countries in the world. Formally, the United Nations Convention on the Law of the Sea is by far the largest number of States parties, and accepting or ratifying the Convention means that the relevant States parties have already recognized the Convention's provisions on the principle of common heritage of mankind. In essence, most countries generally believe that the principle of the common heritage of mankind cannot be deviated and can only be modified by similar rules. Article 311, paragraph 6, of the United Nations Convention on the Law of the Sea states that the State party agrees that there should be no amendments to the basic principles contained in article 136 concerning the common heritage of mankind and agrees that they should not participate in any agreement that derogates from the principle. Judging from the substantive constituent elements, the principle of common human inheritance involves safeguarding the international public interest. It is an important international law principle that affects the common interests and future development of all mankind. Its core contains the prohibition of any sovereignty, sovereign rights or claims, the concept of sharing humanity, and the management of the International Seabed Authority.

First, any sovereignty, sovereign rights or claims is prohibited. It says that no country or person may claim ownership of the common heritage of mankind. In addition, Article 137, paragraph 1, of the United Nations Convention on the Law of the Sea states that no country shall claim or exercise sovereignty over any part of the region or its resources or sovereign rights, no country or natural person or legal person shall respond to any part of the region or its resources, and any claim or exercise of such sovereignty and sovereign rights, or such acts as its own shall not Admitted³. Every country should comply strictly with the provisions of the United Nations

² Li Hanyu. The application and development of the principle of the common heritage of mankind in the international submarine regional legal system [J]. *Ocean Development and Management*, 2018, 35 (1).

³ Jin Yongming. Research on the legal status and resource development system of the international seabed area [D]. East China University of Political Science and Law 2005.

Convention on the Law of the Sea, seek for the common good of all mankind, and actively defend the principle of human inheritance.

Second, all human beings share ideas. All human beings share that the region is jointly managed by all mankind, and all proceeds are distributed among all mankind, rather than being privately developed and managed by a single country. Any development and utilization activities in the international seabed area should not only take into account the interests of all human beings, but should be taken into account the interests of all countries. This is not just a requirement for the sustainable development of the marine environment, but also a requirement that all human activities must be conducive to the maintenance of peace and security. Only in this way can we fundamentally conform to the principle of common interests of all human beings and conform to the concept shared by all mankind.

Third, the International Seabed Bureau is under unified management. The International Seabed Authority was formally established in 1994. It manages the “regional” resources exploration and development activities on behalf of all human beings, and also assumes the responsibility of “regional” marine research and environmental protection⁴. Article 137 of the United Nations Convention on the Law of the Sea provides that the International Seabed Authority shall exercise the right to manage resources on behalf of all mankind and adopt a parallel development system for the development of resources. No country may privately possess resources from the international seabed area or carry out some management activities that impede the International Seabed Authority.

II. The Dilemma of International Law Applicable to the Principle of Human Inheritance of Property

Although the principle of the common heritage of mankind is recognized and recognized by more and more countries in development, it faces some problems in practice.

(1) The application is unclear

Article 136 of the United Nations Convention on the Law of the Sea defines “regional” and its resources as “the common heritage of mankind”. Article 11 of the Treaty on the Principles for States to Explore and Utilize Outer Space Activities, containing the Moon and Other Celestial Bodies, states that the Moon and its natural resources are the common heritage of all humanity⁵. However, these two treaties simply give the definition of the principle of joint inheritance of human beings. The scope of application and the applicable subject of the

⁴ Xia Chunli. On the Common Inheritance of Human Beings-Also on the Fair Sharing of World Resources [J].Theory and Reform,2014(01).

⁵ Liu Xiu. Research on the Legal Regulation of the Utilization and Protection of Antarctic Biological Genetic Resources [D]. Ocean University of China, 2013.

definition is relatively vague. In addition, when the International Seabed Authority manages the international seabed area, there is no precise theory to finance its implementation of its management model. The principle of common human inheritance is the guiding principle for managing the seabed area. How to utilize this principle for management has always been an international submarine management. In addition, the International Seabed Authority, as the only institution in the world that implements the principle of the common heritage of mankind, does not have any operational experience in how to implement this principle, and it also encounters many difficulties in its implementation. Moreover, whether the principle of the common heritage of mankind is a political principle or a legal principle or a rule of international law, there is no single conclusion, which also brings great obstacles to the implementation and application of this principle.

(2) Benefit sharing needs to be refined

The concept of “common share of humanity” advocated by the principle of human inheritance of property better explains the development and utilization of shared resources. The central theme of the Convention on Biological Diversity includes the rational sharing of benefits from genetic resources. The Convention on Biological Diversity does not impose unreasonable restrictions on the benefit sharing of other countries, but should facilitate additional States parties. Under the premise of the Convention, any State Party shall be eligible for sharing fairly and reasonably. Although the Convention on Biological Diversity regulates the development of genetic resources and establishes the principle of allocating benefits to developing countries, this principle provides access to and transfer of marine biological genetic resources within national jurisdiction and cooperation only has framework provisions, and there are no detailed rules. For regions outside the country, such as the international seabed region and the Antarctic region, there is the absence of norms related to the principle of benefit-sharing.

(3) Low recognition of developed countries

Between 1982 and 1984, the establishment and improvement of the principle of the common heritage of mankind was recognized by as many as 159 countries, but developed countries such as the United States, Japan, and the United Kingdom did not recognize the principle very much. Instead, they used domestic legislation. Approve the legality of the country’s development of resources in the international seabed area. These countries have successively enacted relevant legislation, such as the 1980 Deep Sea Submarine Solid Mineral Resources Act, which stipulates that the United States has the right to grant its own people the right to explore and develop in the international seabed area, and to mutually recognize the development license with other countries. The United States is not parties to the United Nations Convention on the Law of the Sea. As a

representative of developed countries, the United States has consistently advocated the exploitation and utilization of the international seabed region and its resources. However, the United States advocates the application of the common heritage of mankind and the United Nations Convention on the Law of the Sea. The applicable system of the principle of the universal property of mankind stipulated in the article is slightly different, and the interpretation of the principle of the common heritage of mankind is also different. Although the voice of the United States does not represent the voice of the whole world, it has become the guidance of the developed countries on the principle of the common heritage of mankind to some extent, and ignores the interests of developing countries and cannot achieve the ultimate fair share. This way of domestic legislation not only seriously violates the principle of the common heritage of mankind, but also damages the common interests of all mankind, which leads to the ineffectiveness of this principle in developed countries and seriously affects the development process of the principle of common heritage of mankind.

In July 1994, developed and developing countries negotiated the adoption of the Resolution on the Implementation of the Agreement on Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, which reaffirmed the international seabed region and its resources. It belongs to the common heritage of mankind⁶, and reorganized the organizational structure and development of the international seabed region, not only taking care of the interests of coastal countries, but also laying a good foundation for the smooth progress of the United Nations Convention on the Law of the Sea and the universal acceptance of all countries. However, as a maritime power, the United States has not played a model role in following the principle of the common heritage of mankind. It has not yet confirmed the United Nations Convention on the Law of the Sea. The interpretation of the basic system and legal principles of the law of the sea is totally based on international law considered by the United States. From the perspective of this, this poses a huge challenge to the effective application and progressive development of the principle of human inheritance of property.

(4) The influence of the management organization needs to be strengthened

The International Seabed Authority is established under the United Nations Convention on the Law of the Sea. As the sole authority for the management of the international seabed region and its resources and an international body with definite authority, its operational mechanism and organizational structure will promote and have a significant influence on the principle of the common heritage of mankind.

First, Article 160, paragraph 1, of the United Nations Convention on the Law of the Sea states that the United Nations General Assembly, as the highest governing body, has the power to formulate corresponding

⁶ Tang Wei, Xia Liping. The basis of international law for China's participation in the management and development of Arctic oil and gas resources [J]. International Outlook, 2017, 9 (06).

regulations and institutional norms for general matters, but some of the powers of the General Assembly need to go through suggesting procedure of the United Nations Security Council. For example, the composition of the enterprise department, the establishment of management income distribution rules, the UN Security Council decision-making process largely offset the power of the General Assembly, the power of the General Assembly is greatly weakened, and the decision-making power of the Authority is transferred to the Council in law. The structure of the organization greatly limits the development of the principle of human inheritance of property, which is not conducive to the implementation and development of this principle.

Second, the International Seabed Authority currently has fewer regulations and focuses on the exploration and development of mineral resources, such as the "Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area", which are also formulated for a longer period of time, with fewer reference cases. Both limit the management of international seabed development activities in the international seabed area.

Third, the International Seabed Authority currently has no controversy over the management of mineral resources of the international seabed area, but the management of genetic resources is not clear. Although the Agreement on the Conservation and Sustainable Use of Biodiversity beyond the National Jurisdiction (BBNJ) is currently under discussion, the genetic resources and mineral resources of the international seabed region require the same effective management by an authoritative global agency. The development and utilization of genetic resources of the international seabed region by States also require an effective regulation by an international body produced under international law.

III. The Development Path of the Principle of Human Inheritance of Property

(1) Clearly defining the common heritage of mankind and the application of principles

First, clarify the meaning of the word "human". Some scholars believe that "humanity" in "mortal inheritance of property" includes all countries. Some scholars believe that "human" refers to all natural persons in today's society, including individuals born in the future. However, it is too ideal if you want to achieve cooperative management and participate in resource allocation. From a microscopic point of view, the "person" in the form of living body has the right to use human beings to inherit property together, but a single person cannot exercise this right and can only be exercised by the representative, that is, the International Seabed Authority, and ultimately endowed to individual subjects. The right to development that represents the interests of mankind, that is, the state of international law and its authorized body. At present, it is necessary to clarify the status and rights of "human beings" in the principle of the common heritage of mankind, and to clarify the relationship between mankind, the state, relevant development subjects and the International Seabed

Authority in the application of the principle of the common heritage of mankind. These issues are not only related to contemporary Human development is more related to the common heritage of mankind and the future distribution of resources, which are the prerequisite for the sustainable development of mankind.

Second, the meaning of the word "inheritance" is specified. "Inherited property" means property that has been or will be inherited. The study feels that the emphasis on "inheritance" is because "inheritance" reflects the inheritance of the current society's rights to ancestors, rather than based on unreliable sources. From this perspective, "inheritance" reflects our view of all human beings. The commonality of property, thus implementing the principle of the common heritage of mankind.

Third, the meaning of "common" is clear. "Common" is a central issue in the interpretation of the principle of the common heritage of mankind. "Common property" is different from the common law in civil law. The common distinction in civil law is "shared by sharing" and "common share", which means that Property can be possessed, applied, profitable and disposed, but human rights do not have possession of common property. Therefore, common property refers to resources that belong to all human beings, and no one can claim sovereignty and take it as their own.

Fourth, clarify the meaning of "property". At present, the common heritage of mankind as defined in the United Nations Convention on the Law of the Sea refers only to mineral resources and does not include biological resources. In the formulation and discussion of the "Regional" chapter of the United Nations Convention on the Law of the Sea, balance the interests of developed and developing countries at that time, avoid the application of biological resources in the international seabed area, and the principle of the common heritage of mankind. The rules are also vague and general, which has given rise to different interpretations of the principle of the common heritage of mankind. Both biological and biological resources should be incorporated into the scope of "property", the definition of "property" should be defined, and the jurisdiction of "resources" in the international seabed area should be expanded.

(2) Further enriching and improving the benefit-sharing system

As a recognized institution that manages the international seabed area, the International Seabed Authority should reform its management model, pay equal attention to both cost and benefit, control its scale, and adopt a gradual step-by-step approach in the development of resources in the seabed area to improve the management effectiveness of the International Seabed Authority. The United Nations Convention on the Law of the Sea has made relevant provisions on the territorial sea system, the exclusive economic zone system, the continental shelf system and the island system. Beyond the territorial sea baseline, the 200-mile exclusive economic zone includes the territorial sea, and the 200-nautical-mile continental shelf is also a natural extension of a country's

terrestrial territory, indicating that a country's 200-mile continental shelf is also a country's 200-mile exclusive economic zone. Due to the special geographical location of the island reef, the continental shelf of a country often exceeds 200 nautical miles. This has led some countries to claim sovereign rights beyond the scope of the continental shelf. Due to the special nature of biological genetic resources, it is difficult to avoid competition among countries, which make it difficult for genetic resources to claim the principle of common heritage of human beings. The access and benefit sharing of genetic resources not only needs to be strengthened in the norms of international law. It is even more crucial for countries to cooperate and continue to enrich and improve in practice. It prohibits any country from claiming "regional" rights beyond its jurisdiction, combating any activities that are not conducive to the collective interests of mankind, and effectively safeguarding the validity of the principle of common heritage of mankind.

(3) International Legislation and Practice of Strengthening the Principle of Common Heritage of Mankind

First, in the legislation, the application of the principle of the common heritage of mankind needs to be further clarified. As mentioned above, it is necessary not only to clarify the meaning of the common heritage of mankind, but also to embody the application of the principle of the common heritage of mankind, such as how to apply, how to distribute, and how to achieve fair results. The provisions of the United Nations Convention on the Law of the Sea on the principle of the common heritage of mankind from 1982 to the present have not changed, and it is no longer able to meet the current human needs for the exploitation and utilization of resources in the international seabed region. Only based on international law and the United Nations Convention on the Law of the Sea, supplemented by the rules and regulations of the International Seabed Authority, can we continue to enrich and develop the theory of the principle of common heritage of mankind?

Second, in practice, strengthen the international community's perception of the marine destiny community and increase the recognition of the principle of human common heritage in order to achieve a high degree of agreement between developed and developing countries. The community of marine destiny is a further extension of the community of human destiny. It is another concept of global response to the ocean crisis, joint development of the ocean, peaceful use of the ocean, and sustainable development of the ocean. The application of the principle of the common heritage of mankind is not only reflected in the sharing and competition of the interests of all countries, but also reflects the current international relations and the maritime administrative situation. The marine area is much greater than that of land. The marine resources and development potential are far greater than that of land. Only by adhering to the basic principles of jointly developing the marine economy, jointly protecting the marine environment, and jointly building a community of marine destiny, jointly developing "regional" resources, sharing "regional" resources, and jointly utilizing

“regional” resources can ultimately achieve common human inheritance. The use of property for all of humanity and sustainable development.

(4) Give full play to the role of the International Seabed Authority

As an institution that adjusts the allocation of resources, the International Seabed Authority has a greater responsibility to make the common heritage of mankind benefit all of mankind, and to do a good job in the development and management of the submarine region for all mankind, and to coordinate the interests of developing and developed countries. Balance is also the responsibility of the International Seabed Authority. In this regard, the functions and procedures of the UN General Assembly should be strengthened, and together with the UN Security Council, promote the organizational structure reform of the General Assembly. The Council and the General Assembly should clearly define the division of labor and jointly manage the common resources of mankind. In addition, the opinions of developing countries should be fully expressed, and a stage for common development should be set up so that the opinions of all parties can be fully reflected and the sense of participation of member states can be enhanced.

IV. China's Practice and Development of the Principle of Human Inheritance of Property

As a maritime power, China is a pioneer in regional development, and its status and interests in regional research and development are somewhat consistent with other countries in the current context. Moreover, China is fair to undertake its mission and assume the responsibility of the great powers. It has not only actively participated in marine-related activities, but also carried out extensive research on the exploration and development of the international seabed region and achieved dazzling achievements. As a leader in regional development, China pays great attention to resource allocation and ecological environmental protection, and also clarifies the importance of humanity's common heritage. The submarine regional international system is not only related to the interests of all countries, but also of China's marine development and maritime rights and interests. Therefore, China not only correctly interprets the principle of the common heritage of mankind from the perspective of international law, but also plays a significant role in promoting the development of the principle of common heritage of mankind.

(1) China's legislation and practice on the principle of the common heritage of mankind

1. China's legislation on the principle of the common heritage of mankind

In May 2016, China promulgated and implemented the law of the People's Republic of China on Deep Sea Submarine Regional Resources Exploration and Development, which provide for the first time provision for

activities outside national jurisdiction. The term “region” in the Act means “the seabed beyond the limits of national jurisdiction”. The ocean floor and its subsoil and the deep seabed area contain rich mineral resources and biological resources. [10] Today, the international community not only pays close attention to the exploration and development of mineral resources in the “region”, but also actively focuses on the development and sharing of high seas and “regional” genetic and biological resources. The establishment of the submarine regional international system provides an important legal basis for the application of the principle of the common heritage of mankind. This principle reaffirms the principle of shared commonality of all human beings. No country or entity may claim its exclusive rights, or implement any harm to all mortal beings. The promulgation of the Law of the People's Republic of China on Deep Sea Submarine Regional Resources Exploration and Development has made up for China's legislative gap in the international seabed region, laid the applicable foundation for China's application of the principle of human common inheritance in the international seabed region, and at the same time reflects China's compliance with international law and compliance. The spirit and provisions of the United Nations Convention on the Law of the Sea are an important manifestation of China's progress of international law.

2. China's international practice on the principle of common heritage of mankind

China's exploration and development of resources in the international seabed region are not very long, but it has achieved fruitful results. In 1990, China established the China Ocean Mineral Resources Research and Development Association for the research and development of global submarine polymetallic nodules resources, and listed the “regional” polymetallic nodules resources as long-term development projects. In 2000, China began to explore and develop various mineral resources in the international seabed area, and established the working principle of “continuing deep sea exploration, vigorously developing deep sea technology, and establishing deep sea industry in a timely manner”⁷. Under the guidance of the policy of maritime power, China actively promoted the construction of the marine economy. On the occasion of the 600th anniversary of Zheng He's voyages to the west, China's "Dayang No. 1" scientific research ship launched China's first global scientific investigation in 2005. Built on historical data, more than 30 technologies have been internationally recognized in China and have driven China to a large ocean country. In 2012, the “Zhenlong” manned submersible completed a 7,000-meter sea trial and realized the dream of manned the next five oceans⁸ Not only that, China actively participates in the negotiations on the Agreement on the Conservation and Sustainable Use of Biodiversity in the Areas Under the State Jurisdiction, promotes the development and

⁷Jin Jiancai. Going to the Ocean and Building a Marine Powerful Country [J]. China Institutional Reform and Management, 2014 (04).

⁸ Gao Yue: Developing international seabed resources Enhancing the strength of deep sea science and technology [EB/OL]. (2015-05-20)

protection of biodiversity in the international seabed region, and the application of the principle of common heritage of mankind throughout the world.

China's legislative and practical activities in the international seabed region not only reflect China's application of the principle of human common heritage, but also demonstrate China's determination to develop the principle of humanity's common heritage. China's attitudes and practices on the international stage have shown that China is a country that abides by international law. China is a country that advocates peaceful coexistence, and China is committed to a notion of human destiny and sustainable human development.

(2) China's application and development of the principle of the common heritage of mankind

China's concept of the community of human destiny and the concept of the common heritage of mankind are fully compatible. The two have common goals and pursuits in realizing the common development of mankind. Moreover, China's idea of proposing a community of human destiny also reflects the recognition and support of the principle as an international community.

1. The concept of the community of human destiny is of great value to the development of the principle of common heritage of mankind

On January 17, 2017, General Secretary Xi Jinping delivered a keynote speech entitled "Building a Common Community of Human Destiny" at the United Nations Headquarters in Geneva, further expounding China's views and opinions on building a community of human destiny⁹. The report of the 19th National Congress of the Communist Party of China further highlights the concept of "community of human destiny" and highlights the important position of the community of human destiny in the trend of social development.¹⁰ Moreover, promoting the community of human destiny as the mainstream of social development in the new era provides an important source of thought for the development of the principle of human inheritance of property, and provides important theoretical support for the realization and development of the principle of human inheritance of property. Therefore, the concept of the community of human destiny has important theoretical and practical significance for the development of the principle of human inheritance of property.

⁹ Wang Ye. On the development system of international seabed area [D]. Heilongjiang University, 2017.

¹⁰ Li Lingqi. Xi Jinping's "Community of Human Destiny" Strategic Thinking [D]. Hebei University of Economics and Business, 2018.

2. The concept of the community of human destiny is the promotion and development of the principle of common heritage of mankind

First, the concept of the community of human destiny enriches and perfects the essential content of the principle of human inheritance of property.

The principle of the common heritage of mankind is not a distinct result in the field of international law, and it has a close relationship with the development and innovation of civil law. Over the years, human beings have inherited the same property in the dispute of "common things" or "public goods". This is obviously the scope of civil law, the product of the intersection of municipal law and international law, and the realization of a right and interest. A high level of sharing and realization. The concept of global governance of "community sharing and building together" embodied in the community of human destiny is highly consistent with the concept of joint development, sharing and common use embodied in the principle of human inheritance of property. The early interpretation of the principle of the common heritage of mankind in international law is mainly reflected in the legal attributes of the common heritage of mankind, and more concerned with the inheritance of property by human beings. That is, who belongs to them. Nowadays, the exploration and development of international seabed resources have been institutionalized. The focus of human attention has been extended to not only focus on the legal attributes of human inheritance of property, but also to pay more attention to the ultimate realization path of the principle of human inheritance of property, that is, the "fairness" of resource allocation. How to achieve the results of fair sharing includes not only country fairness in the spatial sense, but also intergenerational equity in the sense of time. The word "destiny" in the community of human destiny not only contains the future development path of mankind, but also demands the results of inter-generational fairness and intergenerational fairness when allocating human common inheritance property to the countries of the world. The concept of the community of human destiny proposed by China is not only a contribution to the world, but also a contribution to the development of international law, and a contribution to the development of the principle of common heritage of mankind.

Second, "sharing and sharing together" provides an effective path for the realization of the principle of human inheritance of property.

The concept of "co-construction and sharing" requires countries to negotiate rules of international law on the basis of respect for national sovereignty, rather than through coercive means. Improve the democracy of universal relations, emphasize that regardless of the size of the country, the legal status between the countries is equal, and the institutional design of the common interests of mankind should increase representation. In the legal practice of the country, sharing and co-construction are an effective way. For example, the concept of

sharing and co-construction of the community of human destiny has been successfully applied in the practice of the principle of human inheritance of property. It laid a solid foundation for the development of human common property inheritance.

Marine resources are an important factor in the development of the country's marine economy. The community of human destiny has laid a theoretical foundation for the development of the principle of common heritage of mankind. At the same time, the idea of the community of human destiny and the principle of the common heritage of mankind are both services of common interests of human beings, and also the key way for China to participate in global governance, actively build international relations, and shoulder the mission of a maritime power.

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