

The idea of intergenerational justice forces us to rethink the traditional theories of property. The earth with all its fruits is, as a principal guideline, common property of mankind, a common land belonging to all its generations. Otfried Höffe, 1993

Bonn Declaration for the protection of common goods

Bonn, May 2008

The protection of common goods between diversity and global responsibility

For a necessary paradigm shift from postcolonial “pirate economy” to a coordinated, subsidiary guardianship that does justice to resources and the future generations.

I. The Situation

The warnings from the “Limits of Growth” (1972) were not taken seriously. “Business as usual” continued. The atmosphere, the oceans, the virgin forests, the raw resources and much more were treated as no man`s land with public access; the “cultivation” of nature (from lat. *colere*) by man was achieved less through careful “development” and “habitabilization,” and more through colonization (French: *colonizer*), i.e. by forceful possession.

The standard of success remained maximal profit! Its costs were externalized.

In an era of unrestrained economic liberty, which declared deregulations and privatizations a cure-all, the economist Nicolas Stern, in 2006, reproached the deficiency of this process of narrow economical perspective by calling it publicly out and showing that “the king is naked.” – A “Biodiv star” of the CBD-COP should have followed!

The necessary structural change would have to start at the roots of a globalised competition of exploitation and should ask the question concerning the property of humanity`s natural and cultural resources, and of the rules regulating the access to, use of, and responsibility for them. Furthermore, common goods worldwide would have to be put under international legal and public protection.

The question about the rules of access and sharing benefit rightfully represents the core of the conference on international biodiversity this year; therewith it opens people`s eyes to the fact that the survival of mankind cannot be organized without protection of resources and justice in their distribution.

Property rights should be distributed in such a way that the public availability of resources is guaranteed for this and future generations. – Because having man be a “wolf to man,” in Thomas Hobbes` sense, is, in the end, condemned to bring the self-destruction of the species.

II. On the natural, i.e. reasonable, legitimation of common goods

The philosopher Immanuel Kant was the first to describe the fundamental legitimation of common goods in his *Philosophy of Law*, paragraph 62, entitled “The Universal Right of Mankind”:

“This rational idea of a universal, peaceful, if not yet friendly, Union of all Nations upon the earth that may come into active relations with each other, is a juridical Principle, as distinguished from philanthropic or ethical principles. Nature has enclosed them altogether within definite boundaries,

in virtue of the spherical form of their abode as a globus terraqueus; and the possession of the soil upon which an inhabitant of the earth may live, can only be regarded as possession of a part of a limited whole, and consequently as a part to which every one has originally a Right. Hence all nations originally hold a community of the soil.”

According to Höffe, Kant herewith criticizes “*the idea of originally ownerless land.*”

“Land is not no-one’s (res nullius), but everyone’s (res omnium); the original buyer doesn’t own no man’s land, but common property. Therefore he is not confronted with lawless items, but with the community of all co-owners.”

“As fundamental as the common property of land is the law of common use of the land and of its fruits.”

Even though private possession can, according to Kant, refer to the pre-societal already valid legal institution of a natural law of property, it will always stay provisional. Kant enables only the constitutional state to finalize the security of private titles of property.

He secures the fundamental rights of citizens in accordance with their individual rights of existence and freedom/liberty. And, of course, the right of citizens for the protection of life and limb, and of their natural base of life, has priority over the right of private property. (compare German Constitution Articles § 14, 2, 3, § 15, § 19 as well as § 20a)

Today we have to expand Kant’s clarification of the originally common property of all humans living on this earth to the whole biosphere, through a natural, i.e. reasonable, law. Secondly, we also have to include the inherited and culturally transmitted techniques, wisdom, and knowledge of their acquisition, into the protection of common goods.

For the discussion concerning the protection of common goods, Kant’s approach is important in two respects: in the determination of the political-ethical position, including its legal consequences; in the rationalization of its implementation.

The “double balance” of “pirate economy” (“Fair Future”-report of the Wuppertal Institute) should, therefore, be replaced by sustainability and objectivity, which are controlled by scientific experts and civic institutions (including local indigenous communities) who are independent from private economical interests, as well as from political-ideological agreements. These could and should prevent the (juridical) states and the international community, at best, from a short-term, lobby-oriented interpretation of their obligation towards common welfare, and organize and protect the local, regional and global common goods, through a subsidiary guardianship.

GRÜN

IV. Interaction as the perception of a community of responsibility

As Europeans we understand our positive, but partially also oppressive, heritage by now as a mission to internationally set an example. The compass for it exists! But do we actually use it ourselves in our political practice?

Coastal waters as self-service or duty-free shops; state-conferred rights to pollute in the billions; energy supply and supply networks in the hands of powerful monopolists (with established posts for political pensioners); lobbyists as employees in ministries; licensed release of genetically modified organisms with a “polite limit of shame,” set against the nutritional sovereignty of the population; a heavenly brothel of an “Open Sky” - instead of a “Sky Trust” agreement; or the plans for privatization of railway systems at the expense of people’s fortune and an environmentally friendly mass mobility: are these the typical examples of a sustainable German or European provision and care of common goods, or rather speculations about a corrupt rationality of accomplices under the motto of “after us the flood”?

V. The Manifesto

From the perspective of the authors and signatories of the Bonn Manifesto for the protection of common goods, our inherited natural, social, and cultural resources are common property of the corresponding local communities, or of the whole mankind, so that their use and administration aren't just left up to purely private economical interests, but have to follow the idea of guardianship. We do accept a market orientation in the private economical sector as a rational, regulative instrument (not as an ideology) for the human needs and achievements, but we demand the rule of law and the social state over this market operations, meaning control of this instrument with the thought of a sustainable orientation towards public welfare and intergenerational justice. A convention for common goods, which should include the following principles in the sense of modern rule of law, could be helpful for both:

1. Just access to all common resources
2. Just distribution of utilization
3. The principle of maintenance, protection and increase of common goods
4. Democracy in the search for a decision about access, use and distribution

A fundamental, subsidiary, organized guardian responsibility of all for the common goods, and a binding logic of appropriate socially and ecologically acceptable sustainability have to replace the thinking and acting in "double standards" to achieve a short-term advantage in order to sustain the common basis of survival.

This could bring us closer to the realization of the probably highest cultural common good: an international peace and legal system.

The community needs common goods,
and common goods need our community!