CONCEPTUALIZING GLOBAL NATURAL RESOURCES:
GLOBAL PUBLIC GOODS THEORY AND INTERNATIONAL
LEGAL CONCEPTS

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“The development of general concepts like the freedom of the high seas or the common heritage principle reflects the spirit of a given historic period.”1

A. Introduction

Just after the turn of the century my attention was drawn to a discussion involving the concept of “global public goods” (GPGs), initiated by economists supported by the United Nations Development Programme (UNDP)2 and later taken up by the World Bank.3 I queried what the concept of GPGs implied for the management of natural resources in which international or global society is deemed to have an interest, i.e. global natural resources, and how it relates to legal concepts which have sought to conceptualize such resources. Relevant legal concepts are the freedom of the high seas developed by Grotius during the early 17th century, the common heritage of mankind introduced to the United Nations General Assembly in 1967 by Arvid Pardo on behalf of Malta, the ban on Antarctic mineral resources activities

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contained in the 1991 Protocol on Environmental Protection to the Antarctic Treaty, and the common concern of mankind included in, among other treaties, the 1992 United Framework Convention on Climate Change (UNFCCC). 4

This essay first proceeds to explore the concept of GPGs. It thereafter analyses the abovementioned legal concepts. Finally, it addresses how conceptualizations of global natural resources have changed over time. This essay also engages with some of the writings of Rüdiger Wolfrum, who has written prolifically, and stimulated others to write, on international law and common interest problems, both in general 5 and in relation to the use of natural resources. 6

B. GPG Theory

GPG theory originated in the efforts of a UNDP-based group headed by Inge Kaul. 7 It was subsequently taken up by France and Sweden, which established the International Task Force on Global Public Goods, 8 and, as mentioned, by the World Bank. 9 Since then numerous publications have appeared on the topic. 10 Kaul, now an

7 See supra note 2 for relevant publications.
9 See supra note 3.