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Legal Implications of the »Common Heritage« Principle for Atlantic Bluefin Tuna

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Many fisheries management systems have individual rights at their basis but are not always successful. The question is what would have to change in fisheries law when community rights form the basis of management. Applying this idea globally, the principle of the common heritage of humankind could provide a future foundation. The principle incorporates intra- and intergenerational justice and has a clear biocentric component but is now only applicable to the ocean floor beyond national jurisdiction and to celestial bodies other than Earth. If this principle would also apply to highly migratory fish species like Atlantic bluefin tuna, not only an analysis of the applicable law but also of the principle's roots in environmental ethics, the economic consequences of such application and a comparison with the idea of public trusteeship provide helpful insights. It appears that the common heritage of humankind can enable both utilisation and preservation of natural resources.

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