a) From unidentified legal object to a Space of Safety

The expression "no-man's-land" (Terra nullius) was originally used in the middle Ages to define unclaimed or unoccupied territories, usually situated between fiefdoms, and used as dumps for garbage and deposits. In situations of war, it also served to describe the spaces between trenches and without any control. Unoccupied geographical areas are subject to the concept of ownerless property, an open access regime (Res nullius).

Although it is a known space, it is a remnant space where is settling what is left and where no authority is clear – it is like not existing. Everything that exists is defined around what is seized. On a global scale, it is as if each State was an island where all that is beyond its limit belongs to everyone, but indeed, belongs to no one. This is also the principle underlying the assumption that everything that goes beyond our limits should be considered as "external" to us - an "externality" in the words of economists, and inexistence to jurists.

Pollution from an aircraft is an "externality" for the economy and when performed outside the airspace of States, it's an inexistence for jurists. It is based on this vision that one can define common areas of Humankind (Res Communis Ominium), in which the "common" is what is left over (open sea, seabed, Antarctica), the remains of what could not be seized. Pureza considers that "the res communis own regime as a traditional framework for common international spaces is a sequence rather than an antithesis of the national sovereignty principle". The common is not what by its nature is truly common but the remainder of the appropriation.

But a new reality was revealed when we discovered that the gases and substances emitted into the atmosphere, not only did not disappear in space, but were also interchanged with the land and the oceans, nor what was released to the sea did not disappear into the ocean of infinity. Step by step, science was uncovering the upper level of integration of an Earth System with global, intangible and complex interconnections difficult to observe and define. However, if this is already a new reality accepted and recognized by science and clearly visible from space, it remains invisible to the law. Therefore, "global" is a new reality that is outside the legal frameworks built to date. As stated by Alexandre Kiss on the definition of res communis: "Of course, one may question the exact meaning of this concept: is it a common sovereignty, a co-ownership, a condominium? We must recognize that this question has never been solved in a completely satisfactory manner - that is precisely one of the major arguments of the advocates of the conception res nullius."

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Until now, the Earth System is still considered to be an unidentified legal object - an ULO\(^3\) and results in a large loophole through which positive and negative vital fluxes "disappear" as externalities. The concept of a "system" emphasises the concept of the medium, i.e., not only the physis as material basis, but also a mediation mechanism of biogeochemical cycles and thermodynamics, "in which reciprocal interactions inside the system between the its framework and its processes contribute to the regulation of dynamics and the maintenance of their organization, in particular thanks to feedback phenomena"\(^4\). This enables a well-defined, characteristic functioning as a single global complex ecosystem, which in reality is a life support system for the entire biosphere, including humans, on Earth. Of course, the biosphere itself is a critical part of the Earth System, fully integrated with the geophysical components to from the System itself.

It is this abstraction that considers as remaining and Res nullius everything that does not fit the concept of national sovereignty, which makes us into true free riders of the Earth System to which we belong and depend, opening the doors for a collective tragedy.

b) Get it while you can

One should consider the recent period of relative climate stability corresponding to the Holocene (the last 11,700 years after the last ice age), which has been the basis for the development of human civilizations (the history of the human species corresponds to a period of about 200,000 years), as a particularly favourable state of the Earth System for our species and for others that share the same ecological conditions. Every time a State, a company or an individual contributes to a change of the biogeochemical conditions of this period of stability which benefited all Humankind, an "externality" is generated and it affects all other users of this favourable state as "less resource" (considering a stable state of the Earth System as a resource) will be available to all agents.

While it is true that it is materially or legally impossible to deny to any human being the access to use of the Earth System, the enjoyment of truly common goods without any effective rules means that each individual is compelled to indefinitely increase his/her use of common resources associated with a particular state of the Earth System (e.g., the atmosphere with a particular concentration of constituent gases), because, if one does not do it, others will. All users have an incentive to increase their use without having any concern for the impact that their actions may have on others (and perhaps themselves) and a disincentive in promoting the maintenance and improvement of the common good.

This is the well-known Tragedy of the Commons model described by Hardin\(^5\) in which a free and unregulated use of a common resource based on a logic of first come/first served results in a, rational actor maximizing individual interest. This, places the common resource under such pressure that the resource becomes degraded and eventually exhausted as a result of overexploitation, and hence the "tragedy". The dilemma is that if a user retracts his/her use and the others do not, the resource will run out in the same way and the user will have lost the short-term benefit that was obtained by others.

The model is now being reproduced on a global scale with the difference that the resource (a well-defined state of the Earth System) was until recently unknown and not definable. In this global-scale model, each State, following its own interest, will not be concerned in limiting its

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pollution or maintaining its own ecosystems for the purpose of contributing to a well-functioning Earth System in a stable and accommodating state, as the good is freely available to be exploited by all. As there is no legal status for the global good, everyone uses it as res nullius, considering it to provide an endless stream of benefits available to everyone where their use does not reduce the potential for use by others (contrary to what is true of the commons).

Incidentally, this unidentified legal object, has also been identified by economists in the Stern Report: “Climate change presents a unique challenge for economics: it is the greatest and widest-ranging market failure ever seen. The economic analysis must therefore be global, deal with long-term horizons, have the economics of risk and uncertainty at centre stage, and examine the possibility of major, non-marginal change”.

The failure to recognize the existence of the Earth System makes nations unable to cope with the challenges on a planetary scale. One consequence is that all the benefits from or damages to the Earth System are legally non-existent. Without the existence of this common good or the identification of what is the good that presents simultaneously beyond and within all States, but that are required to be maintained in good condition for the functioning of the Earth System as a whole, we will not be able to turn ourselves in stewards of our common home.

With the exponential development of Earth System sciences in the last 25 years, and the evolution of Earth observations made out of space, much of what was concealed from our senses, turned into a reality that we can observe in real time as external spectators. By joining all the information of the Spatial “Big Picture” with the information collected from the lower level of the system, for example through climate palaeontology, it became possible to reconstruct a history of the atmosphere and the whole Earth System. Knowing the historical behavior of the Earth System is crucial to understand the value of the Holocene to Humankind. It could have a central role on the definition of the new legal object that lacks protection.

Over the long course of history of our Planet, many different chemical compositions of the atmosphere and the oceans have given origin to different levels of heat accumulation, energetic equilibrium and states of the Earth System. Upon reading the history of chemical structures and the different resulting combinations of element interaction, it allowed us to understand the true unique situation that characterized the period of climatic stability in the last 11.700 years called the Holocene - the only state of the Earth System that we know for certain is capable to support advanced human civilizations.

The Great Acceleration by the human enterprise started in the middle of the twenty century with an increase on the exploitation of resources and ecological infrastructures, – “the speeding up of just about everything after the Second World War — sometimes called the Great Acceleration— Human population has tripled, but the global economy and material consumption have grown many times faster”7. It created such fundamental changes in the state and functioning of the Earth System, with chemical alterations and the destruction of ecological infrastructures that are pushing the Earth out of the stable domain of the Holocene and the start a new Geological Era, the Anthropocene.

The scientific community has made an attempt to respond to the challenge of understanding and measuring what could be this living space of Holocene, by developing the

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concept of "Planetary Boundaries". These boundaries are based on the intrinsic, “hard-wired” properties of the Earth System itself. They define a combination of indicators that describe the state of the Earth System, called the "Safe Operating Space of Humankind".

With the access to the information on the "software", we gain the ability to define, measure our "Living Space".

**Image 1. The hardware/Software relation and the Earth System/Planet relation**

The paradox system of “problem words” that defined "concerns" as legal concepts can now have a table where the vital factors are properly listed, with every factor assigned to a safe zone, with a minimum and maximum for each indicator that we must not transgress.

**C) The Double Tragedy**

The work of Hardin generated pessimism around the “common”, turning common property management into a “failure”. The failure deepens when even those who genuinely care about the future sustainability and the common good come to the conclusion that the restriction of use or exploitation of the resource will lead to a comparative economic loss. This is an altruistic feeling that will lead to a self-elimination of the agents, resulting from a natural selection process. This logic is valid not only for the exploitation of the resource, but also applies to the benefits that can be realized in maintaining/improving the common good.

In the context of the Earth System one can designate the current situation as a dual tragedy:

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1) On one hand, the classical tragedy of exploitation embodied in the destabilisation of the relatively stable Holocene state of the Earth System by unregulated resource exploitation and pollution.

2) On other hand, as no country will enjoy just for itself all the benefits provided from its own ecological/geophysical infrastructure in the Earth System, there are no advantages in promoting actions to maintain the Earth System in a stable state. As there is no incentive for individual initiatives to maintain or improve the common good in the context of competition and legal and economic shortcomings in managing a common resource, it is normal to allow the degradation of ecosystems to sell raw materials or to obtain other economic gains, since the vital benefits provided by these features of the Earth System are worth zero as they are still shared by all on a global scale.

The logic of the tragedy of the commons is doubly valid for the exhaustion of the resource and for the destruction of the “Earth System infrastructure” that can deliver benefits to all societies. The short-term logic will prevail unless structural measures that have the ability to change these initial conditions and generate new systemic, collaborative effects are implemented. The logic of the tragedy of the commons undoubtedly depends on a set of assumptions related to the motivation of people operating under rules governing the use of the common and defining the very nature of the resource.

With the work of Elinor Ostrom and the recognition of the Nobel Prize awarded to her, the commons were no longer an impossibility. For Ostrom\textsuperscript{10} “the crucial factor will be a combination of structural features that lead many involved to trust each other, and are willing to take joint action that adds value to their own short-term costs because both see a long-term benefit for themselves and others, believing that most others will comply”. This building of trust and reciprocity, as she claims, \textit{requires structural features}. We argue that the first structural feature in organizing the collective use of a common resource is to define the resource to be managed, and to recognise that it has to exist.

Ostrom also acknowledged that “it is obviously much easier to build solutions to collective action problems related to small-scale resources than for those related to a global common good.” Despite the magnitude of the challenge, there is no other feasible alternative.

D) A Natural Intangible Resource?

Simone Borg in a Seminar organized by IUCN - Academy of Environmental Law, under a presentation with a title “Climate Change as a Common Concern of Humankind”\textsuperscript{11}, posted two fundamental questions:

1) Is it necessary to identify the legal status of climate?

2) Will we gain anything from doing so?

The Resolution UNGA 43/53 (1988), as Borg recognizes “identifies the legal status of a “intangible” common resource (Climate) that spans the global commons (…) and also across areas subject to national jurisdiction. It is the absence of a theory capable of representing the intangibility of nature and recognize legally a good that exists both inside and outside of all States, that we can summarize our inability to accurately portray the reality around us. The


problem arises because this new space has a new character, not geographical and territorial distinguishable, and therefore completely distinct from all other spaces previously discovered, even when compared to Space exploration, where the existence of intangible natural resources is already recognized today. Unlike these, its existence is not external to the planet, on the contrary, this *intangible space* is part of the Earth System, and is present inside and outside of all sovereignty, creating, as Borg explain, an “Inextricable link between the activities of States within national territory and its effects on climate (...) an unprecedented situation in International Law”. Defining the outlines of a new Legal Status is conditioned by the possibility to know *what is to be protected*, in other words, by the ability to define and delimit the *quid* to be put under the scope (protection) of Law.

The autonomy of environment as a legal good, with a value per se, was one of the major conceptual evolutions in the path of the legal protection of "environment" as a value that deserves legal protection. Despite several national and international legal systems adopted this recognition, during this *looking-for* period of the environmental good, there was no scientific knowledge available that would enable us to understand the facts, the *quid*, with which jurists were faced. This lack of knowledge and the impossibility to define the environmental good within existing paradigms, made these new questions as impertinent. "The subversive impulse of environmental law", was how Canotilho named this structural incompatibility. In our view, the subversion of Law by the environment is based on three fundamental scale preconditions:

a) The global scale of the good intended to be captured under the scope of law, and the impossibility to establish any kind of material or abstract legal division of the "environmental good" (Geographic scale);

b) The cumulative and intergenerational character of the damages and benefits caused on this "environmental good" (Timescale);

c) The restrictive and limiting approach of environmental law towards an economic system that was conceived to growth unlimitedly on a planet with limited resources (Economic/ecological scale).

The search to define the global at a local scale quickly would become inoperative. In the National Environmental Performance Report on Planetary Boundaries of the Swedish Environmental Protection Agency it is stated that: "Sweden is exposed to environmental impacts from other countries which affect Sweden’s ability to achieve these environmental quality objectives. At the same time, Swedish consumption and production have an impact on environmental performance in other countries”. International Organizations such as the EU do recognize this global dependency: “Even though we have never used our natural resources with so much efficiency as we do at present, we are still degrading our essential resources, […] in Europe as well as in the rest of the world, and in the environmental field, borders do not exist”.

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The most concept adequate to describe the characteristics of the Earth System from a legal perspective, is the *Common Concern of Humankind* (CCH). According to Shelton\(^{15}\) “The environment is not an abstraction but represents a living space, the quality of life and the very health of human beings, including generations unborn”. The concept introduces two fundamental innovations into International Law: the first relates to the fact that this concept does not make any reference to States; the second being the absence of any reference to a geographically delimited area, even though it is associated to other concepts such as the Global Commons areas, or High Seas, Antarctica, Seabed, Outer Space, where the Common Heritage of Mankind is applied. “Common concerns are different because they are not spatial, belonging to a specific area, but can occur within or outside sovereign territory”\(^{16}\).

The non-territorial and intangible character of the climate and the function of maintaining a stable climate, meets this vision of a functional space. So the “Living Space” as intangible and non-territorial space of the “Common Concern of Humankind”, will coincide with this well-defined state of the Holocene, denominated by the scientific community as the “Safe Operating Space of Humankind”.

We should emphasize that the “Living space” referred by Shelton, is not just the Climate System, but the whole life support system, of which the Climate System is just one part. To clarify these concepts, we recur to Olfield and Steffen\(^{17}\): “The term climate system is also used in connection with global change, and is encompassed within the Earth System. Climate usually refers to the aggregation of all components of weather – precipitation, temperature, cloudiness, for example – averaged over a long period of time, usually decades, centuries, or longer. The processes which contribute to climate comprise the climate system, and they are closely connected to biogeochemical cycles”(…)

**E) A Heritage to organize relations**

Since the use of the common resource, called here as the "favorable state of the Earth System", is extensive temporally and its effects are intergenerational, is also through this resource that relationships are established between successive generations, past, present and unborn. Theory has defined property not only by the individual’s relationship with the inherent characteristics of the object, but also to include the underlying relationship between the owner and all other individuals. According to Hang\(^{18}\), the most relevant is the relationship between individuals: "Property rights are a relationship between individuals in relation to a resource, not a relationship between an individual and the resource". Once the use of this limited resource is not exclusive to any "user" and any user can't exclude access to any other, in global terms we are facing a situation of common ownership extended to the scale of all Humankind (*Res communes Ominium*). From the moment it is discovered that a resource considered inexhaustible, after all is exhaustible, internal relations are equally reconfigured among all users of that resource. For Schmid\(^{19}\), “Property rights represent a set of ordered relationships among people which define their opportunities, their exposure to the

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\(^{16}\) Idem.

\(^{17}\) Oldfield, Frank. and Steffen, Will., *Box 1.1-The Earth System*, edited by Will Steffen, Agelina Sanderson, Peter D. Tyson., *Global Change and the Earth System: A Planet Under Pressure* (pp. 7), Berlin, Heidelberg, New York: Springer-Verlag, 2004


acts of others, their privileges and their responsibilities for resource utilization." When the resource in question is a certain favorable state of the Earth System that everyone depends on, all users share the consequences of others' acts.

To that extent, the legal recognition of a Favorable State of the Earth System, as a Common Heritage of Mankind, should primarily result in a regulatory instrument of relationships between individuals, States or communities. The legal absence of the good also corresponds to a social failure, to the res nullius, i.e. the absence of rules between individuals or States on the use of the good. “How can we admit that a good that belongs to no one may be governed by a specific law?”20. The perceived relevance of the underlying relations of ownership will be the most decisive factor in justifying the need to recognize legally the existence of the Earth System, and to give it a patrimonial dimension.

As a result, preservation of the new legal good should arise from a collective action internally organized between the users, rather than by a legal obligation. Thereby, the new heritage shall be the mediator of a dialectical relationship developed on a global scale between social internal relations and the object (Earth System). To that extent, Planetary Boundaries should not be perceived as a new prohibition but as the limits that underlie and justify our self-organization. We can even say that the ultimate goal of acknowledging this Common Natural Intangible Heritage of Humankind is the construction of a globally organized society around a common heritage, an intangible locus, on which Humankind organizes itself. “Peace is not the absence of violence but the presence of justice”21 (Moltmann & Boff 2015).

This implies a structural intervention in the framework basics of the sovereignty international system, which allows the benefits achieved in the state of the Earth System that currently economically disappear into a "black legal hole" start to have economic visibility through an accounting system and compensation for the "stewardship of the Earth System". For this structural change to become possible, it is necessary that these global benefits made by to the "common resource" which is the Earth System in a favourable state are caught in a global legal instrument (Figure 1).

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**EARTH SYSTEM**

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When we structure the global and inter-subjective relations, based on the relationships established through the use of a common good to which is assigned a value per se, we are simultaneously building the structural conditions referred by Ostrom\textsuperscript{22} to ensure its maintenance and allowing the construction of a larger global justice.

If no existence is possible in pure disorder, the survival of the human species as a whole depends on its ability to self-organize. So, it’s at the level of consequences for subjective relationships in the internal organization between users of the common resource that lays the greatest justification for the legal consecration of a well-defined state of the Earth System.

F) Holocene state as a heritage protected by law

The process that gave origin to the period of the Holocene, unique in terms of climatic stability in the history of the Earth, was a phenomenon of spontaneous \textit{Emergence} from the combination of certain elements and their proportions, and which in their reciprocal interactions formed a pattern, giving rise to a combined organizational “order”. This natural process should be embraced by humanity as one of the greatest gifts it received from nature, as it were exactly these conditions that allowed for the development of human civilizations. In this sense we can argue that the state of the Earth System corresponding to the geological period of the Holocene, carries the meaning of a heritage as something we need to conserve in everyone’s interest. It enables the recognition of a \textit{new value} to be legally protected as an international autonomous legal good. “Heritage is one idea. Is a philosophical idea, a legal concept, as is something that we need to conserve.”\textsuperscript{23}

The evolution of a \textit{living space “concert”}, towards a Common Intangible Natural Heritage of Humankind as a authentic autonomous legal good, seems a crucial conceptual advance for the organization of the human relations which are now broadened to global scale. With the scientific “Safe Operating Space”, the legal concept of the \textit{living space} could have a value that can be measured. The legal concept of Heritage can be the \textit{locus} for that vital good, one \textit{intangible space} in which the \textit{living space} represented by the Safe Operating Space can base its existence, and the support for a global organization.

Arvid Pardo’s\textsuperscript{24} vision that gave origin to the concept of CHM involved the perception of the “ocean environment as an integrated fluid ecological system” and the concern “that continued, unmanaged use of the world’s oceans would become a serious threat to international peace and security from the environmental impact of new technologies, the militarization of the seafloor and expanding state claims to jurisdiction over large parts of the oceans”.

To realise these objectives through the legal regime of the Common Heritage of Mankind, involves distinguishing the system concept and its \textit{intrinsic intangible quality} from the territorial and geographical approach of already existing legal concepts. But as Taylor and Stroud\textsuperscript{25} states “Arvid Pardo (and others), who considered CHM regime flexible enough to

\textsuperscript{25} Taylor, Prue and Stroud, Lucy. Common Heritage of Mankind, A Bibliography of Legal Writing. Malta: Fondation de Malte, 2012
adapt to the emerging challenges, the discovery of new resources and values, such as scientific research”.

Departing from this approach, unrealised due to theoretical and practical impossibilities at the time, we will try to conform the initial intentions of the CHM to the current criteria for the intrinsic unit of the Earth System.

It is therefore crucial to understand in detail the differences between the concept of CHM and the CCH derived from it. Based on the proposal of Murillo\textsuperscript{26} we will compare them with recent knowledge regarding the “Safe Operating Space for Humankind” and how they may be re-enframed as to correspond to recent scientific evolutions.

Table 1 | DIFFERENCES BETWEEN COMMON HERITAGE OF MANKIND (CHM) AND COMMON CONCERN OF HUMANKIND (CCH)

<table>
<thead>
<tr>
<th>TERRITORIAL SCOPE</th>
<th>CHM</th>
<th>Areas beyond national jurisdiction and its resources</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CCH</td>
<td>A wider scope – It is applied in the Intangible higher level, both beyond national jurisdiction but also within the jurisdiction of States.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUBJECT SCOPE</th>
<th>CHM</th>
<th>The main focus is related to the geographical areas beyond national jurisdiction and its resources.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CCH</td>
<td>Focused in functional intangible spaces that are a “concern” to humanity as whole. At present the matters are Climate Change, species in danger and conservation of Biodiversity. The intrinsic intangible ecological quality does not exist autonomously on the geographical space. Therefore, the CCH continues without a clear and precise definition, liable to be generating rights and duties.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DISTRIBUTIVE SCOPE</th>
<th>CHM</th>
<th>Equitable sharing of benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CCH</td>
<td>Equitable sharing of burdens- cooperation and problem solving.</td>
</tr>
</tbody>
</table>

From the analysis of different perspectives of the approach that considers the Earth System as a unique systemic whole with intrinsic limits regarding its state, we are able to identify the following advantages and disadvantages:
### Table 2 | Comparative Analysis of COMMON HERITAGE OF MANKIND AND COMMON CONCERN OF HUMANKIND

<table>
<thead>
<tr>
<th>Scope</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TERRITORIAL SCOPE</strong></td>
<td>The CCH offers a more adequate response to the characteristic of the Earth System on existing both in and outside of sovereignties. But it has the disadvantage of not having a <em>locus</em> as the CHM, so it cannot be attached to a space on which an organization can be build.</td>
</tr>
<tr>
<td><strong>SUBJECT SCOPE</strong></td>
<td>The CHM carries the advantage of being able to delimit the area or resource in question, while the CCH has a problem with the intangibility of the object.</td>
</tr>
<tr>
<td><strong>DISTRIBUTIVE SCOPE</strong></td>
<td>From the perspective of the Earth System, both damages and benefits, caused and produced upon the Earth System as a whole, are shared.</td>
</tr>
</tbody>
</table>

In summary, we can say that while one has a *Locus* and does not possess an appropriate territorial scope, the other has the appropriate territorial scope but does not have a *Locus*. In regard to the *Distributive scope*, the sum of both may reveal to adequately address the characteristics of globally shared damages and benefits at the level of the Earth System.

In this sense, the combination of some of the characteristics of both concepts may bring the necessary advances in law and international relations with the objective to construct an institutional architecture more adapted to the environmental living space in response to a collective concern of humanity.

**Applying CHM to the Earth System**

From the initial intentions and derived concepts that evolved from the CHM concept will result a new legal object based on the fundamental separation between the *res incoporales* relative to the intangible dimension, qualitative and functional of the Earth System (higher level of integration), and the *res corporales* referring to the territorial space, (land, oceans and areal space, i.e. the lower level of integration) in which these functions and qualities develop.

In this sense we advance a proposal for an evolution with the combined elements for an axiological interpretation of CHM applied to the Earth System:

- The biogeophysical structure of the Holocene period is part of the international common heritage (patrimony) and therefore *belongs to all humanity in common*. This means it cannot be owned, enclosed or disposed of (i.e., appropriated) by any State/s or entity. As a commons it can be used, under the rules of a specific law.
- The use of the common heritage framework shall be carried out in accordance with a system of co-operative management, for the benefit of all humanity (or common good). This has been interpreted as creating a type of trust relationship with States acting as trustees for the benefit of all humanity (i.e. for the common good, not for the exclusive benefit of States/private entities) including future generations, taking into account the particular needs and interests of developing States (intra-generational equity);

- There exists a permanent sharing of damage and benefits realized over the state of the Earth System. It will be necessary to construct an accounting system in order to account for the contributions of each State towards the desired state of the Earth System, and next develop an equitable system of derived compensations for the different uses of the CHM;

- A global entity should be created with exclusive functions in coordination of compensations and the development of projects for the maintenance of this Common Heritage of Mankind.
Table 3 | Features for a possible evolution of CHM/CCH to a *COMMON INTANGIBLE NATURAL HERITAGE OF HUMANKIND*

<table>
<thead>
<tr>
<th>Scope</th>
<th>Form of Representation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TERRITORIAL SCOPE</strong></td>
<td>The Earth System as a Whole – Applied both beyond and within the jurisdiction of States.</td>
</tr>
<tr>
<td><strong>Form of Representation</strong></td>
<td>The higher level of Earth System integration. The Intangible Nature. The well-defined status of the Earth System corresponding to the geological age of the Holocene.</td>
</tr>
<tr>
<td><strong>SUBJECT SCOPE</strong></td>
<td>Representation of a functional &quot;living space&quot; for the Humanity as whole, in a trans-temporal dimension. The &quot;Safe Operating Space of Humankind&quot;.</td>
</tr>
<tr>
<td><strong>Form of Representation</strong></td>
<td>Planetary Boundaries Framework</td>
</tr>
<tr>
<td><strong>DISTRIBUTIVE SCOPE</strong></td>
<td>Equitable sharing of benefits and burdens through a system of compensations - ECOBALANCE.</td>
</tr>
<tr>
<td><strong>Form of Representation</strong></td>
<td>An aggregated metric with the ability to represent the positive and negative impacts realized upon the Earth System.</td>
</tr>
</tbody>
</table>