

Navigating Global Obligations: A Diplomat's Guide to the Doctrine of Common Concern of Humankind

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**ATSUKO KANEHARA
CONCLUDING ADDRESS**

**MEDITERRANEAN ACADEMY OF DIPLOMATIC
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Speaker

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Expert on Public International Law

Research Director for the Canon Institute for Global Studies

Senior Fellow for the Sasakawa Peace Foundation

Former Professor of International Law at Sophia University

President of the Japanese Society of International Law (2020-2022)

Member of the Governing Board of IMO International Maritime Law Institute

Member of “Compass Voice,” Expert Network for the Japan Coast Guard

Advocate for the Government of Japan in “Southern Bluefin Tuna” Cases

Counsel for the Government of Japan in “Whaling in the Antarctic” Case

Councilor of the Headquarters for Ocean Policy of Japan, Appointed by Prime Minister, Government of Japan (2016-2022)

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- The Convention on Biological Diversity

<https://www.cbd.int/doc/legal/cbd-en.pdf>

- The United Nations General Assembly, resolution on declaration on sea-level rise, 24 September, 2026

<https://webtv.un.org/en/asset/k1e/k1ej23170q>

Structure of Address

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I. Introduction

II. History of Regulation and/or Restriction on
Sovereignty by International Law

III. Emergence and Achievement of “Common
Concern of Humankind” for International Law

IV Conclusions

Developments and Agenda

Introduction

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1. Significance and Implications of the Concept of “Common Concern” of Humankind

Today's Seminar

- Roles of Small and Island States
- Obligations and Responsibilities Derived from the Concept of Common Concern of Humankind
- Its Significance under the Law of the Sea, the Space Law, and for future generations

2. Concluding Address

Historical Significance of the Concept of “Common Concern of Humankind” from a Perspective of International Law
Regulation on Sovereignty

II. History of Regulation and/or Restriction on Sovereignty by International Law

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1. Regulation and/or Restriction on Territorial Sovereignty

(1) Sovereignty as the Basis for the Modern European International Law

In the 17-18th century, the Modern European International Law was established based upon the sovereign State system in domestic society of European countries, after the end of the feudalism.

Sovereignty means in international sphere: independence from each other, equality to each other

Sovereignty means in domestic sphere: centralization of power, different from the feudalism

II. History of Regulation and/or Restriction on Sovereignty by International Law

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1. Regulation and/or Restriction on Territorial Sovereignty (continued)

(2) Emergence of International Administrative Unions in the 19th century

e. g. International Telegraph Union (1865), Universal Postal Union (1874), European Danube Commission (1856), International Office of Public Health (1907) and, etc.

Non-political (in the meaning of technical/administrative) nature exercising co-ordinating functions on administrative matters

Designed to handle routine administrative, regulatory, and technical tasks (such as mail or telegraph rules) rather than high-level diplomacy or military security

II. History of Regulation and/or Restriction on Sovereignty by International Law

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Rüdiger Wolfrum, “International Administrative Unions”

Article last updated: September 2006

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II. History of Regulation and/or Restriction on Sovereignty by International Law

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1. Regulation and/or Restriction on Territorial Sovereignty (2) Emergence of International Administrative Unions in the 18-19th century (continued)

Territory where sovereignty is omnipotence with full discretion

Territory: the space where (territorial) sovereignty has the duty to ensure the regulation by the international administrative unions on the designated (administrative, technical) matters



The same idea

In the end of the 20th Century: global environmental protection

To protect the globe, each sovereign State owes to international society a duty to ensure the prevention of damage to the globe (the ozone layer, the global climate)

II. History of Regulation and/or Restriction on Sovereignty by International Law

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1. Regulation and/or Restriction on (Territorial) Sovereignty (continued)

(3) International Organizations on Political and Diplomatic Matters Established in the 20th Century

The 1920 League of Nations and the 1945 United Nations

Sovereign States accept the regulation and restriction for the international peace and security

Matters of high-level diplomacy and military security

II. History of Regulation and/or Restriction on Sovereignty by International Law

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2. Regulation by International Law on Traditionally Matters of Domestic Jurisdiction

e. g. Human rights

e. g. Environment within sovereign States territories



To be regulated by international law as a matter of international concern (of humankind)

International law regulation is penetrating into traditionally matters of domestic jurisdiction

Vertical development of international law regulation reaching into the inside of sovereign States

III. Emergence and Achievement of “Common Concern of Humankind” for International Law

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1. Climate Change as Common Concern of Humankind

(1)Two Developments of International Regulation on Sovereignty (👉 II.)

① Territorial sovereignty as a responsible entity to ensure international regulation within its territory set by international administrative unions

② International law regulation on traditionally matters of domestic jurisdiction, as matters of international concern



III. Emergence and Achievement of “Common Concern of Humankind” for International Law

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1. Climate Change as Common Concern of Humankind

(2) Reflection of the Two Developments of International Regulation on Sovereignty in “climate change as common concern of humankind”

Combination of the two developments of international law regulation on sovereignty under the concept of common concern of humankind

e. g. 2015 Paris Agreement

【Preamble】

“Acknowledging that **climate change is a common concern of humankind**, Parties should, when taking action to address climate change, respect, promote and consider **their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,**

III. Emergence and Achievement of “Common Concern of Humankind” for International Law

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2. “Common Heritage of Mankind” in the Law of the Sea: Predecessor of Common Concern of Humankind

【UNCLOS Article 136】



Maltese Ambassador Pardo's Idea of 1967

“The Area and its resources are the common heritage of mankind.”

In the sea-bed, negation of occupation, sovereignty, free and competitive exploitation of resources

Exploitation of resources under the Sea-bed Authority, and equitable distribution of interests to all States of the world



Departing from the fundamental core counterpoint of the Law of the Sea, such as coastal States vs. maritime States

III. Emergence and Achievement of “Common Concern of Humankind” for International Law

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3. Obligations and Responsibilities Derived from “Common Concern of Humankind”

(1) Individual Treaty Regimes

① Climate Change

The 1992 UN Framework Convention on Climate Change
Paris Agreement (UNFCCC)

② Biodiversity

The 1992 Convention on Biodiversity (CBD)

Preamble

“Affirming that the conservation of biological diversity is a common concern of humankind,”

III. Emergence and Achievement of “Common Concern of Humankind” for International Law

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3. Obligations and Responsibilities Derived from “Common Concern of Humankind”

(2) Idea of “Common But Differentiated Responsibilities”

【 The 1992 Rio Declaration on Environment and Development】

Principle 7

“States have common but differentiated responsibilities”

【UNFCCC (Preamble)】

【Paris Agreement (Preamble)】

III. Emergence and Achievement of “Common Concern of Humankind” for International Law

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4. International Practices

① ICJ Advisory Opinion 2025

OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE

Obligations of States **under customary international law** relating to climate change

1. Duty to prevent significant harm to the environment
2. Duty to co-operate

② ITLOS Advisory Opinion 2024

REQUEST FOR AN ADVISORY OPINION SUBMITTED BY THE COMMISSION OF SMALL ISLAND STATES ON CLIMATE CHANGE AND INTERNATIONAL LAW

③ The United Nations General Assembly has adopted on the 24th of September, 2026, a declaration on sea-level rise, saying that “its cumulative, severe and irreversible risks demand stronger international cooperation and urgent, coordinated action.”

III. Emergence and Achievement of “Common Concern of Humankind” for International Law

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5. Developments of Treaty Practices and International Practices



- Creating and substantiating obligations under each treaty regime
- Beyond that, they may have developed *opinion juris* on a general obligation to requires of sovereign States to protect the global environment, under general international law

IV. Conclusions: Development and Agenda

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1. Agenda for Development of “Common Concern of Humankind” Concept

- ① Establishment of concrete and substantial contents of obligations and responsibilities under the treaty regimes for the “common concern of humankind”
- ② Development of the “common concern of humankind” in the Law of the Climate Change, in tandem with the related fields of international law, such as the law of the sea, the international environmental law
- ③ Reflection of the “common concern of humankind” concept on the general international law as customary international law, such as the law of State responsibility

IV. Conclusions: Development and Agenda

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2. Reality of International Society

① Expectation on the Newly Emerging World of Further Cooperation Based upon the Concept of the “Common Concern of Humankind”

② Traditional sovereign State system, which holds territory as the basis for national interests, and which maintains matters of domestic jurisdiction



Recognition of the Coexistence of ① and ②

Seeking a Fine Balance between ① and ②

END

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Thank you for your kind attention !