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**BEYOND BORDERS**  
People, spaces, ideas

**PARA ALÉM DAS FRONTEIRAS**  
Pessoas, espaços, ideias

## OUR PLANETARY CONDOMINIUM WHY IS A COMMON HOME OF HUMANITY SO URGENTLY NEEDED?

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Science has shown that what is at stake is not “saving the planet”, but rather maintaining a relatively favourable state of the planet for humankind. This means that a planet outside such favourable state cannot serve as our "Home". This favourable state of the Earth System is a global intangible good, which is impossible to legally divide. This characteristic has become one of the most daunting challenges for a globalized society that regards the management of common goods as something that inevitably results in a "tragedy", and, on the other hand, considers individual appropriation and division as the only viable governance model.

It is impossible to divide a planetary-level intangible good like a stable climate, for example. Our current response has been to try to reduce the dimensions of the tragedy. But this is futile without the necessary internal reorganization of relationships that is required to share the use of this finite and intangible good. Unfortunately, the tentative solution we have attempted so far does not deal with this fundamental structural challenge. We now know that the management of a common good could be organized on a better model that does not have to end in the loss of such good. The pre-requisite to achieve this is not only to define the good in question, clearly delimiting its boundaries, but also to recognise a legal regime that will define the rules concerning its use, with precision.

The set of intangible, interacting processes that determine the ways in which the Earth System self-organizes and regulates itself as a single complex system, are increasingly being unravelled by Earth System science. The planetary boundaries we should not transgress to keep the Earth System within that favourable state – the Safe Operating Space for Humankind – have also been defined. With this information, we now have the necessary conditions to regulate the use of this favourable state, ensuring its maintenance into the future. From the current legal perspective any good that does not belong to any one person cannot be subject to a comprehensive legal regime. Therefore, to regulate the use of this intangible good, it is also necessary to define to who this new vital social value belongs. As it will be inherited by societies of the future, we must manage it in the interest of future generations, thereby rendering this finite, intangible good a truly common, vital heritage that belongs to all humankind.

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The sole technical obstacle that prevents this recognition and the construction of an adequate management system, is the fact that this “intangible natural good”, defined by these favourable conditions, cannot be defined by the traditional understanding of the term “global commons”, as it seamlessly overlaps with man-made jurisdictional boundaries – the geopolitical boundaries of nation states. This is a novel situation for the current model of international law, such that, it is faced with an inability to interpret and reconcile the juxtaposition of the intangible functional system of the planet as a whole, to the tangible sovereignty of states.

Fortunately, the problem of reconciling seemingly opposing interests in a situation of symbiotic interdependence is not completely new to legal sciences. It is possible to find inspiration in property law that is adept at defining the situation in which an object with a unitary structure and common functional systems can belong to various co-owners, where each individual has private or exclusive rights of ownership over determined fractions of the whole object, while at the same time, being co-owner of the parts and systems of the object that constitute its common functional structure. Such an example of integrated individual and collective legal responsibilities is indeed that of residing in a CONDOMINIUM.

This innovative legal model is not restricted to the spatial dimension as it also recognises the existence of a functional dimension related to the systems of common use (such as water, electricity, etc...) in a condominium, where the lack of their maintenance results in inconvenience and damage for all owners of individual properties. This functional structure works as a single system and is materially and legally indivisible, and so is under a co-ownership regime regardless of its location, whether inside or outside the individual properties. In this way, the maintenance of the building’s common systems is assured by an equitable system of common contributions for collective harmony.

Earth does not only have a spatial dimension, as we all know, but now it is also possible to define and measure its favourable functional state. In an analogy of scales, it appears we all live in a condominium of planetary scale, where the Earth System – the common functional structure – overlaps with the territorial fractions of each State. The only difference is that this global condominium is yet to be organized.

The first step in organizing ourselves using the condominium analogy is to define what is really common to us and unites us all: i.e., the Earth System. If we recognize the favourable state of the Earth System as a heritage that belongs to both the current and future generations, whatever we do, whether positive or negative, to this common heritage of humankind, it will no longer be considered a social "externality". Instead, we will all be accountable, today and always, for the state of our planet Earth. Only then will it be possible to manage its use and build an accounting system where the maintenance of our Common Home will not constitute a loss for those who take care of it, but rather an asset. This will allow the shift, in our civilization journey, from explorers and exploiters to guardians and managers.

To manage our Planetary Condominium successfully, we must first build the Common Home of Humanity.

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