

The Common Heritage of Mankind in the Present Law of the Sea

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The name Shigeru Oda became known to me first through his voluminous books on the law of the sea. In 1969, I formed a visual impression of him during his lectures at the Hague Academy where I was a student. His no less voluminous dissenting and separate opinions attached to verdicts of the Hague Court have at times been a source of inspiration to me. After my election to the Institute of International Law, we soon became close friends. His office at the Peace Palace is a place I regularly visit during my stays in The Hague.

The topic of this paper was at another time the subject of numerous writings throughout the world. The idea of a common heritage of mankind had a large number of passionate advocates in the 1970s. Later on, some of them became zealous critics, but I have never read any legal arguments for this shift in their opinions. What seems to be unusual, after the UN Law of the Sea Convention finally entered into force in 1994, is that this topic has been almost entirely neglected in the doctrine. In an attempt to partly fill this gap, I have found it appropriate to select this topic for my contribution to the *Festschrift* in honour of my friend, one of the best and the finest experts on the law of the sea of the 20th century.

The concept of the common heritage of mankind in modern times is a reflection of the same idea in Roman law according to which the air, the water streams, the sea and the coast are *res communis omnium*, hence *extra commercium*.¹

¹ *Et quidam naturali jure communia sunt omnium haec: aer et aqua profluens et mare et per hoc litora maris. Institutiones*, 2, 8, 1

Georges Scelle had already advocated the same idea in respect of the continental shelf in 1955. The continental shelf being the seabed and subsoil of the high seas at that time, he pleaded for international management of its exploitation. This implied an international mechanism very much similar to that provided by the 1982 Convention for the International Seabed Area.²

At that time, this idea was rejected altogether. In its final report, the International Law Commission stressed that: "In the present circumstances ... such internationalization would meet with insurmountable practical difficulties, and would not ensure the effective exploitation of natural resources necessary to meet the needs of mankind".³

What was refused for the continental shelf itself was later on adopted as the basic principle for all of space law. Hence, Article 1(1) of the Treaty of 27 January 1967 provides that:

"The exploration and use of outer space, including the Moon and other celestial bodies, shall be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic and scientific development, and shall be the province of all mankind".⁴

However, for the practical implementation of this principle no agency of the international community relating to the outer space is necessary yet.

When various options for a future legal régime of the deep seabed area under the high seas were discussed, it was the US President Lyndon Johnson who declared in July 1966 "that the deep seabed and the ocean bottoms are, and remain, the legacy of all human beings".⁵

Only a year later, the representative of Malta at the United Nations, Arvid Pardo, proposed that the seabed and ocean floor beyond national jurisdictions be reserved exclusively for peaceful purposes and that their resources be declared "the common heritage of mankind".⁶

² Cf., G. Scelle, "Plateau continental et droit international", *RGDIP* 1 (1955), 5 et seq.

³ II.CYB 1956, Vol. II, 296, para. 3.

⁴ The matter was of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies. The same wording was already adopted in General Assembly Resolution 1962 (XVIII) of 13 December 1963.

⁵ Cf., *A Quiet Revolution, The United Nations Convention on the Law of the Sea*, 1984, 5.

⁶ *Ibid.*

On 17 December 1970, the General Assembly adopted Resolution 2749 (XXV), the Declaration of Principles Governing the Seabed and the Ocean Floor, and the Subsoil thereof, Beyond the Limits of National Jurisdiction, with 108 votes in favour, none against and 14 abstentions. Among numerous other Member States, the United States voted in favour of this Declaration. Its text contains some provisions that throughout the 1970s were believed to be *jus cogens*. In any case, they were couched in these terms. Here are the essential provisions that reflected the substance of the idea of the common heritage of mankind:

1. The sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as the area), as well as the resources of the area, are the common heritage of mankind.
2. The area shall not be subject to appropriation by any means by States or persons, natural or juridical, and no State shall claim or exercise sovereignty or sovereign rights of any part thereof.
3. No State or person, natural or juridical, shall claim, exercise or acquire rights with respect to the area or resources incompatible with the international régime to be established and the principles of this Declaration.
4. All activities regarding the exploration and exploitation of the resources of the area and other related activities shall be governed by the international régime to be established.
5. The area shall be open to use exclusively for peaceful purposes by all States whether coastal or land-locked, without discrimination, in accordance with the international régime to be established...

Nobody was sure at that time about the extent of this Area, because the rules concerning the outer limits of the continental shelf of coastal States were not certain anymore. But almost nobody contested the fact that the Area itself and its natural resources were the common heritage of mankind in the sense of the Declaration of 1970.

The mandate of the Third UN Law of the Sea Conference was, *inter alia*, to establish an international régime based on the above principles.⁷

⁷ In Resolution 2750C (XXV) of 1970, the General Assembly decided to convoke the Conference that would deal with the question of an equitable international régime – including international machinery – for the Area and resources of the seabed, the ocean floor, with a precise definition of the Area and a broad range of related issues.

During the Third Conference, a major disagreement arose between the participating States with regard to the system of exploration and exploitation of the resources of the Area. Developing countries supported the establishment of an International Authority with strong powers. This Authority would act in the name of the international community and would directly exploit the resources of the Area through an International Enterprise for the benefit of the mankind. It is true that their proposals were the closest to the concept of the common heritage of mankind as defined above. But, as with the continental shelf in the 1950s, the viability of such an international machinery was quite another question.

The industrial States, which pretended to be in sole possession of the necessary technology (a fact they never actually proved), held quite a different view. According to them, the natural resources of the Area ought to be open to the exploitation of the most capable private enterprises. The role of the International Authority would be to issue permits and to collect revenues from the recovery of hard mineral resources. In the light of all experiences which ensued, this proved to be the most rational solution. But in human law-creating in general, solutions based on reason seldom prevail.

A compromise was reached in 1976, on the basis of a proposal by Henry Kissinger, then US Secretary of State, in the form of a "parallel system" of exploration and exploitation of the Area.

According to the text of the 1982 Law of the Sea Convention, all activities in the Area should be organised, carried out and controlled by the Authority on behalf of mankind as a whole, in accordance with its Part XI. As with the Declaration of 1970, the principles governing the Area were couched in general and peremptory terms as being directly applicable to all States and all natural and juridical persons. However, other sections of Part XI concerning activities in the Area, as well as Annexes III and IV to the Convention, were couched in terms of contractual provisions, providing rights and obligations only for States Parties to the Convention. These activities were expressly reserved for the international Enterprise, the States Parties or state enterprises, or natural or juridical persons of the States Parties.

Within the structure of the Authority and the Enterprise, a huge and costly bureaucratic machinery was provided for, referred to at the time by many as "the United Nations of the Seas and Oceans". In addition, quite a few representatives of the participating States at the Conference saw in it profitable employment for themselves, and perhaps even for their offspring, for several generations to come. None of this was realised in practice.

It was with respect to the activities in the Area that unilateralism appeared in the law-making of the States pretending to possess the necessary technology. Their national laws were followed by a number of mutual agreements. This happened before the future Convention was adopted and signed. Hence, since 1980, some industrialised States have adopted national laws concerning the exploration and exploitation of the deep seabed and ocean floor.

The first act of this kind was promulgated by the United States on 28 July 1980, with subsequent regulations.⁸ It was followed by a German law on 22 August 1980⁹ and by a British law on 28 July 1981.¹⁰ These three States refused to sign the Convention on 10 December 1982. The United States representative explicitly announced that his country would not become a party to its actual content.

Only after the adoption of their own national legislation did several other industrialised States formally sign the 1982 Convention. They did so in order to be entitled to participate in the Preparatory Commission for the International Seabed Authority and the International Tribunal for the Law of the Sea, and in order to take advantage of Resolution II of the Final Act. These States were France with its Law of 23 December 1981 and subsequent regulations,¹¹ the former Soviet Union with the Decree of the Supreme Soviet of 17 April 1982,¹² and Japan with its Law of 20 July 1982.¹³ Italy enacted its Law on 20 February 1985,¹⁴ after signing the 1982 Convention.

⁸ Deep Seabed Hard Mineral Resources Act, *ILM* 19 (1980), 1003 et seq.; Deep Seabed Mining Regulations for Exploration Licences, *ILM* 20 (1981), 1228 et seq.; Deep Seabed Mining Regulations for Exploration Licences: Procedures for Pre-enactment Explorer Applications and New Entrant Applications, *ILM* 21 (1982), 867 et seq.

⁹ English translation, *ILM* 20 (1981), 393-398. See the amendments to the Law of 12 February 1982, *ILM* 21 (1982), 832 et seq.

¹⁰ Deep Seabed Mining (Temporary Provisions) Act 1981, *ILM* 20 (1981), 1217 et seq.

¹¹ Loi n° 81-1135 du 23 décembre 1981: Sur l'exploration des grands fonds marins, *Journal Officiel*, (*JO*), 24 décembre 1981, 3499 et seq., English translation, *ILM* 21 (1982), 804 et seq.; Décret n°82-111 du 29 janvier 1982: Pris pour l'application de la loi du 23 décembre 1981, *JO*, 31 janvier 1982, 431-432; Arrêté du Ministre de l'Industrie du 29 janvier 1982: Contenu des demandes de permis d'exploration et d'exploitation des grands fonds marins, *ibid.*, 433-434; Conseil Constitutionnel: Décision du 16 décembre 1981, *JO*, 18 décembre 1981, 3448

¹² English translation, *ILM* 21 (1982), 551 et seq.

¹³ English translation, *ILM* 22 (1983), 102 et seq.

¹⁴ English translation, *ILM* 24 (1985), 983 et seq.

The most exhaustive and most advanced act was the one adopted by the United States. It inspired the legislation of other States which, generally, is less detailed. All these laws were based on the regulations of respective States concerning mining on land, which were transposed to the marine environment.

These pieces of national legislation have some common features, but there are some subtle and even considerable differences on less important issues.

Each of these acts provides for the issuing of a licence for exploration and a permit for commercial recovery of minerals from a location within the Area. Therefore, licences for exploration of mineral resources do not empower their holders to exploit a location. Permits for commercial exploitation will be issued, subject to certain conditions, either to the natural or juridical person who explored the location, or such persons will enjoy priority among other applicants.

Some of these laws provide time-limits for the validity of licences issued, which can be extended by the national administration. According to the US Act, a licence for exploration is issued for a period of ten years and can be extended for further five-year periods. Exploitation permits are issued for an initial period of 20 years, and for as long as hard mineral resources are annually recovered in commercial quantities. Nevertheless, the permit of any permittee who is not recovering these resources in commercial quantities at the end of ten years may be terminated. Each of these laws provides a system of reciprocal recognition of licences and permits that are issued by other States.

On the other hand, the legislators of all of the above States wanted to at least partly satisfy some of the objectives of the 1970 Declaration and of the 1982 Convention, denying at the same time the obligatory character of these acts in their regard. To summarise:

1. All national laws were adopted as transitional, pending the conclusion of the Law of the Sea Convention, or its subsequent entry into force. However, the respective States did not assume any obligation to become its parties.
2. It is asserted in all of these acts that the respective State does not appropriate sovereignty, or sovereign rights, or ownership over a locations in the Area. It is furthermore asserted that all these activities do not affect the freedoms of the high seas, an allegation difficult to prove.
3. Almost all of these acts provide for taxes to be paid to a special state fund for the removal of hard mineral resources from the deep seabed. The sums to be paid are much lower than those provided for in the 1982 Convention.

4. Finally, only France and the former Soviet Union tried to harmonise their legislation with the parallel system of exploitation, as provided in the 1982 Convention. A holder of a licence for exploration can obtain a permit for exploitation of only half the location explored. Only the Soviet Act expressly provided that the other half will be reserved for exploitation by a future international organisation for the seabed

Four of the above-mentioned States (France, Germany, the United Kingdom and the United States) concluded the Agreement Concerning Interim Arrangements Relating to Polymetallic Nodules of the Deep Sea Bed on 2 September 1982.¹⁵ The Agreement provides for an exchange of information on the applications filed for the authorisation of activities in the Area between its parties, as well as the relevant coordinates of the areas claimed or approved. In addition, this information is to remain strictly confidential. The Agreement also provides for an arbitral procedure for conflict resolution in case of the overlapping of attributed areas.

On 3 August 1984, the Provisional Understanding Regarding Deep Seabed Mining was concluded, with two appendixes and a memorandum, by six States. At that time, the States Parties were Belgium, France, Germany, Italy, Japan, the Netherlands, the United Kingdom and the United States, but not the Soviet Union.

This Provisional Understanding provides that authorisations granted by each of its parties be recognised by all others. In case of an application filed in one of the States Parties in conformity with its national law and this Agreement, other parties will not issue authorisation for the Area in question.

By means of all the above-mentioned national laws and the two Agreements, a separate system of exploration and exploitation of hard mineral resources in the international seabed area was established. It was at variance not only with Part XI of the 1982 Convention and its annexes, but also with the basic principles set out in the 1970 Declaration.

Before the 1994 Agreement was concluded, the system was even in conflict with the legal régime of the high seas. "Freedoms" of durable appropriations of some locations of the seabed, even for limited periods, but excluding all other persons, have never existed as "freedoms" of the high seas. Never before in modern times did States

¹⁵ For the text, see *ILM* 21 (1982), 950 et seq.

venture to extend the effect of their national laws on the exploitation of mineral resources – which are not renewable – beyond the limits of their territorial sea and continental shelf. Conventions having extra-territorial effect, such as those concerning the high seas, the conservation of living resources in the high seas, outer space and Antarctica, forbid such unilateral acts by States and in their national legislation. The matter was, therefore, initially *ultra vires*.

Nevertheless, towards the close of the Third UN Law of the Sea Conference, a concession was granted to the claims of industrial States and to licences issued by their organs, but subject to their signing of the Convention.

As an annex to the Final Act of the Conference, Resolution II "Governing preparatory investment in pioneer activities relating to polymetallic nodules" was adopted. On the basis of this Resolution, the Preparatory Commission was authorised to register "pioneer investors" and to grant them permits for their initial activities in exploration of polymetallic nodules in the Area. Paragraphs 8 and 9 awarded priority to pioneer investors over all applicants other than the Enterprise, in the approval of plans of work and exploitation of the sites explored, after the entry into force of the 1982 Convention.

The pioneer investors from the following States have registered their applications with the Preparatory Commission: Japan, the Soviet Union, France, China, India, Eastern Europe and South Korea. However, the locations registered by Japan, France and the USSR are not large enough to reserve an area through the Enterprise. However, the locations registered by Japan, France and the USSR are not large enough to reserve an area in favour of the Enterprise. Out of that procedure of authorisation remained entities which obtained permits from the national authorities of the States that did not sign the Convention in 1982. Hence three entities obtained licences from the US administration.

The 1994 Agreement relating to the implementation of Part XI of the UN Law of the Sea Convention of 1982 (hereinafter, "the 1994 Agreement") was adopted by the UN General Assembly Resolution 48/263 of 28 July 1994, pending the entry into force of the 1982 Convention set for 16 November of that year.

Article 4 of the Agreement forbids accession of new States to the 1982 Convention without their consent to be bound by the Agreement. Article 5 provides a simplified procedure of accession to the Agreement for the Contracting States of the 1982 Convention. All States that have given their consent to be bound by the Agreement shall be considered parties without its ratification, unless they notify the depository that they do not avail themselves of this simplified procedure.

That way, the procedure for the amendment of the 1982 Convention as provided in its text was avoided. Section 4 of the Annex to the 1994 Agreement suppressed paragraphs 1, 3 and 4 of Article 155 of the Convention on the Review Conference for its Part XI.

The 1994 Agreement has deeply affected the whole of Part XI of the Convention. According to Article 1 of the 1994 Agreement: "The States Parties to this Agreement undertake to implement Part XI in accordance with this Agreement. ... The Annex forms an integral part of this Agreement". And according to Article 2(1): "The provisions of this Agreement and Part XI shall be interpreted and applied together as a single instrument. In the event of any inconsistency between the Agreement and Part XI, the provisions of this Agreement shall prevail"

The States that have consented in the General Assembly to the adoption of the 1994 Agreement, but have not acceded so far to the 1982 Convention itself (the United States in particular), obtained the privilege of its provisional application, but only until 16 November 1998. It was expected that by that date they would have become parties to the Convention. In this provisional capacity, these States become entitled to all rights as provided, including the right to be members of all organs of the Authority. Section 1(12)(c) of the Annex provides the following in their regard:

"States and entities which are members of the Authority on a provisional basis in accordance with subparagraph (a) or (b) shall apply the terms of Part XI and this Agreement in accordance with their national or internal laws, regulations and annual budgetary appropriations and shall have the same rights and obligations as other members, including:

- (i) The obligation to contribute to the administrative budget of the Authority in accordance with the scale of assessed contributions;
- (ii) The right to sponsor an application for approval of a plan of work for exploration...

The law of the sea is an example of a domain in which the unilateral acts of some States, which are initially in breach of positive law, become lawful at a latter stage by means of subsequent conventions on codification and the progressive development of general international law. This is exactly what happened with regard to licences and permits for activities in the Area issued by the national administrations of some industrialised States.

On the basis of Section 1, paragraph 6, of the Annex, and on the basis of a recommendation of the Legal and Technical Commission, the Council of the Authority is authorised to approve applications of plans of work for exploration. That procedure is expressly provided for the plans of work of pioneer investors approved by non-States Parties to the 1982 Convention, plans previously registered with the Preparatory Commission, and plans of new entities in accordance with the principle of non-discrimination.

Understandably, the new composition of the Council of the Authority according to the 1994 Protocol will approve the richest mine sites of polymetallic nodules, which are already reserved under internal procedures of industrial States.

The 1994 Agreement has profoundly modified Part XI of the 1982 Convention in other important aspects:

First of all, the transfer of technology requirement for carrying out activities in the Area has been eliminated. Initially, beneficiaries of this transfer were to be the Enterprise and developing States. According to the 1982 Convention, this transfer was the condition for the approval of any plan of work. Section 5 of the Annex determines that the Enterprise and developing States will obtain this technology "on fair and reasonable commercial terms and conditions on the open market, or through joint-venture arrangements".

The United States does not conceal its wish to suppress the International Enterprise altogether. An intermediate solution was found according to which the Secretariat of the Authority will perform the functions of the Enterprise until it begins to operate independently. However, Section 2, paragraph 3, suppressed the obligation of States Parties to fund one mine site on behalf of the Enterprise. Under paragraph 5, a contractor that has contributed a particular area to the Authority "shall be entitled to apply for a plan of work for that area provided it offers in good faith to include the Enterprise as a joint-venture partner".

But should the Enterprise become capable of operating independently in the future, States Parties will not be allowed to subsidise its activities in the Area. The Enterprise will be bound to

function according to sound commercial principles, like all other entities. In spite of these concessions, the United States did not give up the idea of liquidating the Enterprise in the future.¹⁶

The obligation of the Authority to render economic assistance to developing land-based producer States that suffer serious adverse effects as a result of the exploitation of minerals from the deep seabed was also virtually abolished. According to Section 7 of the Annex, the Authority shall establish an economic assistance fund from a portion of its funds exceeding its own administrative expenses.

It is therefore obvious that the first concern in collecting the revenues from the activities in the Area will be to cover the expenses of a very reduced administration of the Authority. The 1994 Agreement does not foresee any other necessities of mankind.

The United States succeeded in obtaining, to all intents and purposes, a permanent seat in the Council of the Authority, with much greater competencies than previously provided, as well as an effective right to veto all its decisions.¹⁷ It also enjoys the right to veto any amendments to the text of the 1994 Agreement. Finally, in accordance with Section 9, a new Financial Committee was established with a strong influence on the management by the Authority.

In spite of all these far-reaching concessions, the United States has still not become a party to the 1982 Convention.

What can be concluded with regard to the principle of common heritage of mankind in the law of the sea?

In the 1970s there was a consensus among all States on the existence of a set of legal principles, set out in the 1970 Declaration of the UN General Assembly, as peremptory norms of general international law. The United States itself, as well as most other industrial States, participated in the *communis opinio juris*.

¹⁶ In the commentary to the 1982 Convention and the 1994 Agreement, which is a part of a letter from the Secretary of State to the President of 23 September 1994, it was stated that: "... if a decision is ever made to make the Enterprise operational, it will only be on the basis that the United States would find acceptable. It is equally possible that, by the time commercial mining takes place, developing States as well as industrialized countries will recognize the Enterprise as a relic of the past and not seek to make it operational". *ILM* 34 (1995), 1436.

¹⁷ It is stressed in the above-mentioned commentary that: "... this chambered voting arrangement will ensure that the United States and two other consumers, or three investors or producers acting in concert, can block substantive decisions in the Council". *ILM* 34 (1995), 1433.

There is little doubt that the Hague Court would at that time have ascribed the character of *jus cogens* to the rules on the legal régime of the Area, on the same basis as it later established in its 1986 judgment in the *Nicaragua* case: the principle of non-intervention. In that respect, the Court concluded:

"... *opinio juris* may, though with all due caution, be deduced from, *inter alia*, the attitude of the Parties and the attitude of States towards certain General Assembly resolutions... The effect of consent to the text of such resolutions cannot be understood as merely that of a "reiteration or elucidation" of the treaty commitment... On the contrary, it may be understood as an acceptance of the validity of the rule or set of rules declared by the resolution by themselves".¹⁸

But in the 1970s nobody requested such a verdict from the Hague Court.

Nevertheless, the régime as established in Part XI of the 1982 Convention, together with Annexes III and IV, deserves serious critical appraisal. Being part of a political compromise not fully achieved, the system adopted was too rigid, complex and costly for potential producers. In addition, a huge, expensive and largely unnecessary administration for the Authority and the Enterprise was conceived.

After 1980, the United States and other industrial countries began to obstruct this system in the name of the supreme principle of free market economy. This tendency finally led to the adoption, by a simple resolution of the General Assembly, of the 1994 Agreement relating to the implementation of Part XI of the UN Law of the Sea Convention of 1982.

The repetition in the preamble of this Agreement of the wording that "the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction ... as well as the resources of the Area, are the common heritage of mankind", is mere lip-service to this principle. Its operational clauses, together with the Annex, have destroyed its substance as defined in the 1970 Declaration.

Nobody cares now that the primary objective of the exploitation of hard mineral resources in the Area should be carried out for the benefit of mankind. Potential beneficiaries of the resources of the Area will be private enterprises¹⁹ and a very reduced bureaucracy of the Authority.

¹⁸ ICJ Reports 1986, 99 et seq., para. 188.

¹⁹ In respect of the principle of common heritage of mankind, it was said in the above-mentioned commentary by the United States, see note 14, that

It cannot be claimed that the international community, whatever the meaning of this term may be, has no other needs.

All this considered, nobody knows when the commercial exploitation of hard mineral resources of the Area will commence, or whether it will commence at all, but the mine sites which are the richest in polymetallic nodules have been reserved for ever.

Bearing this in mind, the atmosphere throughout the Third UN Law of the Sea Conference now seems surreal. Developing States impatiently expected revenues from the exploitation of the Area in the very near future in order to scuttle all their urgent economic and social needs, and in order to fill the gap separating them from the industrial States in their economic development. These excessive expectations were at the root of the deficiencies in solutions adopted in Part XI of the 1982 Convention.

If the principle of common heritage of mankind had constituted a *jus cogens* during the 1970s, one may pose the question how it evolved later. Some authors still doubt the accuracy of the qualification of *jus cogens* in Article 53 of the 1969 Vienna Convention on the Law of Treaties. As known, it provides that "... a peremptory norm of general international law is a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character". There is a contradiction in that provision, because any new treaty which is in conflict with the existing *jus cogens* is, according to Article 53, void at the time of its conclusion.

The 1994 Agreement has proved the fact that as the result of a shift in *opinio juris* within the "States whose interests were specially affected", an actual rule of *jus cogens* can vanish.

Finally, the most recent development have nearly closed the second stage in the evolution of the law of the seas and oceans. First from *res*

"This principle reflects the fact that the Area and its resources are beyond the territorial jurisdiction of any nation and are open to use by all in accordance with commonly accepted principles... It is worth noting that the Agreement, by restructuring the sea-bed mining regime along free market lines, endorses the consistent view of the United States that the common heritage principle fully comports with private economic activity in accordance with market principles". *ILM* 34 (1995), 1429.

communis omnium in Roman law to appropriations by States of entire oceans at the time of the great geographic discoveries, and then from the *Mare Liberum* of Hugo Grotius in 1609 to the 1982 Convention and the 1994 Agreement: these are two phases of the same spiral which has continuously lasted for two millennia.