# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

# Volume 7 | Issue 6

2024

© 2024 International Journal of Law Management & Humanities

Follow this and additional works at: <a href="https://www.ijlmh.com/">https://www.ijlmh.com/</a>
Under the aegis of VidhiAagaz – Inking Your Brain (<a href="https://www.vidhiaagaz.com/">https://www.vidhiaagaz.com/</a>)

This article is brought to you for "free" and "open access" by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of any suggestions or complaints, kindly contact **Gyan@vidhiaagaz.com**.

To submit your Manuscript for Publication in the International Journal of Law Management & Humanities, kindly email your Manuscript to <a href="mailto:submission@ijlmh.com">submission@ijlmh.com</a>.

# Addressing Global Commons' Security & Environmental Concerns of the Global South: Role of Trade

# V. P. JAYASURIYAN<sup>1</sup>

#### **ABSTRACT**

International Law as a unique discipline of Global coherence and cooperation has been taking stronghold through countries generally referred to as "Third World Countries". However, this perpetuates the idea of "First" and "Second" World Countries which leads to an approach to international law from a perspective of Countries of power rather than of Peace and Security of the global community. This paper is an attempt to understand the underpinning of such an approach and provide an insight into the pragmatic perspective taken by stakeholders of global south such as the African Union, Countries of Latin American and Emerging global powers such as India, Brazil, South Africa etc. and the normative approach to international law as such. In this paper the author attempts to consolidate the major security concerns of various countries in the wake of a "new world order" in relation to "Global Commons" and various approaches pertaining to addressing said concerns individually as a country and as a Global community of States. Emphasis is placed on trade, based on the assumption that trade was, is and will be a viable strategy, to address such security and environmental concerns. The research methodology applied is Doctrinal Research. The data used for this paper are Secondary and Tertiary data.

**Keywords**: Global Commons, Global South, Environmental Security, Global Peace & Security.

# I. Introduction

"Law must be stable, and yet it cannot stand still".<sup>2</sup> International law is fluid and is informal. The boundaries of International Law are undefined and ever growing. The originary crisis as recognised by Modern International Law Scholarship (MILS) is based on the idea that "the absence of Constitutional Order (CO) internationally as opposed to Constitutional Orders of States (COS)"<sup>3</sup>, which further lays emphasis on the ideal of compliancy, as central to the

<sup>&</sup>lt;sup>1</sup> Author is a student at School of Excellence in Law, The Tamil Nadu Dr. Ambedkar Law University, Chennai, India

<sup>&</sup>lt;sup>2</sup> ROSCOUE POUND, INTERPRETATION OF LEGAL HISTORY, CAMBRIDGE, 1, MASS, (1923).

<sup>&</sup>lt;sup>3</sup> JAMES CRAWFORD, "REFLECTION ON CRISIS AND INTERNATIONAL LAW" IN GEORGE ULRICH, INETA ZIEMELE (EDS), HOW INTERNATIONAL LAW WORKS IN TIMES OF CRISIS, 10, 17 (Oxford

effectiveness and maintaining the integrity of International Law. This essentially points towards a system of international law rooted not on International Peace and Security (IPS) of the Global Community but on the "ability" and "power" of countries to comply with. This also suggests that such a system is deeply intertwined with the Imperial and Colonial perspective of International Law which is characterised by state sanctioned exploitation of nature and oppression of weaker states.<sup>4</sup> In the MILS approach to International Law, there is a lack of acknowledgement that the facts forming the contours of International incidents might be inaccurate or distorted.<sup>5</sup> This essentially necessitates a new framework such as TWAIL to recognize structural crises and suggest materialist as well as epistemic suggestions from a perspective of IPS with Global Commons as it focal point. Trade as an effective tool of efficient and productive interaction between International States is being time and again proved by international unfolding. However, to determine if Trade effectualization will address concerns of Global Commons essentially paving a way for competent discourse inclusive in nature comprising of Global South is the ultimate conundrum.

# (A) Methodology:

- The methodology applied in this article is **Doctrinal** in nature.
- The data used is **Secondary** and **Tertiary** data.

Sources include books journals, newspapers, articles, international treaties and conventions and other e-sources, etc. The research topic has been critically analysed and comparatively studied, to provide a succinct analysis to the best of the researchers' ability and knowledge and the knowledge resource available.

# (B) Objectives:

- To understand the concepts of Global South and Global Commons.
- To develop a new perspective of Global Commons based on countries of Global South.
- To determine the efficacy of trade as the means of addressing such concerns.

#### (C) Global South:

International Law has to a greater extent up until the start of WW2 has been looked at from the

University Press 2019).

<sup>&</sup>lt;sup>4</sup> ANTONY ANGHIE, IMPERIALISM, SOVEREIGNTY AND THE MAKING OF INTERNATIONAL LAW (Cambridge University Press 2005).

<sup>&</sup>lt;sup>5</sup> Hillary Charlesworth, International Law: A Discipline of Crisis, 65 MLR 377, 384, (2002).

perspective of powers that be. However, post beginning of cold war, the need of the Great powers (USA and USSR) to have countries aligned with their ideology – as either capitalist or communist respectively – vested a newfound interest on countries that were previously out of purview. This led to a collective power of "Third World" countries to exert influence in the International arena. It is important to note at this juncture that the identity of "Global South" or "Third World Countries" encompasses the same group of countries defined in a different context and frame of reference. The former in the context of development and intersectional in nature<sup>6</sup> and not on geographical context (i.e. Economic Development etc.) and Political (i.e. Non-Alignment Movement) in the latter. In a globalized world where influence of actions of countries over one another is ginormous, it is pragmatically fulfilling to focus on International Law from a perspective that tends to compliment the former reference terms to allude to countries which were earlier plundered under the aegis of development. The intricacies interwoven into the epistemic as well as non-theoretical exploration into "Third World" nations demand a specific focus and reference themselves. The usage of the term "Third World", however, denotes powerlessness or rather connote of backwardness of its "definee". Occasions of economic expansion is the countries belonging to the "Third World" such as forming threefourth majority in the largest economies of the world, being majority part in the BRICS which surpasses the purchasing capacity of G7<sup>9</sup> and so on suggests the contrary to a situation depicting economic powerlessness. Therefore it would be apposite to cite such countries as Global South.<sup>10</sup>

# (D) Global Commons:

"Vasudhaiva Kutumbakam" or "One Earth · One Family · One Future"

• Theme of G20 (2022-23)

The earth is one family. We are part of a family which has become extensively globalized that repercussions to actions of one another are inevitable. In this context "Global Commons" refers to a certain category of goods and property which do not particularly fall within the jurisdiction

© 2024. International Journal of Law Management & Humanities

[ISSN 2581-5369]

<sup>&</sup>lt;sup>6</sup> Mukhopadhyay, C., C. Belingardi, G. Papparaldo and M. Hendawy (eds.), Special issue: Planning Practices and Theories from the Global South, Association of European School of Planning-Young Academic Network 9 (2021) <sup>7</sup> Jorge Heine, The 'Global South' is emerging in the wake of the Russia/Ukraine war. Here's how it took the place of 'Third World' in the language of economics, FORTUNE, 3 July 2024, 8:56 P.M. GMT. https://fortune.com/2023/07/03/what-is-global-south-china-india-third-world-developing-countries/

<sup>&</sup>lt;sup>8</sup> Will Martin, The US is set to lose its crown as the world's most powerful economy, and is unlikely to ever get it back, B.I. INDIA, 10 January 2019, 02:53 P.M. IST. https://www.businessinsider.in/stock-market/the-us-is-set-to-lose-its-crown-as-the-worlds-most-powerful-economy-and-is-unlikely-to-ever-get-it-back/articleshow/67470414.cms

<sup>&</sup>lt;sup>9</sup> Chris Devonshire-Ellis, The BRICS Has Overtaken the G7 In Global GDP, SILK ROAD BRIEFING, 27 May 2023, https://www.silkroadbriefing.com/news/2023/03/27/the-brics-has-overtaken-the-g7-in-global-gdp/

<sup>&</sup>lt;sup>10</sup> Mukhopadhyay, C., C. Belingardi, G. Papparaldo and M. Hendawy (eds.), supra note 5.

of individual countries, rather is distinguished as a separate category open to usage by countries, companies and individuals or to perform a unified advantageous role to mankind. <sup>11</sup> It is characterised by "non-excludability" and "subtractability". It is conventional understanding that an efficient usage of Commons requires a centralised perspective and control, however the same has been debunked by various empirical researches. <sup>12</sup> Although, as is clear from epistemic based on MILS approach that the vaguely defined Global Commons comprised primarily of four domains. Namely, Sea, Air, Space and Cyberspace. Global Commons can also be defined and classified on the basis of its ability to provide "Global Public Goods". <sup>13</sup> This, albeit, is complicated to define and identify boundaries.

#### a. Sea:

Historically trade has been facilitated by Sea route throughout regions and civilizations. The current framework of international norm governing actions related to sea is the UN Convention on the Law of the Sea (UNCLOS).<sup>14</sup> International Law based on MILS approach fails to recognise autonomy of States of Global South and reason the actions upon providing a better strategical advantage to the "Great powers". Actions and policy that are tending towards ramifications against the already established International Order founded upon justifications of Colonialism and Imperialism. Further it has been the assumption of various scholars that States have no interest in disrupting "Sea Commons" even during times of crises that are likely to harmful to their interests.<sup>15</sup> However, the existing system of treaties and agreement prove insufficient addressing perspectives and concerns that are the need of the hour.

# b. Airspace:

The International Civil Aviation Organization (ICAO) is a United Nations Agency established for mutual sharing of the skies by countries.<sup>16</sup> Invention of Air travel has etched an impeccable mark in International Relations in terms of areas ranging from guidelines to intergovernmental cooperation. "Air Commons" is relatively resilient to the current geopolitical scenario from the perspective of the Global South.<sup>17</sup>

<sup>&</sup>lt;sup>11</sup> GERALD STANG, GLOBAL COMMONS: BETWEEN COOPERATION AND COMPETITION, (EUROPEAN UNION INSTITUTE FOR SECURITY STUDIES).

 $<sup>^{12}</sup>$  OSTRAM, E. GOVERNING THE COMMONS: THE EVOLUTION OF INSTITUTIONS FOR COLLECTIVE ACTION, (CAMBRIDGE UNIVERSITY PRESS 1990).  $^{13}$  Id

<sup>&</sup>lt;sup>14</sup> Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 397.

<sup>&</sup>lt;sup>15</sup> GERALD STANG, supra note 10, at 2.

<sup>&</sup>lt;sup>16</sup> INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO), https://www.icao.int/abouticao/Pages/default.aspx (last visited Aug. 20, 2024)

<sup>&</sup>lt;sup>17</sup> GERALD STANG, *supra* note 10, at 2.

#### c. Outer space:

Outer space constitutes one of the growing areas of concerns with various public actors as well as substantially successful private entities set out for space exploration and extra-terrestrial research. In this context the International Telecommunication Union (ITU) plays a vital role.<sup>18</sup> Space exploration has insofar provided a promising trajectory into the future. Another pillar of space policy framework is the treat of 1967.<sup>19</sup> When it comes to equitable use of "Space Commons", various factors including environmental concerns, debris concerns, privacy concerns of countries and so on.<sup>20</sup> Unlike the "Sea and Air Commons" debris constitutes a major concern in "Space Commons" usage as the same has far reaching implications.<sup>21</sup>

# d. Cyberspace:

In recent times, "Cyberspace" has become a buzz word to denote various aspects of global digitization and shift from a "conventional" landscape to a more "technological advanced" society. Cyberspace is a, unlike other form of Commons described by MILS approach, non-tangible domain<sup>22</sup> with remote access and usage which complicates further the pre-existing convolutions of International Cooperation. Existence of private players to a large extant makes it relatively less regulated.

At this juncture, it is pertinent to note that such a perspective of developing countries "upsetting" the existing norms of Commons usage<sup>23</sup> derives from that of the existing International Law rooted deeply on MILS approach.

An Environmental Approach to Global Commons provides us with anthropogenic effects into the usage of Global Commons such as forests, the Arctic and Antarctic etc, and its resilience is critical for our wellbeing. Another important perspective it provides is "recognizing the importance of stability, resilience and functioning of the entire earth system".<sup>24</sup>

#### (E) Concerns on Global Commons:

#### a. African Approach

The major portion of understanding African position on the Global Commons is inspired from

<sup>&</sup>lt;sup>18</sup> INTERNATIONAL TELECOMMUNICATION UNION (ITU), https://www.itu.int/en/about/Pages/default.aspx (last visited Aug. 21, 2024)

<sup>&</sup>lt;sup>19</sup> Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Outer Space Treaty), Jan. 27, 1967 18 UST 2410; 610 UNTS 205; 6 ILM 386.

<sup>&</sup>lt;sup>20</sup> GERALD STANG, *supra* note 10, at 3.

<sup>&</sup>lt;sup>21</sup> GERALD STANG, *supra* note 10, at 3.

<sup>&</sup>lt;sup>22</sup> GERALD STANG, *supra* note 10, at 3.

<sup>&</sup>lt;sup>23</sup> GERALD STANG, *supra* note 10, at 4.

<sup>&</sup>lt;sup>24</sup> Nebojsa Nakicenovic et al, The Global Commons in the Anthropocene, IIASA, (2016).

"Global Commons Security: An African Grand Strategy" (2021).<sup>25</sup> A renewed push towards recognising and addressing global environmental concerns in the background of United Nations Conference on Environment and Development (Earth Conference) provides an opportunity to African countries to secure and insure their share of the Global Common by embarking on an inclusive inter-governmental journey and including regional coalitions as such. Due to the geographical and resource endowments of the Peninsular African Continent, external attention is invited upon by various non-African entities such as the USA, China, Russia, Israel, the Gulf, EU, India, Japan, Australia varying in their degree of geopolitically motivated intentions and the aspects of self-interest or mutual cooperation.<sup>26</sup> Based on the discussion at the symposium held in 2014 by the Department of International Relations and Cooperation of the Government of South Africa,<sup>27</sup> the Global Commons approach and vision is deduced.

It is amply clear from the above discussion at the symposium<sup>28</sup> that the advantages of the current geo-political situation can be maximised by exploring the aspect of "Blue Economy" in Africa. Financing on maritime security is being dealt with on multiple avenues such as the consideration of an African "Maritime Sustainable Development Vehicle" – albeit unsuccessful, establishment of BRICS New Development Bank and so on which would render complimentary to the existing AfCFTA and lead to its integration into the pacific ocean and into ASEAN countries leading to an Africa-centred Global Commons landscape.<sup>29</sup> This strategy of Continental-Maritime Security based approach ought to viewed in accordance with shift in threat perception thinking: from a Great power securing position to one with cooperation and democratic approach with the aim of ensuring IPS.<sup>30</sup>

Inadequacies in the pre-existing groupings such as the Indian Ocean Rim Association (IORA) and its need to diversify in order to ensure and secure its environmental concerns, certain degree of attention is required to be vested on Atlantic partnerships as well, such as the Zone of Peace and Cooperation in the South Atlantic (ZPCSA).<sup>31</sup>

African approach to addressing Global Commons Concerns is primarily through a continentalmaritime security approach and also by not ignoring the land based strategies and accounting

 $<sup>^{25}</sup>$  FRANCIS KORNEGAY, GLOBAL COMMONS SECURITY: AN AFRICAN STRATEGY?, INSTITUTE FOR GLOBAL DIALOGUE,  $2021\,$ 

<sup>&</sup>lt;sup>26</sup> *Ib*.

<sup>&</sup>lt;sup>27</sup> International Relations hosts Blue Economy and Maritime Security Challenges Symposium, South African Government Media Advisories, https://www.gov.za/symposium-blue-economy-and-maritime-security-challenges-south-and-southern-africa (last visited Aug. 22, 2024)

<sup>28</sup> *Ib.* 

<sup>&</sup>lt;sup>29</sup> Nebojsa Nakicenovic et al, *supra* note 23 at 2 para 1.

<sup>&</sup>lt;sup>30</sup> Nebojsa Nakicenovic et al, *supra* note 23 at 2 para 2.

<sup>&</sup>lt;sup>31</sup> Nebojsa Nakicenovic et al, *supra* note 23 at 2 para 3.

all the variables in tandem.

# b. Latin American Approach

Researches that are a decade old suggests an important inference as to involvement of Latin-American nations on ensuring access to Global Commons. It has been found that Scholarly growth is confined to certain specific small number of countries.<sup>32</sup> These researches are based off of a double session on Latin America commons at the 13<sup>th</sup> Biennial Conference of the *International Association for the Study of the Commons* (IASC).<sup>33</sup> A national approach taken by member countries can aid us in achieving an overall better understanding the Commons regime in Latin American region.

An analysis by David Barton Bray (2013)<sup>34</sup> suggests lacunae in the existing framework related to Commons governance comprising primarily of Forest Commons in Mexico and goes on to suggest decentralisation as well as optimization at the national level and market access can provide tailwind in the Commons success. Analysis by Daniel Klooster (2013)<sup>35</sup> posits the idea that migratory patterns of commoners in Latin America leads to inefficient Commons management. Anne Larson and Iliana Moterroso (2013)<sup>36</sup> present research on Central South American countries through case study on Guatemala and Nicaragua and stress the importance of a more nuanced approach while paying greater attention to recognizing rights of local commoners. Xavier Basurto and Ignacio Jimenez-Perez (2013)<sup>37</sup> points to the standout feature of Costa Rica with its environmental conservatory policies and goes on to analyse the institutional framework that enables biodiversity conservation. Wildlife in Argentina can be considered as a non-conventional Commons which lacks adequate representation in the Commons epistemic. Gabriela Lichtensein (2013)<sup>38</sup> suggests historical denial of resources to indigenous and low-income rural communities by the state as cause of poor management of

<sup>&</sup>lt;sup>32</sup> James P. Robinson and Gabriela Lichtenstein, Current Trends in Latin America Commons Research, 12 Special Edition JLAG, University of Texas Press (2013)

<sup>&</sup>lt;sup>33</sup> V. Sridhar, Tragedy of Commons Avoidable, The Hindu, January 12, 2011.

<sup>&</sup>lt;sup>34</sup> David Barton Bray, When the State Supplies the Commons: Origin, Changes, and Design of Mexico's Common Property Regime, JLAG, Vol. 12, No. 1 Special Edition: Latin America Commons, University of Texas Press (2013)

<sup>&</sup>lt;sup>35</sup> Daniel Klooster, The Impact of Trans-National Migration on Commons Management among Mexican Indigenous Communities, JLAG, Vol. 12, No. 1 Special Edition: Latin America Commons, University of Texas Press (2013)

<sup>&</sup>lt;sup>36</sup> Iliana Monterroso and Anne M. Larson, The Dynamic Forest Commons of Central America: New Direction for Research, JLAG, Vol. 12, No. 1 Special Edition: Latin America Commons, University of Texas Press (2013)

<sup>&</sup>lt;sup>37</sup> Xavier Basurto and Ignacio Jimenez-Perez, The Emergence of Collective-Action with Adaptive Capacity for Biodiversity Conservation in Protected Areas in Costa Rica, JLAG, Vol. 12, No. 1 Special Edition: Latin America Commons, University of Texas Press (2013)

<sup>&</sup>lt;sup>38</sup> Gabriela Lichtenstein, Guanaco Management in Argentina: Taking a Commons Perspective, JLAG, Vol. 12, No. 1 Special Edition: Latin America Commons, University of Texas Press (2013)

#### Commons.

The concept of Commons in Latin America dawns a more left activist approach in its definition, usage, conservation, policy formulation etc. However, it is relevant to note Commons as a perspective does not require a political leaning as such (i.e. Left or Right).<sup>39</sup> Basing approach to better Commons management on civil society has proved an egalitarian, just and environmentally sustainable society.<sup>40</sup>

In the current scenario against the backdrop of regional organizations aimed at security and self-interest whilst also taking into consideration effects on the planet as such groups such as the Amazon summit held in August 2023 to upheld commitment to protecting forest Commons plays a vital role.<sup>41</sup>

# c. Indian Approach

Indian Approach specifically to the question of TWAIL perspective and Global Commons is knitted close to one another. This has to be examined from the background of India's renewed foreign policy built upon the pre-existing policy of Non-alignment, Self-determination and so on. Such approach is evident from national as well as international commitments in numerous arenas related to Global Commons.

With India advocating for climate justice<sup>42</sup> which does not merely necessitates recognition of past injustices but requires positive actions in furtherance of reversing such unjustness.<sup>43</sup> It is within the interests of India of becoming a global super power with its world's largest population<sup>44</sup> and huge demographic dividend comprising majorly of young people to voice out for equitable sharing of burden of energy transitioning.

India's attitude in the wake of Russia's "Special Military Operation" in Ukraine furthers our

<sup>&</sup>lt;sup>39</sup> Daniel Chavez, The commons, the state and the public: A Latin American Perspective, TNI, Aug 1, 2018 (Aug. 22, 2024, 09:30 P.M.)

https://www.tni.org/en/article/the-commons-the-state-and-the-public-a-latin-american-perspective

<sup>&</sup>lt;sup>40</sup> Michel Bauwens et al, Commons Transition and P2P: A Primer, TNI, May 9, 2017 (Aug. 22. 2024, 10:00 P.M.)

https://www.tni.org/en/publication/commons-transition-and-p2p

<sup>&</sup>lt;sup>41</sup> Brazil's Amazon Summit ends with a plan to protect the world's rainforests, but no measurable goals, The Hindu, Aug 10, 2023.

WHAT IS CLIMATE JUSTICE, Center for Climate Justice, University of California, https://centerclimatejustice.universityofcalifornia.edu/what-is-climate-

justice/#:~:text=Climate%20justice%20connects%20the%20climate,least%20responsible%20for%20the%20pro blem. (last visited Aug. 23, 2024).

<sup>&</sup>lt;sup>43</sup> Jayashree Nandi, We raised issue of Climate justice with world: PM Modi on World Environment Day, Hindustan Times, June 06, 2023.

<sup>&</sup>lt;sup>44</sup> India overtakes China as the world's most populous country, UN DESA Policy Brief No. 153, Department of Economic and Social Affairs, United Nations, Apr. 24, 2023.

https://www.un.org/development/desa/dpad/publication/un-desa-policy-brief-no-153-india-overtakes-china-as-the-worlds-most-populous-country/

understanding on its policy of strategic autonomy and decision making by balancing interest with both sides of dispute.

When it comes to Environmental actionable policy, the country approach has been slow and steadfast – towards equitable sharing of burden.<sup>45</sup> India despite being one of the largest emitter of GHG into the atmosphere fairs relatively low in the per capita emission. Energy transitions are costly. They require ultimate overhaul of the existing systems ranging from energy production to aspects of energy usage and all the facets related to its regulations and so on.

Therein lies the country policy of "phasing down" for Developing countries (used synonymously with Global South) in contrast to the policy of "phasing out" of the North. Focus must also be given to India's perspective of Goods that are not "Global Commons" as such (Intellectual Property – which are essentially municipal rights). Despite their municipal nature, India pushed for granting waiver of IP rights over certain products in the pharmaceutical industry during the global pandemic of 2020. <sup>46</sup> Thus providing us perceptivity and a glimpse into a progressive, inclusive, just and equitable Global Commons policy.

# (F) Role of Trade in Addressing Concerns:

From the above brief discussions we arrive at a few definable areas – albeit not exhaustive – of concerns of States with respect to Global Commons. They include intragovernmental and intergovernmental cooperation for a sustainable maritime ecosystem with perspective of financing, regional and international cooperation among other States and regional grouping (in African perspective) to Latin American perspective which focusses on strengthening the rights and powers of commoners in relation to Global Commons and reinforcing the pre-existing local framework for Forest conservations.

Trade and trade related policies of the World trade organization – which is the International Organization that deals with aspects of International Trade from various perspectives – tend to be inclusive in nature to a certain extent. This is inferable from the objectives, purposes and various treaties and agreements signed under the aegis of the World Trade Organization. "Support for less developed countries: Over three-quarters of WTO members are developing economies or in transition to market economies.

The WTO agreement give them transition period to adjust to WTO provisions and, in the case

<sup>&</sup>lt;sup>45</sup> Renita D'souza, Debosmita Sarkar, Can India steer the justice agenda at COP 27, Observer Research Foundation, Nov. 12, 2022.

https://www.orfonline.org/expert-speak/can-india-steer-the-justice-agenda-at-cop27/

<sup>&</sup>lt;sup>46</sup> Tahir Amin et al, A Global Intellectual Property Waiver is Still Needed to Address the Inequities of Covid-19 and Future Pandemic Preparedness, National Library of Medicine, National Center for Biotechnology Information. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9500257/

of the Trade Facilitation Agreement, provide for practical support for implementation of the Agreement". <sup>47</sup> Positive effects of all members is necessary to encourage and cement integration of developing country economies into the global trading system. <sup>48</sup> Out of all the incumbent methods of addressing concerns of countries – most of which are comprising of a Nationalistic and shuttered approach – trade related approach yields the best result ensuring economic growth whilst maintaining – to a certain extent – IPS.

The framework of World Trade Organization provides numerous advantageous leeway towards promoting inclusive growth aimed at LDCs and Developing countries (synonymous to Global South). They are generally categorized as those,

- a) recognizing the interests of countries of Global South.
- b) easing of rules and regulations to be met.
- c) providing longer time-frames for implementation.
- d) providing technical assistance.<sup>49</sup>

*Prima facie* there is a tussle between the "left leaning" perspective of Global Commons and Globalized "right leaning" International Trade.

In the international context, the United Nations Conference on Trade and Development assumes importance. In the upcoming COP 28 planned from 30<sup>th</sup> November to 12<sup>th</sup> December, an entire day of discussion is dedication to discuss and understand the underpinnings of trade (the first of this kind), which is termed as "Trade day".<sup>50</sup> Topics of discussion includes climate-smart development and focus on issues such as *value-chain decarbonisation and resilience*.<sup>51</sup>

Estimates from the UNCTAD suggests trade in "environmental friendly" goods increased by 4% in the second half of 2022.<sup>52</sup>

To sum up applicability of trade in furthering aims of countries of Global South could incorporate two very different but effective method. Namely, a) Empowering Global South in decision making process in the International consensus building process b) Empowering trade related organization which thereby furthers the interests of Global South along with emphasis

What we stand for, Understanding the WTO, World Trade Organization https://www.wto.org/english/thewto\_e/whatis\_e/what\_stand\_for\_e.htm (last visited Aug. 24, 2024).

<sup>&</sup>lt;sup>48</sup> Marrakesh Agreement Establishing the World Trade Organization, Preamble, para 2, WTO Agreement.

<sup>&</sup>lt;sup>49</sup> Guide to the Uruguay Round Agreements - Developing Countries in the WTO system, World Trade Organization, 235, 3, https://www.wto.org/english/docs\_e/legal\_e/guide\_ur\_deving\_country\_e.pdf

<sup>&</sup>lt;sup>50</sup> Trade's role in climate action in the spotlight at COP28, United Nations Conference on Trade and Development-NEWS (20 Jul, 2023), https://unctad.org/news/trades-role-climate-action-spotlight-cop28 <sup>51</sup> *Ib* 

<sup>&</sup>lt;sup>52</sup> *Supra* note 49 at 9.

on Global Commons such as environment, space, cyber space etc.

Nevertheless, initial perceptions should be analysed with rigour to understand the intricacies of the same. In achieving the objectives of Global South in the Global Commons which were previously consolidates, trade plays an efficient and effective role from the perspective of World Trade Organization having an organizational impact.

# II. CONCLUSION

"Global Commons - Global South - Global Usage - Global Peace and Security"

Global South in this emerging New Economic World Order has a tremendous role to play in the modern International decision making and policy formulation which has been historically crowded by the "North". This change in perspective is to be developed against the backdrop of ensuing disruptions to the global supply chain, inefficacy in the health infrastructure, mounting violations of human rights, disregard for international boundaries and sovereignty and the list goes on, which nevertheless did not necessitate, but aided in such requirement of changed perspective.

In the opinion of the author, trade provides a promising avenue for actual progressive international development through the regulations and guidelines of the World Trade Organization. An International system that aims and leads to a holistic and inclusive growth is the need of the hour in the ever increasing landscape of geo-political tensions resulting in vast and high-powered unintended effects on other international players.

\*\*\*\*

#### III. REFERENCES

- Roscoue pound, interpretation of legal history, cambridge, 1, mass, (1923).
- James crawford, "reflection on crisis and international law" in george ulrich, ineta ziemele (eds), how international law works in times of crisis, 10, 17 (oxford university press 2019).
- Antony anghie, imperialism, sovereignty and the making of international law (cambridge university press 2005).
- Gerald stang, global commons: between cooperation and competition, (european union institute for security studies).
- Ostram, e. Governing the commons: the evolution of institutions for collective action, (cambridge university press 1990).
- Francis kornegay, global commons security: an african strategy?, institute for global dialogue, 2021.
- David barton bray, special edition: latin america commons, university of texas press (2013)
- Hillary Charlesworth, *International Law: A Discipline of Crisis*, 65 MLR 377, 384, (2002).
- Mukhopadhyay, C., C. Belingardi, G. Papparaldo and M. Hendawy (eds.), Special issue:
   Planning Practices and Theories from the Global South, Association of European

   School of Planning-Young Academic Network 9 (2021).
- Jorge Heine, The 'Global South' is emerging in the wake of the Russia/Ukraine war. Here's how it took the place of 'Third World' in the language of economics, FORTUNE.
- Tahir Amin et al, A Global Intellectual Property Waiver is Still Needed to Address the Inequities of Covid-19 and Future Pandemic Preparedness, National Library of Medicine, National Center for Biotechnology Information.
- Nebojsa Nakicenovic et al, *The Global Commons in the Anthropocene*, IIASA, (2016).
- International Relations hosts Blue Economy and Maritime Security Challenges Symposium, South African Government Media Advisories, https://www.gov.za/symposium-blue-economy-and-maritime-security-challenges-south-and-southern-africa

- James P. Robinson and Gabriela Lichtenstein, *Current Trends in Latin America Commons Research*, 12 Special Edition JLAG, University of Texas Press (2013).
- Daniel Chavez, *The commons, the state and the public: A Latin American Perspective*, TNI, Aug 1, 2018
- WHAT IS CLIMATE JUSTICE, Center for Climate Justice, University of California, https://centerclimatejustice.universityofcalifornia.edu/what-is-climatejustice/#:~:text=Climate% 20 justice% 20 connects% 20 the% 20 climate, least% 20 responsi ble% 20 for% 20 the% 20 problem
- India overtakes China as the world's most populous country, UN DESA Policy Brief
  No. 153, Department of Economic and Social Affairs, United Nations, Apr. 24, 2023.
   https://www.un.org/development/desa/dpad/publication/un-desa-policy-brief-no-153india-overtakes-china-as-the-worlds-most-populous-country/
- Will Martin, The US is set to lose its crown as the world's most powerful economy, and
  is unlikely to ever get it back, BUSINESS INSIDER INDIA, 10 January 2019, 02:53
  P.M. IST. https://www.businessinsider.in/stock-market/the-us-is-set-to-lose-its-crownas-the-worlds-most-powerful-economy-and-is-unlikely-to-ever-get-itback/articleshow/67470414.cms

\*\*\*\*