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From Resource Sovereignty to Collective Security: A Socio-Legal Framework for the Global Mining Order

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ABSTRACT

The countries having sufficient natural resources, minerals, and oil reserves have constantly struggled with maintaining peace and diplomacy in the troubled regions, and they have moved towards aggression and war crimes in the last few years. The aggression, warmongering, militancy, and violence in the regions of unrest have created a gap in the current International legal framework. While the Permanent Sovereignty over Natural Resources (PSNR) doctrine in the 20th century aimed for decolonization, the same doctrine is acting as a Sovereign shield for the brawling States. The research paper analyses the development of aggression backed by oil and natural resources, highlighting the crisis of Venezuela and Middle-East nations in 2025-2026. The study analyses the inability of economic sanctions imposed by the USA and the European Union upon the world, and delayed actions of prosecution by the International Criminal Court (ICC) are not enough to curtail the war crimes, and states are arming themselves with non-weapons such as oil, minerals, and natural resources as a tool for warfare and bloodshed. The study aims to propose a Global Mining Order, an international legal framework directed towards peace and security that rethinks the role of natural resources, as they at times can harshly affect the security order of the States. The paper studies the role of India as a Vishwa Mitra as a mediator for multilateralism in the regulation of international minerals and energy resources. The paper studies the role of the middle-power countries in assisting the States from being a Resource-Sovereign to becoming Collective energy democracies. The study contends that the installation of peace and security in the international maritime and trade law would depend upon the new law of commerce that emphasizes peace and security over resource sovereignty.

Keywords: security, peace, resources, control, aggression, global order, community, mine, energy.

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I. INTRODUCTION AND BACKGROUND OF THE STUDY

In the current transnational legal order, the overlap between international trade law and natural resources has led to a tussle among nations over ownership of natural resources and minerals within their respective Sovereignty, rather than preserving and caring for the resources that will benefit the global community. The Permanent Settlement over Natural Resources (PSNR) doctrine² It was designed in 1962 to improve the existing living conditions of the countries that gained independence from colonial rule after World War II. However, the PSNR doctrine is being exploited by the States as Resource Sovereignty, as the States are utilizing the natural resources, oil, and minerals present in their respective territory for weaponizing and promoting aggression and warfare.

Since the States claiming for the absolute Sovereign authority to decide over the rights, liabilities, interests and quantum of extraction of natural resources, the international laws and regulations struggle to resolve the crisis as the States insist upon exclusive jurisdiction and the PSNR doctrine is acting as a barrier for the world to see how the natural resources are affecting in the funding of weaponization and aggression in the conflicted states.³

In the ongoing Iran-Israel-USA war, the Strait of Hormuz is choked due to the ill effects of the war; the international legal system lacks the framework to suggest that the Global Mining Order, wherein the resources and minerals shall be utilized for global economic necessity rather than for violent purposes. The Global Mining Order (GMO) aims to establish a framework in which security shall be of prime significance, in line with International Humanitarian Law (IHL) and the Rome Statute, which subordinates the Sovereign-shield of the countries.

By launching a new category “Resource-linked War crimes,” the paper states that the exploitation of natural resources and utilizing the resources for aggression and weaponization purposes by the States, such acts shall result in the immediate intervention of the International legal framework that shall be above the States’ Sovereignty. Hence, moving beyond the imposition of economic sanctions or reactive measures by the international conventions or existing trade-centric agreements between the countries.

The need for the Global Mining Order has arisen from the deficiency in the failure of the pillage doctrine that restricted the forceful capturing of public and private properties for personal benefits during aggression and war crimes-affected regions. Article 8⁴ of the Rome Statute

² G.A. Res. 1803 (XVII), Permanent Sovereignty over Natural Resources (Dec. 14, 1962).

³ Nico Schrijver, *Sovereignty Over Natural Resources: Balancing Rights and Duties in an Interdependent World*, 4 Cambridge Int'l L.J. 15 (2015).

⁴ Rome Statute of the International Criminal Court art. 8, July 17, 1998, 2187 U.N.T.S. 3.

defines the crime of aggression, which penalizes a person in a position to extract natural resources and planning to exercise control in war-affected zones. However, the Statute lacks in addressing the extraction of natural resources, use of violence, and aggression authorized by the State upon its own citizens and other nations. USA-Iran-Israel is not seeming to end anytime soon as the leaders are adamant to continue the aggression until either of the states completely forfeits in the hands of another. Hence, Article 8 is inefficient in maintaining peace and order as it's limited to non-international disputes and lacks potential in curtailing the long-term violence and aggression through a strict and narrow definition of crimes of aggression.

The ongoing aggressions between the USA-Venezuela and the USA-Israel-Iran serve as a sheer example of the relation between the States' goal to achieve authority in the extraction of natural resources and the violation of human rights, environmental damage, rising costs of the basic commodities, economic sanctions upon the related State relations, thus impacting the geopolitical leaning and power dynamics among the nations. Hence, the International Criminal Court (ICC) has failed to achieve equilibrium between the principle of resource sovereignty and crimes against humanity.⁵ The attitude for engagement in war crimes has not been limited to mineral-rich countries, yet the model has extended to the countries that use mineral monopoly as a force to ascertain a position of authority in influencing international trade practices. Recently, China has been seeking an opportunity to capture Taiwan, which manufactures 96 percent of the semiconductors in the world. Seeing the USA occupied with the Middle-East conflicts, China may strike Taiwan, and if it does so, China will have the world's most advanced chips that will provide access to international data, AI, and cloud-system operations.

The role of India and other Middle-power nations, such as Brazil, South Africa, and Australia, to act as mediators for the conflicting states, whether the USA-Venezuela or the USA-Israel-Iran, in the promotion of multilateralism of natural resources. In 2025, India achieved a landmark of 50 percent non-fuel energy production, and is aiming towards record mining active operations rather than just being the legal permissions on instruments. India, being the leader of the Global South and the bridge connecting Western and Eastern countries, possesses the diplomatic capacity to become Vishwa Mitra in facilitating international trade law and resource laws among the nations. Thus, India can emerge as a leader for the International Mineral and Energy Agency (IMEA) to enforce peace and security in the policing of the Global Mining Order.

⁵ Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (2005).

II. SIGNIFICANCE OF THE STUDY

The paper aims to analyze the potential socio-legal tool through the lens of the Global Mining Order to resolve the ongoing conflicts among the nations for the purposes of resource extraction and authority and responsibility over the natural resources that have led to armed aggression, violation of peace and security, and human rights violations. By analyzing the current legal developments in the subject of resource Sovereignty and regulations for the promotion of peace and security, such as the Jordan Conference on Humanity in War, 2026,⁶ and the International Criminal Court's Amendment Rules, 2015, the paper aims to propose a world wherein the natural resources shall act as a principle of peace, security, and unity among the nations, rather than acting as a catalyst in promoting aggression and war crimes in the mineral-rich countries.

The study addresses the failure of the current international law regime in curtailing the resource-funded aggression wherein States claim the authority over natural resources for extraction, trade, and mining purposes, positioning themselves as financial and political autonomous institutions and thus engages in dominating position in foreign policy making, armed conflicts, and supporting disturbances in the overseas to accumulate power and control over natural resources. Since the current international law regimes act as a reactive system for devastation of natural regimes, the study proposes a preventive strategy in mitigating the global assets as a tool of peace and security to promote multilateralism in the world.

The study focuses on challenging the Sovereign-shield of the nations, whether the States, engrossed in the extraction of resources and leading to continuing imbalance of transnational legal orders and aggression, can give rise to immediate intervention of the international legal framework for maintaining public order, decency, peace, and security. The study analyses the crucial role of India, through the lens of Vishwa-Mitra, becoming a middle power in transforming the world from being Resource Sovereignty to regulating the multilateral governance in the utilization of the resources. The paper asserts that in the era of hostile and conflicted states, the solidarity among the nations largely depends upon the legal order that focuses upon peace and security, rather than possessing rights and authority over the mining of natural resources.

⁶ *Report of the Jordan Conference on Humanity in War: Addressing Resource-Linked Aggression in the 21st Century*, Amman (Jan. 15, 2026).

III. BEYOND REACTIVE JURISPRUDENCE: STOPPING THE MACHINERY OF WAR THROUGH GLOBAL RESOURCE GOVERNANCE

In the 1960s, the Permanent Sovereignty over Natural Resources (PSNR) doctrine provided the supreme authority and power to the States in utilizing the natural resources, such as metals, minerals, and oil, for domestic and international trade purposes and protecting them from being robbed by dominant nations or countries having a stronghold in the respective subject matter. In 2026, the same PSNR doctrine is being used by the contentious states to hide the usage of natural resources in buying weapons and armed machinery. This is termed as the Westphalian veil, as the countries are hiding to commit aggression and war crimes in the cloud of resource sovereignty.⁷

As per ICC, which sticks to reactive jurisprudence, the countries are criminally liable for the aggression and war crimes only after the commencement of war crimes or post-war. By the time advocates prosecute for the coercion and looting of the natural resources in the Hague, the arms and weapons have been brought, money is lost by the nation, and the innocent citizens have suffered miserably after the catastrophe of war crimes and aggression. Thus, the States can curb the menace beforehand by stopping the Machinery of War before the war commences by cutting off the supply chain of natural resources and mineral energy. Therefore, if the countries view the natural resources as a means of property that can be utilized for aggression, the global community can act as a deterring force in shielding the peace and security of the nation.

The transformation of PSNR doctrine from being Sovereignty-shield to the countries' post-colonial era into becoming a sword of aggression and war crimes for the nations is an intense dilemma in the international law regime. Initially, the PSNR doctrine was celebrated by the post-colonial emerging nations as it bestowed the States with complete authority over resources and natural wealth existing in their territorial jurisdiction. However, this Sovereign-shield issued by the PSNR doctrine is acting as a source of weaponization for the States and thus, going through the transformation wherein the government is granting a license for the usage of natural resources and ignoring the principles of international law.

Most states in excess of natural resources have acted in the Westphalia veil in the hiding of economic transactions and trade deals of resources in exchange for war machinery and combat weapons for aggression and war crimes. The extraction and usage of natural wealth being the State subject, thus allows for the countries to sustain in the prolonged warfare. Hence, the

⁷ Mark B. Taylor, *The Law of Pillage in Geographic Context*, 103 Am. Soc'y Int'l L. Proc. 320 (2009).

international law regime must move towards the Global Mining Order that distinguishes between the development and destruction, and where the right to mine is not subordinated to the peace and security of the nations.

The customary principle that the countries abide by is the social contract theory, wherein the State provides for resources and safety to the citizens in exchange for taxes from the people to survive. However, in some countries that are mineral-rich, the government does not need taxes to govern the citizens, as it generates sufficient wealth from the extraction and trading of resources rooted in its territory. Thus, the government at times does not take the problems of the citizens into consideration, or skips elections, or quells the protesters, as the protesters do not have sufficient funds to raise the issues against the leaders of the government. Hence, the government erratically becomes a landlord of the citizens rather than serving the citizens. Sometimes, the nations are massively rich in natural resources, and the government does not care about the economic sanctions imposed by other nations since the government has the leverage over other countries and uses the resources as a legal strategy to build international relations.⁸

The Global Mining Order (GMO) suggests the doctrine of common security in the International Resource law, wherein the nations are not merely silent observers and are becoming a secondary stakeholder in every major mining reserve in the global community. The idea behind this revolution is to encourage conflict-free mining and extraction of resources in all parts of the world. This does not take away the sovereignty of the nation upon its natural resources; it will act as a legal veto power if the natural resources are utilized by the State to support war crimes and aggression.⁹ This doctrine will act as a *Jus Cogens*, assuring that the security and peace in international law are more important than the absolute sovereignty of the nations, treating the natural resources as a source of wealth creation for war crimes, and not handling them as trust assets. Hence, the countries can own the natural resources; however, they cannot utilize those natural resources as a source of mobilization.

IV. RESOURCE-LINKED AGGRESSION: THE CRISIS OF PREEMPTIVE WARFARE

On 28th February 2026, the USA and Israel launched an aggressive military aggression code-named “The Operation Fury” and “Operation Roaring Lion” against Iran, claiming to banish the immediate threats from Iran’s corrupt and revolutionary dictatorship and attempted to push

⁸ Daniëlla Dam-de Jong, *International Law and Governance of Natural Resources in Conflict and Post-Conflict Situations*, 110 *Am. J. Int’l L.* 396 (2016).

⁹ Int’l Crim. Ct., *Policy Paper on Case Selection and Prioritization* (Sept. 15, 2016) (addressing environmental destruction and resource exploitation).

the citizens of Iran to assume control of the government from the hands of the existing government.¹⁰ On the same day, the Iranian supreme leader Ayatollah Ali Khamenei was declared dead by the USA and later confirmed by the Iranian officials in the first phase of air strikes. Hundreds of residents of Iran have been killed, displaced, and injured, and their property has been destroyed; thus, the strikes by the USA and Israel have hugely impacted the peace and security in the State of Iran. The strikes are a direct challenge to the intention of the UN Charter, which came into effect post-World War II to set up laws, rules, and diplomacy among the nations to promote peaceful trade and security.

This is a prime instance of the failure of the anticipatory self-defense doctrine of the States, and thus, the Global Mining Order will displace the violent strikes on Iran and freeze the oil of Iran, making it a Global Asset of Security Significance (GASS) rather than treating the Iranian oil mines as a target of carnage and bombing. The violent aggression of the USA and Israel has pierced Iran's sovereignty, and this piercing should be the rule of the UN or proposed Global Mining Order rather than committing war crimes that resulted in the killing of hundreds of civilians and the destruction of vast areas. The strikes were aimed at eliminating immediate threats; however, the Global Mining Order could have monitored the repercussions of the nuclear deal and monetary regimes by *lex Mercatoria* of natural resources, and the international diplomats could have legitimately prevented the aggression and war crimes in Iran.

Article 2(4)¹¹ The UN Charter discretionally prohibits the use of force against another country's territory, natural resources, or for any purpose, except, with the permission of the Security Council, which permits the use of force for actual warfare under Article 51 to self-defense, peace, and security of the nation. The chain of events took place since the year 1999, before the war broke out in Feb 2026. In 1999, in the Kosovo conflict between the Republic of Yugoslavia and Serbian authorities, NATO intervened and bombed without the permission of the UN Security Council, resulting in the death of 500 civilians, including Kosovo refugees, citing philanthropic justifications.

The invasion of Iraq in 2003 by the USA was to invoke immediate danger to world peace, later verified to be unjustified.¹² The air strikes on the countries of Yemen, Pakistan, and Somalia after the post 9/11 incident were claimed by the USA to be justified in countering terrorist activities and safeguarding operations.¹³ In February 2026, the attacks on Iran by the USA and

¹⁰ U.N. SCOR, 81st Sess., 9845th mtg. at 2, U.N. Doc. S/PV.9845 (Feb. 29, 2026)

¹¹ U.N. Charter art. 2, ¶ 4; art. 51.

¹² The White House, *The National Security Strategy of the United States of America* (2002) (for the "Bush Doctrine" of preemption cited in your study).

¹³ *Military and Paramilitary Activities in and Against Nicaragua (Nicar. v. U.S.)*, Judgment, 1986 I.C.J. Rep. 14

Israel go behind the same reasoning of the danger to international peace and security. The invasion confirms that without the Global Mining Order, smaller nations shall always suffer in Resource-acquisition diplomacy by the superpower nations in the veil of humanitarianism.

With time, the definition of “imminent danger” has been broadened. As per the US Security Strategy, 2002, the USA is allowed to attack first against the countries if it anticipates danger and precariousness. This strategy has been observed globally in the 2003 Iraq war and now in the current Trump regime. The International Court of Justice at The Hague has a continuous narrow view in defining the “armed attack” as being the gravest use of force by a nation, and the term shall be distinctly characterized from other grave forms of force. If the States adopt this definition of imminent danger as standard operation, the warfare, missile attacks, air-strikes, drone attacks, and military campaigns between the nations shall grow massively. Thus, the UN Charter’s prohibition of the use of force will become contingent for the countries, rather than being mandatory.

While Western countries are silent about the progression of war in Iran because the West has prioritized the regulation of natural resources over peace and security, on the other hand, the Middle-East countries, the African Union Chairperson, Mahmoud Ali Youssouf, have suggested to all the affected parties to the war to act in accordance with international laws and the UN Charter. The South African President Cyril Ramaphosa stated that the aggressive actions against the anticipated imminent dangers are violative of international law and the UN Charter. Many States of Asia, Africa, and South America relies upon the international resource Sovereignty and if the current anticipatory immediate danger doctrine followed by the USA, Israel and the superpower nations act to suit their strategies to protect and extract resources, the smaller States will depend upon political allegiance with the superpower nations instead of abiding by the UN Charter principles imposed for safeguarding peace and security in the global community.

In 2015, the Joint Comprehensive Plan of Action (JCPOA), also known as Iran’s nuclear deal, was the result of continuous multilateral negotiations between Iran and the USA.¹⁴ Iran was prohibited from carrying out the nuclear program in exchange for the levying of economic sanctions imposed by the USA and allied nations. In 2018, the USA lifted the ban on permitting the nuclear program in Iran. This withdrawal was challenged by the USA President Trump at the beginning of his second term, to which the Iranian authorities declined in the dialogue held

(June 27) (defining "armed attack").

¹⁴ Joint Comprehensive Plan of Action (JCPOA), July 14, 2015.

in Geneva, held months before the commencement of strikes in February 2026. Thus, it is observed that the treaties signed by the countries are too fragile to continue in the resource politics in the 21st century. The Global Mining Order would uplift such treaties as *Jus Cogens* that shall be abided by all the nations, including the USA, to prohibit the use of force when there is an alternative to resource-based negotiation. History has shown that bombs, aggression, and military forces have never succeeded in the construction of a stable government; it has resulted in benefiting the forces that the aggression focused on banishing.

The US Constitution was also violated by the officials for the launch of strikes in Iran, as Article 1 of the US Constitution expressly declares that the power to declare war rests with Congress, and Congress was informed about the war minutes before the strikes were held. The Congress issued a letter of concern and claimed violation of the Constitution that only Congress can authorize the utilization of military even in June 2025, when the USA sided with Israel to destroy nuclear facilities in Iran.

V. THE GLOBAL MINING ORDER: INSTITUTIONALIZING *JUS COGENS* IN RESOURCE DIPLOMACY

The current conflict over the right of passage in the Strait of Hormuz since February 2026 focuses on the disagreements between the USA and Israel on one hand and Iran on the other hand. The USA, along with its allied nations, takes the cover of Article 38 of the United Nations Convention on the Law of the Sea (UNCLOS) that authorizes the continuous transmission of submarines, ships, and airplanes, even during the stages of war and aggression.¹⁵ The consent of the coastal State where the Strait exists (in this case, Iran) is not necessary for the passage, as per the UNCLOS treaty. On the other hand, Iran, not being a member of the UNCLOS treaty, claimed that the Strait of Hormuz is governed and managed by Iran's sovereignty. Recently, Iran has opened the passage for the 'friendly' states such as China and India, referring to the selective blockade of the Hormuz Strait while targeting vessels, submarines, drones, and ships of the enemy nations allied with the USA. The proposed Global Mining Order would resolve these conflicts by uplifting the freedom of energy routes to a *Jus Cogens* norm, establishing that the International Mineral & Energy Agency (IMEA) shall govern the peace and security of the essential energy blockage.¹⁶

¹⁵ United Nations Convention on the Law of the Sea art. 38, Dec. 10, 1982, 1833 U.N.T.S. 3 (regarding the Strait of Hormuz).

¹⁶ James Kraska, *The Strait of Hormuz and the Law of Neutrality: Analyzing the 2026 Blockades*, 99 Int'l L. Stud. 412 (2026).

The prospective design of the GMO speaks for the transition in the international resource laws, wherein in the 20th century, the States focused upon the absolute Sovereignty, the 21st century being based upon modern and collective responsibility, the GMO proposes the world towards conditional Sovereignty of the Nations. The proposed statute is not simply a set of rules; it embodies how nations lawfully categorize their natural resources.¹⁷ The GMO proposes a twofold safeguard wherein the Nations hold on to keep the primary administrative control over the natural resources existing in the territorial boundary, the global community shall keep the secondary interest in the security of natural resources and shall act upon if the extraction of resources outstretches the principles of natural justice, peace, and security of the nations.

The GMO also aims to dismantle the silent engineers, such as the multinational corporations that possess the arms and machinery for war. These silent engineers utilize this machinery to extract states' wealth from hostile states, and these MNCs operate in the Legal Gray zone and argue for contractual obligations and financial stability. GMO seeks to re-classify the assistance and abetting of transnational aggression among nations by executing the Smart Contract-Based Licensing under the IMEA.¹⁸

GMO shall be based upon the doctrine of *Jus Cogens*; therefore, the primary goal of the GMO shall be in preventing the States' aggression and war crimes rather than aiming to extract and take control of natural resources existing in the adversely affected States. The GMO shall prepare a catalogue wherein it shall redefine the natural resources that are Global Assets for Security Significance (GASS); therefore, the GMO shall introduce a legal veto in establishing a financially transparent system in the utilization of the GASS for the States. This will ensure that the natural resources existing in the world are not merely the property of the State, but rather that the resources can be managed with the assistance of the Trusteeship framework. The GMO shall secure the relation between Article 8 of the Rome Statute and Article 2(4) of the UN Charter that discusses 'Crime of Aggression' and 'peace and security', respectively, thereby forming a precautionary social-legal order that prevents the aggression and warfare ignited by the resource-based clashes among the States.¹⁹

The availability of resources in the territorial boundaries curses the State in international law, as the States always apprehend the danger of acquisition or extraction of the resources by the other nation. The Proposer Builder Separation (PBS) mechanism prevents the States

¹⁷ Eyal Benvenisti, *Sovereignty Processes and the Protection of the Global Commons*, 102 Am. J. Int'l L. 721 (2008).

¹⁸ Vitalik Buterin, *Proposer-Builder Separation (PBS) as a Decentralized Governance Model*, Ethereum Research (2021).

¹⁹ Ian Brownlie, *Principles of Public International Law* (9th ed. 2019) (on the nature of *Jus Cogens*).

suppression and advances in regulating the blockchain of resources. The State acts as the Proposer and procures the ownership of the resources, and the role of the Builder is to provide neutral assessment and regulation of the natural resources to the global community. The PBS doctrine thus furnishes the ownership of the resources to the States' sovereignty; however, the States shall not have unmonitored and direct authority over the financial flow of the assets, which prevents the States resources from serving as a fund for aggression and war crimes. The Builder thus acts as a neutral third party in the regulation of the sales, management, and distribution of the natural resources of the State. Hence, the right to mine of the nation can be separated from the authority to demolish in the veil of the States' buried resources.

The International Mineral & Energy Agency (IMEA) in the proposed GMO shall act as a central pillar in the regulation of resource laws globally. IMEA shall be a treaty-based organ designed to go beyond the current International Energy Agency (IEA), which acts as an advisory agent for the States in the policy-making of energy resources. IMEA shall act as an enforcement tool for the nations having authority over the nations to monitor, amend, and intervene in the resource supply in the conflict states. IMEA offers the piercing of the Westphalian veil for the States, and the conflicting states that have harmed the peace and security shall compensate the humanitarian and welfare organizations for restoration and bringing normalcy in the lives of affected communities. IMEA shall provide security to the States from aggressive military invasions by the other States.²⁰

The current treaties regulating the resource laws are discretionary in nature, and the proposed GMO shall be the systematic enforcement order for the States rather than merely a written document. The integration of smart contracts, integrating digital records of resources, check listing, and regulating the finances, trade, distribution, and governance of resources under the GMO shall bring consistency and transparency in the international resource laws. This will mark a transition for the quarrelsome States from Pit to Port. This will assist the States in liquidity freeze of assets in the hours of conflict, global accountability in the production of resources and their distribution, and prevention from aggressive steps by the States for invasion objectives.

VI. VISHWA MITRA: INDIA'S ROLE IN THE GLOBAL MINING ORDER

In the 21st century, India has emerged as a Middle-power nation that can lead the countries in the multilateralism of resources and minerals. India can position itself as a mediator between the resource-hungry Western nations and the resource-rich Middle-East and Global-South

²⁰Int'l Energy Agency, *The Role of Critical Minerals in Clean Energy Transitions* (2021).

countries. India will have to play its cards right to become Vishwa Mitra (Global friend) for balancing morals, peace, and security with the advancement towards the extraction of resources, rather than backing the non-alignment doctrine.²¹ With the assistance of GMO, India aims to replace the Resource Sovereignty of the nations with a transparent and structured structure for the regulation of resources, and can move towards green metamorphosis, rather than States' instigating the machinery of War.

Thus, the GMO proposes a plan for the smaller nations to protect their Resource Sovereignty from the superpower countries while enforcing transparency and accountability. By instituting the Proposer-Builder Separation (PBS) doctrine and transparency in the supply chain of natural resources, the assets can be used by the States for development, growth, and prosperity purposes rather than the utilization of resources for instigating and continuing transnational aggression and war crimes. India can play a crucial role as a custodian and mediator in the peaceful and equitable distribution of energy and resources for the sustainable energy transition of subsurface commodities.

India is aiming to become Viksit Bharat by the year 2047, and for that, the government has set a goal to transform from the coal-centric regime to become a mineral-dependent economy, and India has also targeted net-zero carbon emissions by the year 2070.²² These targets of transformation have brought a new susceptibility for the government in the legal framework.²³ In the absence of GMO, the regulation, extraction, and trade of the minerals such as Lithium and Copper that are essential for the non-fuel transformation, the current tension in the geopolitical events relating to the authority over minerals and resources are necessary to be curbed by the international community to which the GMO can be of substantial assistance in taking control and regulate the global assets, resources, and minerals.

The National Critical Mineral Mission (NCMM), established by the amendments in 2024 to 2026 in the Mines and Minerals (Development and Regulations) Act of 1957, furnishes domestic regulations for the recycling and exploration of the resources and minerals that the government can utilize to accomplish the targeted goals.²⁴ However, the domestic regulation cannot solely transcend the need of India for achieving the targeted goals. Without the GMO, the targets of Viksit Bharat and net zero carbon emissions are dependent upon the balancing of geopolitical diaspora and global resource trade and commerce. Hence, it's crucial to mitigate

²¹ Suhasini Haidar, *The Evolution of India's Strategic Autonomy to Vishwa Mitra*, *The Hindu* (Jan. 12, 2024).

²² Ministry of Mines, *Strategy Paper on Critical Minerals for India* (2023).

²³ NITI Aayog, *The Path to Viksit Bharat @ 2047: Energy Independence and Resource Security* (2023).

²⁴ The Mines and Minerals (Development and Regulation) Act, No. 67 of 1957, *amended by* The Mines and Minerals (Development and Regulation) Amendment Act, 2024 (India).

the current States' aggression and war crimes as it is largely impacting the trade and development in other States.

The trade access for the nations shall be linked with the peaceful extraction and supply of the resources. India shall stand firm in the international legal order and announce that it's not just a consumer of resources from other countries, but rather it can act as the primary maritime custodian of the GMO. And India has sufficient capacity in the utilization of domestic trade law to curb the aggression and war crimes, in retaliation if committed by the other nation.

VII. CONCLUSION AND SUGGESTIONS

The transformation from the Permanent Sovereignty over Natural Resources (PSNR) doctrine that provided a shield to the nations that emerged from the post-colonial era to advance towards the Westphalian veil to prevent war crimes and States' aggression is the immediate necessity in the current evolving international relations and laws regulating the minerals, resources, and petroleum. The years 2025 and the current year 2026 have witnessed calamities involving the USA, Israel, Iran, and Venezuela, to name a few, that the economic sanctions and lingering prosecutions by the International Criminal Court (ICC) are not sufficient in mitigating the warfare and States' aggression in weaponizing their natural resources. The Global Mining Order proposes a pre-emptive and security-prioritized regulation that supports the absolute Sovereignty of the States with Jus Cogens principles for peace and security of the global community.

The study provides the following suggestions to overcome the current challenges in geopolitics. Firstly, the International Mineral & Energy Agency (IMEA) is proposed to be set up, which shall have enforcement authority to monitor and intervene in the trade and commerce of resources, especially in conflicted territories, rather than abiding by the International Energy Agency (IEA), which is advisory in nature or based on international treaties among the countries. Secondly, the GMO shall urge the states to adopt the Proposer-Builder Separation (PBS) doctrine that would separate the State's ownership from the direct and unmonitored control of resources for trade and commerce, thus preventing states from utilizing the resources to fund war crimes and aggression. Thirdly, the GMO shall define and make a record of the Global Assets for Security Significance (GASS) and integrate the checklist in the Rome Statute to allow instantaneous mitigation when the resources are utilized by the States to aid aggression and war crimes. Lastly, India should grab the position of mediator in the international legal framework and maritime custodian, leading the IMEA to ensure peace, equity, and security to trade and commerce of the minerals, resources, and petroleum. By treating natural resources as

trust assets rather than utilizing the resources as property for mobilization, the international framework can make sure that the resources shall be used for development, rather than incentivizing aggression and war crimes.
