

# International Environmental Law and Global Commons - Role of Conventions

S. Saba

B S Abdur Rahman Crescent Institute of Science and Technology, Chennai 600048, India

Corresponding Author Email: [aligarhsaba03\[at\]outlook.com](mailto:aligarhsaba03[at]outlook.com)

Tel.: 91 8755199627

**Abstract:** *This research paper explores the function of international environmental law and global commons in tackling environmental concerns in shared resources and locations that are not under the authority of any specific country. The paper commences by presenting a comprehensive analysis of the present condition of international environmental law and the notion of global commons. Subsequently, it examines the significance of conventions in tackling environmental concerns in these regions. The article also analyzes the consequences of these agreements for the administration of global resources and the conservation of the environment. The study highlights the necessity of international environmental legislation and the management of global commons in ensuring the sustainable utilization of resources and places that are not under the authority of any specific country. This research adds to the continuing discussion on the significance of international law in dealing with environmental issues and offers valuable insights for future research in this area.*

**Keywords:** Global Commons, International Law, Shared resources

## 1. Introduction

International environmental law is essential for dealing with environmental problems in shared resources and places that are not under the control of any specific country, known as the global commons that refer to a diverse array of resources. These resources are shared by all nations and are not under the exclusive control of any one state (Schrijver, 2016). Efficiently managing natural resources is a multifaceted matter that necessitates the collaboration of all states, along with the establishment of international legal frameworks to regulate their utilization. The utilization of international environmental agreements is a crucial method for tackling environmental challenges in the global commons. These conventions establish a structure for collaboration among states and contribute to guaranteeing the long-term utilization of resources that are shared. The United Nations Convention on the Law of the Sea (UNCLOS) governs the utilization of the oceans, encompassing the high seas and the seabed outside the jurisdiction of any one nation (Schrijver, 2016). The primary objective of the Convention on Biological Diversity (CBD) is to preserve and protect biological diversity, while also encouraging the sustainable utilization of natural resources and ensuring the just and equal distribution of benefits derived from the utilization of genetic resources (Ranganathan, 2016). Although these conventions exist, effectively managing the global commons is still of chief concern. Managing the global commons is a challenging endeavor due to the intricate nature of these resources, the varied interests of the nations involved, and the absence of a central authority to ensure adherence to international law. This research paper explores the function of international environmental law and global commons in tackling environmental concerns in shared resources and locations that are not under the authority of any specific country. The text commences by presenting a comprehensive analysis of the present condition of international environmental law and the notion of global commons. Subsequently, the text examines the function of conventions in dealing with environmental concerns in these regions, emphasizing notable instances like

UNCLOS and the CBD. The study also analyzes the consequences of these accords on the administration of global resources and the conservation of the environment. The study highlights the importance of international environmental legislation and the management of global commons in ensuring the sustainable utilization of resources and places that are not under the authority of any specific country. This research adds to the continuing discussion on the significance of international law in dealing with environmental issues and offers valuable insights for future research in this area.

## 2. Concept of Global Commons

The concept of global commons refers to resource domains outside the authority of individual states (Riddervold & Newsome, 2021). These shared resources are essential for biodiversity conservation, climate change mitigation, and other global concerns. Idea of the global commons is based on 'the tragedy of the commons' and 'the common legacy of mankind,' which are fundamental to the legal discussion on managing areas outside national boundaries and vital resources (Ranganathan, 2016). Historically, the concept of commons has been associated with the potential for overuse or misuse when left unregulated, as highlighted in Garrett Hardin's classic essay 'The Tragedy of the Commons'. However, studies have shown that local communities can develop sustainable management practices for common resources to prevent overexploitation and ensure long-term viability (Soroos, 2001). The evolution of global commons governance has been influenced by various factors such as decolonization, state relations, population pressures, and resource security concerns. In contemporary international governance discussions, global commons law aims to establish norms that safeguard the planet and humanity's heritage. This involves addressing issues related to resource sharing, preservation, and sustainable use through global regulation and cooperation (Garcia, 2021). The governance of global commons remains a critical area of interest for international relations and environmental policy,

emphasizing the need for collaborative efforts to protect these vital shared resources.

### 3. Role of International Environmental Law

International Environmental Law plays a crucial role in tackling worldwide environmental issues and advancing sustainable development. International environmental law comprises a collection of agreements and principles that represent the collaborative endeavor of nations to address significant environmental concerns, including climate change, ozone depletion, and wildlife extinction (GW Law Library: Library Guides: International Environmental Law: Getting Started). The objective of this legal framework is to attain sustainable development by striking a balance between the present quality of life and the well-being of future generations. International environmental law is crucial for addressing specific environmental hazards and integrating sustainable environmental conservation into the global economy. Managing transboundary environmental impacts, regulating foreign activities that contribute to environmental harm, and coordinating financial or technical assistance for global conservation efforts are crucial aspects of international environmental law (foreign Environmental Law, 2021). The law also enables the nonviolent settlement of environmental issues across nations, as seen by instances such as the Trail Smelter Arbitration and disagreements about shared resources such as rivers or lakes. In addition, international environmental law has effectively tackled important matters such as regulating noxious substances, safeguarding the ozone layer, and preserving wildlife populations through agreements such as the Basel Convention, Stockholm Convention, and Minamata Mercury Convention. Notwithstanding these accomplishments, there are still obstacles that remain, such as the decrease in fish populations, the increase in temperatures, and the escalating deforestation, highlighting the continuous requirement for strong international collaboration in tackling worldwide environmental problems. International environmental law plays a crucial role in tackling existing and upcoming environmental issues by fostering collaboration between countries, setting standards for sustainable development, and safeguarding shared resources for both current and future generations.

### 4. The Role of Conventions in Addressing Environmental Issues within Global Commons

Conventions play an important part in addressing issues related to the environment concerned with the global commons by supporting sustainable management of shared resources and tackling global environmental challenges. Conventions are legal tools that promote collaboration between states, set standards for preserving resources, and offer structures for dealing with environmental problems that cross borders (Ranganathan, 2016). International treaties are crucial in regulating the global commons. The concern of the United Nations Convention on the Law of the Sea (UNCLOS) international waters and areas beyond national jurisdictions. Its purpose is to emphasize the sustainable use of marine resources and safeguard biodiversity. In addition, the Antarctic Treaty System (ATS) is concerned with the Antarctic environment and species, serving as a

demonstration of international collaboration in the conservation of this exceptional area. The Montreal Protocol is concerned with tackling atmospheric challenges and emphasize the significance of global cooperation in reducing environmental risks. Despite the progress made through these conventions, challenges persist in effectively managing the global commons. Gaps in regulatory frameworks, emerging activities like deep-sea mining and bioprospecting, and the need for enhanced conservation principles such as ecosystem-based management pose ongoing challenges that require continuous international cooperation and legal mechanisms to address. The governance of global commons through conventions remains essential for ensuring sustainable development, protecting shared resources, and fostering collaboration among nations to address pressing environmental concerns.

### 5. Implications for Global Commons Management

The implications for global commons management are significant, as these areas are essential for maintaining global stability and prosperity. The management of global commons requires international cooperation and the development of legal frameworks to ensure the sustainable use of shared resources. The role of conventions in addressing environmental issues within global commons is crucial for promoting sustainable management of shared resources and addressing global environmental challenges.

Schrijver (2016) provides some key implications for global commons management:

- Sustainable resource use: Conventions help establish norms for resource conservation and sustainable use, ensuring that shared resources are not overexploited or misused.
- Transboundary environmental issues: Conventions facilitate cooperation among nations to address environmental threats that cross national borders, such as climate change, ozone depletion, and wildlife extinction.
- Financial and technical support: Conventions provide a framework for financial and technical support to developing countries, enabling them to participate in global conservation efforts and contribute to the protection of shared resources.
- Conflict resolution: Conventions help resolve conflicts between nations over shared resources, such as disputes over shared rivers or lakes, through peaceful means.
- Ecosystem-based management: There is a growing need for ecosystem-based management principles to be integrated into global commons governance, which can help ensure the long-term sustainability of shared resources.

Overall, the management of global commons is essential for maintaining global stability and prosperity, and the role of conventions in addressing environmental issues within these areas is crucial for promoting sustainable development and protecting shared resources for present and future generations.

## 6. Conclusion

This research article emphasizes the necessary role of international environmental law and global commons in addressing environmental challenges within shared resources and areas beyond national jurisdiction. By providing an insightful overview of the contemporary international environmental law and the concept of global commons, the study has highlighted the importance of legal frameworks in managing these vital resources. Furthermore, the examination of the implications of conventions for global commons management emphasizes the need for continued collaboration among nations to protect the environment and ensure the long-term viability of shared resources. The study's emphasis on the significance of these for sustainable resource utilization reinforces the importance of upholding legal principles to safeguard our planet's ecological integrity. Ultimately, this research contributes valuable insights to the ongoing discourse. By shedding light on the interplay between legal frameworks, global commons management, and environmental protection, this study provides a foundation for future research endeavours aimed at enhancing our understanding and implementation of effective strategies for preserving shared resources and areas beyond national jurisdiction.

### Acknowledgements

Acknowledgements and Reference heading should be left justified, bold, with the first letter capitalized but have no numbers. Text below continues as normal.

### References

- [1] Garcia, D. (2021). Global commons law: norms to safeguard the planet and humanity's heritage. *International Relations*, 35(3), 422–445. <https://doi.org/10.1177/00471178211036027>
- [2] Global governance and governance of the global commons in the global partnership for development beyond 2015. (n.d.). United Nations. [https://www.un.org/en/development/desa/policy/untask\\_team\\_undf/thinkpieces/24\\_thinkpiece\\_global\\_governance.pdf](https://www.un.org/en/development/desa/policy/untask_team_undf/thinkpieces/24_thinkpiece_global_governance.pdf)
- [3] GW Law Library: Library Guides: International Environmental Law: Getting Started. (n.d.). <https://law.gwu.libguides.com/IEL>
- [4] International Environmental Law. (2021, January). American Bar Association. [https://www.americanbar.org/groups/public\\_education/publications/insights-on-law-and-society/volume-19/insights-vol--19---issue-1/international-environmental-law/](https://www.americanbar.org/groups/public_education/publications/insights-on-law-and-society/volume-19/insights-vol--19---issue-1/international-environmental-law/)
- [5] Ranganathan, S. (2016). Global Commons. *European Journal of International Law*, 27(3), 693–717. <https://doi.org/10.1093/ejil/chw037>
- [6] Riddervold, M., & Newsome, A. (2021). Introduction: cooperation, conflict, and interaction in the global commons. *International Relations*, 35(3), 365–383. <https://doi.org/10.1177/00471178211036598>
- [7] Schrijver, N. (2016). Managing the global commons: common good or common sink? *Third World Quarterly*, 37(7), 1252–1267. <https://doi.org/10.1080/01436597.2016.1154441>

- [8] Soroos, M. S. (2001). The evolution of Global Commons. In Palgrave Macmillan UK eBooks (pp. 39–65). [https://doi.org/10.1057/9780230503359\\_2](https://doi.org/10.1057/9780230503359_2)