




ALMA MATER STUDIORUM
UNIVERSITÀ DI BOLOGNA
DIPARTIMENTO DI SCIENZE GIURIDICHE



The Global Commons and Law in Transition

Interdisciplinary Workshop

Friday, 19th January 2024

Sala Feste, Palazzo Malvezzi, Via Zamboni No 22, Bologna



Earth observation taken by STS-133 crew, National Archives at College Park - Still Pictures, Public domain, via Wikimedia Commons

9:15 - Welcome Address

Federico Casolari, Deputy Director of the Department of Legal Studies

9:25 – 9:30 Introduction

Elena Orrù, Associate Professor of Maritime and Transportation Law

9:30 – 10:00 Keynote Speech

Alla Pozdnakova, Full Professor of Law at the Scandinavian Institute of Maritime Law, University of Oslo

Transformation of Law to Protect the Global Commons: Avenues and Issues

10:00 – 10:15 – Coffee break in the adjacent rooms

10:15 – 12:45 – Interdisciplinary Speeches

Elisa Baroncini, Full Professor of International Law
The Trade and Sustainable Development Chapters in the New Generation of the EU FTAs

Federico Casolari, Full Professor of European Union Law
The European Union's Contribution in Protecting Biodiversity

Giangiuseppe D'Angelo, Associate Professor of Tax Law

Federico Tarini, Research Fellow of Tax Law
Customs Law as a Tool for the Protection of Global Commons

Caterina Drigo, Associate Professor of Constitutional Law

Global Commons on Trial: Hints from Climate Change Litigation

Gian Maria Farnelli, Associate Professor of International Law
Marine Biodiversity Beyond National Jurisdiction as a Global Common

Elena Gabellini, Junior Assistant Professor of Civil Procedural Law

Class Actions in Environmental Framework: Limits and Perspectives

Luca Orciani, Adjunct Professor of Business Law
Corporate Purpose and Transition Towards a Sustainable Capitalism

Elena Orrù, Associate Professor of Maritime and Transportation Law

The New Lex Mercatoria and Its Contribution to the Protection of Global Commons

Alvise Schiavon, Senior Assistant Professor of Roman and Ancient Law

Access to Global Commons in Roman Law

12:45 – 13:15 – Discussion and Q&A

13:15 – Light lunch in the adjacent rooms

Abstract

The global commons are the resource domains that lie beyond limits of national jurisdiction of States, such as the high seas, outer space, the atmosphere and, more recently, the cyber space.

There are already taking place decision-making processes and activities to access and exploit resources of the commons, which will have enormous, long-lasting and irreversible impact on the generations to come.

Although these 'spaces' are different, it is a common feature that they are threatened and used by individual activities of States and private actors while being a 'global common', something which belongs to or at least benefits the humanity as a whole.

The fair and equitable use and protection of these spaces is, therefore, intrinsically connected to the global legal order, which is safe, sustainable and peaceful. A dilemma faced by the global community is how to ensure this goal.

Consequences of climate change and lack of sufficient progress to ensure GHG reductions to meet the 1.5°C goal require development of legal solutions that would enable us to reverse and mitigate the degradation of the environment. While activities such as deep seabed mining may contribute to green and circular economy, positive impact of such activities is contested.

The governance of the 'global commons' raises complex issues which cannot be addressed (only) by a sector-based approach, but needs to be based on comprehensive approaches.

The workshop is meant to provide contributions from different areas of Law research addressing these issues for achieving a holistic perspective and an innovative approach. In addition, the workshop encourages interdisciplinary perspectives, for example, to examine, how geopolitical and social developments influence the work towards a better legal framework to protect the global commons.