

NAVIGATING THE FUTURE: SUSTAINABLE AND  
INCLUSIVE FRONTIERS IN INTERNATIONAL  
ECONOMIC LAW

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**I. INTRODUCTION**

The Trade, Law and Development Journal has in the past included enriching discussions on climate change. Today, such discussions have extended beyond achieving climate change mitigation and environmental goals to achieving economic and social sustainability. As the Journal enters its 15th year, we are pleased to bring to you our Special Issue which is dedicated to sustainable and inclusive practices in the field of international economic law. This Issue contains articles which analyse the sustainable responsiveness of trade and investment agreements, gender concerns in international investment agreements, humanitarian concerns in free trade agreements and limitations of the aims and effects test under Article XX, General Agreement on Tariffs and Trade (GATT).

Every year the Journal publishes two Issues. A General Issue which covers diverse aspects of international economic law; and a Special Issue which covers a specific area of the law. The Journal follows a unique democratic process to adopt a theme for such Issues. We first invite individual proposals which is followed by an elaborate discussion on each proposal. Thereafter, each Editor votes on the themes in an order

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of three preferences and cites reasons for their choices. The criteria that Editors take into consideration is the relevance and scope of the theme, existing literature, availability of authors and its novelty. Once the votes are tabulated, a theme and its title is selected. This year's theme, "*Sustainability & Inclusivity: Evolving Paradigms of the Global Economy*", was tabled and discussed every time in the past three years. Undoubtedly, environmental and societal friendly practices have gained momentum in the past decade. A constructive internal discussion on the scope of this theme took place and we are proud of the participative process that we've been following to settle on the best theme possible for a given year. We hope our readers enjoy this Issue as much as we enjoyed putting it together.

## II. CONTENTS OF THE SPECIAL ISSUE

The Issue begins with Prof. Dr. Andréia Costa Vieira's article in which she explains how international trade cooperation is an important means to promote human rights in times of humanitarian crises. A brief overview of the recent humanitarian crises around the world is given at first. She then creates a link between trade and such crises, by identifying the relevant provisions, programmes and dialogues under the World Trade Organization (WTO). Good practices and practical recommendations support the idea that international trade cooperation is useful to develop a trade-peace nexus. This includes having clauses relating to human rights protection in trade arrangements which benefits all stakeholders. The article proves how valuable the trade-peace nexus can be in responding to and resolving some of the biggest concerns related to refugee protection. The editorial team assisting Prof. Dr. Vieira consisted of Ananya Awasthi, Priyanshu Shrivastava and Ishaan Pant.

Dr. Giulia Claudia Leonelli writes about the various shortcomings of using the aims-and-effects test and how the Chapeau of Article XX, GATT adequately justifies the necessary policy exceptions. She analyses the *EU – Palm Oil* dispute while discussing the evolution of the debate on npr-PPM standards from early 2000s till now. This includes analysing the rationale and implementation of the tests of product "likeness" and "less favourable treatment" and the EU standards on high ILUC risk biofuels. In conclusion, the chapeau of Article XX plays a significant role in times of extraterritorial leverage. Dr. Leonelli was assisted by Himanshu Sharma, Ria Chaudhary and Anandita Srivastava.

Next, Prof. Amit Kumar Sinha's research paper aims to identify women's places within the normative and structural frameworks of the Indian Investment Agreements (IIA). In doing so, he first undertakes a deep-dive into statistics highlighting women's interaction with international law, and their consequent underrepresentation – thus, revealing a highly skewed gender ratio in favour of men. In describing diversity as a tool for bringing sociological legitimacy to decision-

making, he analyses various public structures in India, such as the parliament, bureaucracy and the judiciary. He urges governments globally to make good use of Performance Requirements to achieve gender parity and safeguard the legitimate interests of women. He concludes by commending feminists and female academicians who are attempting to bridge the gap left by the underrepresentation of women in public institutions. The editorial team assisting Prof. Sinha consisted of Simran Bherwani, Jahnavi Srivastava, and Sonali Raju.

The Issue ends with an article authored by Prof. Marie-Claire Cordonier Segger & Prof. Javiera Cáceres B. They begin by imploring their readers to think about how trade and investment agreements can support international efforts to address climate change and other sustainability challenges, given the urgent need to address climate change and the need to fulfill increasingly ambitious commitments under the Paris Agreement. In light of the same, they investigate how regional economic agreements help, as well as hinder efforts to combat climate change. Their paper reviews the ways in which trade agreements can give rise to significant tensions that impact sustainable development, especially those involving material and normative risks. They also outline the kinds of provisions pertaining to sustainable development that can be found in international trade and investment agreements. The authors conclude by remarking that, subjects like the liberalization of environmentally friendly products and the possible harm of dual-use are still being discussed, and accords like the most recent EU-Kenya EPA and ACCTS offer a chance to move beyond their definition and certification procedure. Prof. Marie-Claire Cordonier Segger and Prof. Javiera Cáceres B. were assisted by Anoushka, Himanshu Sharma, and Shambhavi Uniyal.

### **III. ACKNOWLEDGEMENT & CONCLUSION**

It is our belief that we would not be debatably among the best journals in the world, were it not for a few key players that contribute to the growth of Trade, Law & Development. We would first want to express our gratitude to Dr. Harpreet Kaur, the esteemed Vice Chancellor of National Law University, Jodhpur, who serves as our patron and has always supported and encouraged us.

Next, we would like to express our sincere gratitude to Mr. Vinod D, the University's Head Librarian, for enabling us to guarantee a seamless transition and accountability of our subscriptions. We also applaud the library staff for making sure that all students always have access to a variety of commentaries and databases, which helps them to enroll in trade and economic laws as part of their academic program.

Next, we would want to express our gratitude to Dr. Rosmy Joan, the faculty-in-charge of our journal – who has been our greatest support. Dr. Joan has stood by

the Board and fought our issues as if they were her own, come rain or shine. The Board has been provided with financial and logistical help when needed, thanks to her diligent efforts towards the cause. In times of urgency or crisis, Dr. Joan has always been our first port of call as Editors-in-Chief. She has patiently listened to us and helped us choose the best course of action. Thus, Dr. Joan deserves much of the credit for this Board's success.

Needless to say, without a diligent, committed, and effective editorial board, no board of editors can genuinely operate. Throughout this issue, our editors have worked incredibly hard to meet shorter deadlines and produce excellent editorial work while also making sure that any delays from our end are kept to a minimum. Our student editors have not only performed incredibly well in their editorial duties, but they have also gone above and beyond what was required of them by helping us to launch new projects under the Journal's brand and keeping the Journal appealing.

The 15th year of the Journal has been a special one. The past ten months have been filled with demanding labor, organizing our academic schedules, and making sure we gracefully carry on the TL&D tradition that the previous Board of Editors bestowed upon us. We are incredibly grateful for everything the Journal has given us. We also thank Dr. Joan, our previous Editor-in-Chief, and our student editors for their patience and faith in us.

Until next time (Issue)!