

COMMON INTERESTS IN INTERNATIONAL LITIGATION



# COMMON INTERESTS IN INTERNATIONAL LITIGATION

A Case Study on Natural Resource  
Exploitation Disputes

Claire BUGGENHOUDT



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## Common Interests in International Litigation. A Case Study on Natural Resource Exploitation Disputes

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## ACKNOWLEDGEMENTS

This book concerns issues of common interests in international law. It was written as a thesis for the degree of doctor of law between 2009 and 2015. A common interest, to me, is an interest that reflects a shared value and requires collective action. In other words, a common interest is an interest that no one can reach alone and an interest of which no one person can reap all the benefits. In the same vein, one could describe academic research as a shared value within the academic community. However, it is the element of collective action that makes the process of writing a dissertation a true common interest (within a limited community). I could not have finished this work alone and I hope I am not the only one who will enjoy the finished result. Therefore, I would like to express my gratitude to all of you who have contributed to this collective effort.

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## LIST OF ABBREVIATIONS

AB	Appellate Body of the World Trade Organization
ACHPR	African Commission on Human and Peoples' Rights
ACtHR	African Court on Human and Peoples' Rights
BIT	Bilateral Investment Treaty
CITES	Convention on International Trade in Endangered Species
DSM	Dispute Settlement Mechanism
DSU	Dispute Settlement Understanding
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EEZ	exclusive economic zone
EIA	environmental impact assessment
FET	Fair and Equitable Treatment
GATS	WTO General Agreement on Trade in Services
GATT	WTO General Agreement on Tariffs and Trade
IACtHR	Inter-American Court of Human Rights
ICJ	International Court of Justice
ICRW	International Convention for the Regulation of Whaling
ICSID	International Centre for Settlement of Investment Disputes
ICTY	International Criminal Tribunal for the Former Yugoslavia
IEL	International Environmental Law
IIA	International Investment Agreement
ILC	International Law Commission
ITLOS	International Tribunal for the Law of the Sea
IUU	illegal, unregulated and unreported
MFN	Most Favoured Nation
NAFTA	North American Free Trade Agreement
NGO	non-governmental organisation
NT	National Treatment
PPM	Process and Production Method
SPS	WTO Agreement on the Application of Sanitary and Phytosanitary Measures
TBT	Technical Barriers to Trade (WTO Agreement)

TRIPS	Trade Related Aspects of Intellectual Property Rights (WTO Agreement)
UNCLOS	United Nations Convention on the Law of the Sea
UNEP	United Nations Environment Programme
VCLT	Vienna Convention on the Law of Treaties
WTO	World Trade Organization