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International law and the sustainable governance of shared natural resources: A principled approach

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Propositions relating to the dissertation

INTERNATIONAL LAW AND THE SUSTAINABLE GOVERNANCE OF SHARED NATURAL RESOURCES

A Principled Approach

by Nadia Sánchez Castillo-Winckels

1. Shared resource governance epitomizes the challenge of reconciling the exercise of permanent sovereignty over natural resources (PSNR) and the equitable use and conservation of resources that are shared by two or more states.
2. Sovereignty over exclusive resources and sovereignty over shared resources are conceptually different and constitute distinct legal regimes.
3. Approaching the issue of sovereignty over shared natural resources (SSNR) mindful of the differences between PSNR and SSNR could promote that shared resource governance is increasingly focused on cooperation and less oriented towards protecting states' territorial interests.
4. The legal conceptualization of the common interests and concerns that exist between states sharing natural resources is insufficiently clear.
5. The principle of community of interests stems from the legal recognition of the unity of the drainage basin and promotes riparian solidarity and cooperation as well as the formation of a community of law.
6. The principle of common concern of humankind applies to issues that affect human wellbeing and the environment and that require global cooperation to be effectively addressed. Therefore, it should also apply to the degradation of the atmosphere.
7. To increase its effectiveness, the participation of non-state actors in the governance of shared natural resources is promoted by applicable binding and non-binding international legal instruments.
8. The human right to participate in public affairs could complement international climate law in such a way as to contribute to enhancing observer participation in international climate change decision-making processes.
9. The Sustainable Development Goals promote a new conception of ocean commons governance through encouraging public participation in decision-making as a way of strengthening governing institutions at all levels.
10. The principles of community of interests and common concern of humankind promote the reconciliation of PSNR and the common interests of states sharing natural resources.
11. The principles of public participation and sustainable development promote the inclusion of non-state actors in shared resource governance.
12. A run in the forest, a dip in the sea and a cup of green tea help one revere nature as well as finish a PhD.