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Sustainable governance of aviation: changing tailwinds: from shareholding to stakeholders?

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Sustainable Governance of Aviation

Changing Tailwinds: from Shareholding to Stakeholders?

T.N. (Niall) Buissing

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Sustainable Governance of Aviation

Changing Tailwinds: from Shareholding to Stakeholders?

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I first set out to write a PhD proposal in 2019, soon after joining the International Institute of Air and Space Law (IIASL) as academic coordinator for the Advanced LLM in Air and Space Law. However, when the COVID-19 pandemic hit, we entered unprecedented times. All my time and energy were devoted to ensuring that students who had travelled from around the world, and suddenly found themselves in a precarious situation, would continue to receive high-quality education. Looking back, I remain deeply proud of what my colleagues and I achieved during that time. Hearing, years later at the Institute's 40th anniversary celebration in August 2025, how thankful those very same students remain for the efforts we made, I have never regretted — not for one moment — putting my PhD trajectory on pause.

As the world slowly emerged from the crisis in 2021 and life gradually returned to a steadier course, I was eager to resume my writing. Yet new challenges presented themselves, both professionally and in my personal life, which made it impossible to find the peace of mind required to pursue doctoral research. It is in times like these that one discovers who truly stands by you. For that support, often quiet but unwavering, I am profoundly grateful.

But where one door closes, another opens. Setbacks, though unwelcome, have a way of strengthening resolve. Transitioning into consultancy work turned out to provide not only fresh professional challenges, but also the freedom and clarity of environment I needed to commit to my PhD. With the approval of my research plan in 2022, the momentum returned: my first article appeared later that year, followed by two articles in 2023 and three in 2024. These publications form the backbone of this dissertation. I am indebted to all who contributed directly or indirectly along the way — colleagues, friends, and the many industry practitioners who engaged in thoughtful discussions with me. These exchanges enriched my work, ensuring it remained both topical and of practical relevance.

I would also like to acknowledge the unique and warm aviation community I have been privileged to be part of during these years. From conferences and seminars to late-night debates and unexpected conversations, I have benefited immensely from the generosity of scholars and professionals who shared their perspectives, challenged assumptions, and offered encouragement. Research can be solitary, but scholarship never is, and this project is very much the product of collective inspiration.

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This dissertation is the result of many years of interrupted starts, unexpected detours, and hard-won progress. If it stands for anything, it is that perseverance, strengthened by the support of others, can overcome even the most unanticipated obstacles. For everyone who has accompanied me on this path — whether in ways big or small — I extend my heartfelt thanks.

Niall Buissing

List of Abbreviations

AFIR	Alternative Fuels Infrastructure Regulation
AM	Aircraft Movements
AoA	Articles of Association
AOC	Air Operator Certificate
ASA	Air Services Agreement
ATA	Air Transport Agreement
ATD	Airport Traffic Decree
BA	Balanced Approach (to Aircraft Noise Management)
BAR	Balanced Approach Regulation (EU No 598/2014)
CBAM	Carbon Border Adjustment Mechanism
CJEU	Court of Justice of the European Union
CORSIA	Carbon Offsetting and Reduction Scheme for International Aviation
DG COMP	Directorate-General for Competition (European Commission)
DOT	Department of Transportation (United States)
EAP	Environmental Action Programme
EC	European Commission
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EEA	European Economic Area
EEC	European Economic Community
EIA	Environmental Impact Assessment
END	Environmental Noise Directive (2002/49/EC)
ESG	Environmental, Social and Governance
ETD	Energy Taxation Directive (2003/96/EC)
ETS	Emissions Trading System
EU	European Union
EU ETS	European Union Emissions Trading System
FDI	Foreign Direct Investment
FF55	"Fit for 55" legislative package
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GHG	Greenhouse Gas
IASTA	International Air Services Transit Agreement
ICAO	International Civil Aviation Organization
ICJ	International Court of Justice

ILC	International Law Commission
ILT	Inspectorate for the Human Environment and Transport (<i>Inspectie Leefomgeving en Transport</i>)
I&W	(Dutch Ministry of) Infrastructure and Water Management
LLC	Low-Cost Carrier
LTAG	Long-Term Global Aspirational Goal
NGO	Non-Governmental Organization
NNHS	New Standards and Enforcement System (<i>Nieuw Normen- en Handhavingstelsel</i>)
NOA	Noise Abatement Objective
O&C	Ownership and Control
PCA	Permanent Court of Arbitration
PPoB	Principal Place of Business
PSO	Public Service Obligation
RED	Renewable Energy Directive (EU 2023/2413)
SAF	Sustainable Aviation Fuel
SARPs	Standards and Recommended Practices
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
UN	United Nations
WTO	World Trade Organization

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