

## THE COMMON INTEREST IN INTERNATIONAL LAW



# THE COMMON INTEREST IN INTERNATIONAL LAW

edited by

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## EDITORS' PREFACE

This publication is part of the Research Networking Programme (RNP) 'Beyond Territoriality: Globalization and Transnational Human Rights Obligations' (GLOTHRO) which ran from May 2010 to May 2014 and was financially supported by the European Science Foundation (ESF). Over the course of its four years GLOTHRO has developed into one of the most important academic projects broaching questions of extra-territorial human rights protection and the obligations of multiple state and non-state actors.

This book is dedicated to one key aspect that connects the protecting of human rights and human dignity and the extraterritorial obligations of states under international law: the protection of the common interest. The book addresses several key questions that the issue engages: What is the common interest – or what *are* common interests? How does international law protect common interests? What are the obligations of states *vis-à-vis* each other and the international community? What role do different state and non-state actors have? And what can the protection of the common interest in different regimes tell us about the future of international law more globally?

The process of inviting contributions to this volume was particularly thorough and responsive. The contributions were presented at two workshops hosted by the University of Graz, on 11–12 October 2012 and 30–31 October 2013, and then extended and refined by the authors in light of discussions and comments. The introduction and the conclusions, written by all editors, frame and position the eleven contributions by both emerging and renowned scholars.

At the University of Graz the editors would like to thank Manuela Rusz for editorial support and co-editor Matthias C. Kettemann, who had the main role in reviewing the contributions. At Intersentia, we would like to thank the two reviewers for their comments and Tom Scheirs for his valuable support.

In his introduction into international law, Malcolm N. Shaw writes that “[i]n the long march of mankind from the cave to the computer a central role has always been played by the idea of law”. In this book, we show that – transcending international legal regimes – the idea of a ‘common interest’ is just as important. Not only law – that is in Shaw’s words “[the idea] that order is necessary and chaos inimical to a just and stable existence” – is necessary for the international

community to flourish, but the common pursuance of issues of common interest through international law.

The contributors to this book show that it is time to turn the page when it comes to protecting the common interest in international law. To find out how, you will need to do the same.

Graz, Antwerp, Frankfurt am Main, Oslo  
August 2014

Wolfgang Benedek, Koen De Feyter, Matthias C. Kettemann, Christina Voigt

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## ABBREVIATIONS

AOSIS	Alliance of Small Island States
ARIO	Articles on the Responsibility of International Organizations
BCG	Boston Consulting Group
CCH	Common Concern of Humankind
CDP	Committee for Development Policy
CESCR	Committee on Economic, Social and Cultural Rights
CFI	Court of First Instance
CIR	Critical Internet Resources
COP	Conference of the Parties
CSR	Corporate Social Responsibility
DAC	Development Assistance Committee
DCD-DAC	Development Co-operation Directorate
DDos	Distributed Denial-of-Service
DNS	Domain Name System
DPI	Deep Packet Inspection
EBA	“Everything But Arms” Arrangement
ECHR	European Convention of Human Rights
ECJ	European Court of Justice
ECOSOC	Economic and Social Council
ECtHR	European Court of Human Rights
ESCRs	Economic, Social and Cultural Rights
ETO	Extraterritorial Obligations
GDP	Gross Domestic Product
GNI	Gross National Income
HDI	UNDP Human Development Index
HRC	Human Rights Committee
HTTP	Hyper Text Transfer Protocol
IBRD	International Bank for Reconstruction and Development
ICANN	Internet Corporation for Assigned Names and Numbers
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
ICTs	Information and Communication Technologies
ICTY	International Criminal Tribunal for the former Yugoslavia
IDA	International Development Association

IHL	International Humanitarian law
ILC	International Law Commission
IMF	International Monetary Fund
IP	Internet Protocol
IXP	Internet Exchange Point
LDCs	Least Developed Countries
MDGs	Millennium Development Goals
MSI-DUI	Council of Europe's Committee of Experts on Rights of Internet Users
NAM	Non-Aligned Movement
NGOs	Non-Governmental Organizations
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation
R2P	Responsibility to Protect
SDGs	Sustainable Development Goals
SIDS	Small Island Developing States
TCP	Transmission Control Protocol
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNHRC	United Nations Human Rights Council
UNSC	United Nations Security Council
UPR	Universal Periodic Review
USA	United States of America
VDPA	Vienna Declaration and Programme of Action
VCLT	Vienna Convention on the Law of Treaties
VoIP	Voice over IP
WB	World Bank
WSIS	World Summit on the Information Society
WSO	World Summit Outcome
WTO	World Trade Organisation
WWW	World Wide Web