

More Information

THE PRACTICE OF SHARED RESPONSIBILITY IN INTERNATIONAL LAW

This is the third book in the series Shared Responsibility in International Law, which examines the problem of distribution of responsibilities among multiple states and other actors. In its work on the responsibility of states and international organisations, the International Law Commission recognised that attribution of acts to one actor does not exclude possible attribution of the same act to another state or organisation. Recognising that the applicable rules and procedures for shared responsibility may differ between particular issue-areas, this volume reviews the practice of states, international organisations, courts, and other bodies that have dealt with the issue of international responsibility of multiple wrongdoing actors in a wide range of issue-areas, including energy, extradition, investment law, NATO-led operations, and fisheries. These analyses jointly assess the fit of the prevailing principles of international responsibility and provide a basis for reform and further development of international law.

ANDRÉ NOLLKAEMPER is Dean and Professor of Public International Law at the Faculty of Law of the University of Amsterdam, Director of the Amsterdam Center for International Law, and Director of the SHARES Research Project. He is President of the European Society of International Law, a member of the Permanent Court of Arbitration and (external) legal advisor to the Minister of Foreign Affairs of the Netherlands.

ILIAS PLAKOKEFALOS is Assistant Professor of International Law at Utrecht University and Senior Research Associate at the Netherlands Institute for the Law of the Sea. Previously, he was a post-doctoral researcher in the SHARES Project at the University of Amsterdam. He has been guest lecturer at the University of Oxford and at Université Catholique de Lille.



More Information

STUDIES ON SHARED RESPONSIBILITY IN INTERNATIONAL LAW

This series produces high quality scholarship exploring questions of shared responsibility in international law. It provides new perspectives on the responsibility problems that arise from the increasing number of situations in which states, international institutions and other actors engage in concerted action in the pursuit of common objectives. While such concerted action generally aims to provide beneficial outcomes, all too often it results in harmful ones. If that is the case, the multiplicity of actors involved in the concerted action may complicate the determination and implementation of international responsibility. Books in this series examine the grounds on which international law does and should allow for shared responsibility between all actors involved, and how it can be developed in a way that better enables the determination and implementation of shared responsibility.

The series includes both works on positive international law and works of a theoretical and interdisciplinary character.

The book series is part of the research project on Shared Responsibility in International Law (SHARES), which has been carried out at the Amsterdam Center for International Law (ACIL) of the University of Amsterdam from 2010 onwards.

General Editor

André Nollkaemper, Professor of Public International Law, University of Amsterdam



More Information

THE PRACTICE OF SHARED RESPONSIBILITY IN INTERNATIONAL LAW

Edited by
ANDRÉ NOLLKAEMPER
and
ILIAS PLAKOKEFALOS

JESSICA N.M. SCHECHINGER

International Military Operations cluster co-edited by

JANN KLEFFNER

Assistant editor





More Information

CAMBRIDGEUNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org Information on this title: www.cambridge.org/9781107107090

© Cambridge University Press 2017

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2017

Printed in the United Kingdom by Clays, St Ives plc

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging in Publication Data
Nollkaemper, André, editor. | Plakokefalos, Ilias, editor. | Schechinger,
Jessica N. M., editor. | Kleffner, Jann K., editor. | Amsterdam Center
for International Law, sponsoring body.

The practice of shared responsibility in international law / edited by André Nollkaemper and Ilias Plakokefalos; assistant editor Jessica N. M. Schechinger; international military operations cluster co-edited by Jann Kleffner.

Cambridge, United Kingdom: Cambridge University Press, 2017. | Series: Studies on shared responsibility in international law | Part of the research project on Shared Responsibility in International Law (SHARES), which has been carried out at the Amsterdam Center for International Law (ACIL) of the University of Amsterdam from 2010 onwards. | Drafts of the chapters were discussed at seminars on 'International Criminal Law', 'International Economic Law', 'International Law of the Sea and International Environmental Law', and 'International Refuse Law' (all in 2013 in

Amsterdam), and on 'International Military Operations' (2013 in Stockholm, organised in cooperation with the Swedish National Defence College). The research leading to this book has received funding from the European Research Council under the European Union's Seventh Framework Programme (FP7/2007-2013)/ERC grant agreement no. 249499, as part of the SHARES research project carried out at the ACIL.

Includes bibliographical references and index.

LCCN 2016022757 | ISBN 9781107107090 (alk. paper)

LCSH: Government liability (International law) | International obligations. |

Non-state actors (International relations) | Joint tortfeasors.

LCC KZ4080 .P73 2017 | DDC 342.08/8–dc23 LC record available at https://lccn.loc.gov/2016022757

ISBN 978-1-107-10709-0 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party Internet Web sites referred to in this publication and does not guarantee that any content on such Web sites is, or will remain, accurate or appropriate.



More Information

CONTENTS

List of Contributors page ix
Editors' Preface xiii
List of Abbreviations xvi
Table of Treaties and Other International Legal
Instruments xxx
Table of Cases liv

- 1 The Practice of Shared Responsibility: A Framework for Analysis 1
 ANDRÉ NOLLKAEMPER AND ILIAS PLAKOKEFALOS
 - Statehood 13
- 2 Internationally Administered Territories 15
- 3 Federal States 40
 GLEIDER I. HERNÁNDEZ
- 4 Territorial Leases 65 MICHAEL J. STRAUSS

International Criminal Law and Cooperation 87

- 5 Detention and Interrogation Abroad: The 'Extraordinary Rendition' Programme 89
 HELEN DUFFY
- 6 Extradition 128
 ARISTOTELES CONSTANTINIDES
- 7 International Drug Control 162
 PATRICK GALLAHUE
- 8 Cross-Border Law Enforcement 184 SASKIA HUFNAGEL

v



More Information

- 9 International Criminal Tribunals and their Relation to States 212 GÖRAN SLUITER
- 10 Responsibility of States and Individuals for Mass AtrocityCrimes 236GENTIAN ZYBERI

International Law of the Sea 263

- 11 Ship-Source Marine Pollution 265
- 12 Land-Based Marine Pollution 294
- 13 Piracy 316
 EFTHYMIOS PAPASTAVRIDIS
- 14 Fisheries 350 YOSHINOBU TAKEI
- 15 Environmental Protection of the Deep Seabed 380 ILIAS PLAKOKEFALOS
- 16 Antarctica 399 KEES BASTMEIJER
- 17 Search and Rescue Operations at Sea 426 SELINE TREVISANUT

International Space Law 451

18 Space Law 453
PABLO MENDES DE LEON AND HANNEKE VAN TRAA

International Refugee Law 479

- 19 Refoulement 481

 MAARTEN DEN HEIJER
- 20 Extraterritorial Refugee Protection 506
 NIELS FRENZEN
- 21 Private Actor Involvement in Migration Management 527 THOMAS GAMMELTOFT-HANSEN



More Information

Cambridge University Press 978-1-107-10709-0 — The Practice of Shared Responsibility in International Law Edited by André Nollkaemper , Ilias Plakokefalos , Assisted by Jessica Schechinger Frontmatter

	CONTENTS	vii
22	Human Rights and Human Trafficking 556 ANNE T. GALLAGHER	
	International Military Operations 583	
23	United Nations Peacekeeping Operations 585 RAY MURPHY AND SIOBHÁN WILLS	
24	African Union Operations 613 ADEMOLA ABASS	
25	North Atlantic Treaty Organization-Led Operations 639 MARTEN ZWANENBURG	
26	European Union Common Security and Defence Policy Operations 669 FREDERIK NAERT	
27	Coalitions of the Willing 701 MATTEO TONDINI	
28	Occupation 733 ENRICO MILANO	
29	Private Military Contractors 761 CHIA LEHNARDT	
30	Arms Control 781 DAN JOYNER	
	International Economic Law 797	
31	Multinational Corporations 799 OLUFEMI AMAO	
32	International Investment Law 822 STEPHAN WITTICH	
33	The World Trade Organization and the European Union and its Member States in the WTO 849 JAMES FLETT	
	International Environmental Law 903	
34	Transboundary Water Resources 905	

OWEN MCINTYRE



More Information

viii CONTENTS

- 35 Transboundary Movement of Hazardous Waste and Chemicals 936 KATHARINA KUMMER PEIRY
- 36 Transboundary Air Pollution 962
 PETER H. SAND
- 37 Nature Conservation 987
- 38 Climate Change 1009
 JACQUELINE PEEL
- 39 Liability for Transboundary Harm 1051
 ILIAS PLAKOKEFALOS

Energy 1069

- 40 Energy 1071
 CATHERINE REDGWELL
- 41 Conclusions 1097
 ANDRÉ NOLLKAEMPER AND ILIAS PLAKOKEFALOS

Index 1116



More Information

CONTRIBUTORS

ADEMOLA ABASS, Director, Institute for Security Studies (ISS) Addis Ababa Office, and Head of African Peace and Security Training Centre (ACPST), Ethiopia.

OLUFEMI AMAO, Senior Lecturer, Sussex Law School, Sussex University.

KEES BASTMEIJER, Professor of Nature Conservation and Water Law at the Tilburg Law School, Tilburg University, and Visiting Professor at the School of Business, Economics and Law at the University of Gothenburg (2016–19).

ARISTOTELES CONSTANTINIDES, Associate Professor of International Law and Human Rights, University of Cyprus.

MAARTEN DEN HEIJER, Assistant Professor of International Law, University of Amsterdam and post-doctoral researcher in the SHARES Project at the University of Amsterdam.

HELEN DUFFY, Founder, Human Rights in Practice and Gieskes Chair of International Humanitarian Law and Human Rights at the University of Leiden.

JAMES FLETT, European Commission Legal Service, World Trade Organization Team.

NIELS FRENZEN, Clinical Professor of Law, University of Southern California Gould School of Law.

ANNE T. GALLAGHER, Independent Scholar and Legal Practitioner; Academic Adviser, Doughty St Chambers; former United Nations Special Adviser on Trafficking.



x

Cambridge University Press 978-1-107-10709-0 — The Practice of Shared Responsibility in International Law Edited by André Nollkaemper , Ilias Plakokefalos , Assisted by Jessica Schechinger Frontmatter

More Information

LIST OF CONTRIBUTORS

PATRICK GALLAHUE, Communications Officer for the Open Society Global Drug Policy Program and PhD candidate at the Essex University School of Law.

THOMAS GAMMELTOFT-HANSEN, Research Director, Danish Institute for Human Rights.

GLEIDER I. HERNÁNDEZ, Reader in Public International Law and Deputy Director of the Global Policy Institute, University of Durham.

SASKIA HUFNAGEL, Senior Lecturer in Criminal Law, Queen Mary University of London.

DAN JOYNER, Professor of Law, University of Alabama School of Law.

KATHARINA KUMMER PEIRY, Director, Kummer EcoConsult; Visiting Fellow, University of New South Wales; Member, Board of Directors, Sustainable Electronics Recycling International.

CHIA LEHNARDT, Legal Counsel, Federal Ministry of Finance, Berlin.

PABLO MENDES DE LEON, Professor of Air and Space Law, Leiden University.

OWEN MCINTYRE, Professor, School of Law, University College Cork, National University of Ireland.

ENRICO MILANO, Associate Professor of International Law, University of Verona.

RAY MURPHY, Professor, Irish Centre for Human Rights, School of Law, National University of Ireland Galway.

FREDERIK NAERT, Member of the Legal Service of the Council of the EU and an affiliated Senior Researcher at the KU Leuven.

ANDRÉ NOLLKAEMPER, Dean and Professor of Public International Law at the Faculty of Law of the University of Amsterdam, Director of the Amsterdam Center for International Law, Director of the SHARES Research Project, and President of the European Society of International Law.



More Information

LIST OF CONTRIBUTORS

хi

EFTHYMIOS PAPASTAVRIDIS, part-time Lecturer, Democritus University of Thrace, Faculty of Law; Research Fellow, Academy of Athens.

JACQUELINE PEEL, Professor, Melbourne Law School, Australia.

ILIAS PLAKOKEFALOS, Assistant Professor of International Law at Utrecht University and Senior Research Associate at the Netherlands Institute for the Law of the Sea. Previously he was a post-doctoral researcher in the SHARES Project at the University of Amsterdam.

CATHERINE REDGWELL, Chichele Professor of Public International Law and Fellow of All Souls College, University of Oxford.

HENRIK RINGBOM, Professor II, Scandinavian Institute of Maritime Law, Faculty of Law, University of Oslo; Adjunct Professor (Docent) of Maritime Law and the Law of the Sea, Department of Law, Åbo Akademi University, Finland.

PETER H. SAND, Lecturer in International Environmental Law, Institute of International Law, LMU Munich.

MATTHEW SAUL, Post-doctoral Research Fellow, Department of Public and International Law, University of Oslo.

GÖRAN SLUITER, Professor in the Law of International Criminal Procedure, University of Amsterdam, and lawyer with Prakken d'Oliveira Law Firm, Amsterdam.

MICHAEL J. STRAUSS, Professor in International Relations, Centre d'Études Diplomatiques et Stratégiques, Paris.

YOSHINOBU TAKEI, Associate Professor, World Maritime University, Malmö.

YOSHIFUMI TANAKA, Professor of International Law, with Specific Focus on the Law of the Sea, Faculty of Law, University of Copenhagen.

MATTEO TONDINI, researcher and legal advisor.



More Information

xii

LIST OF CONTRIBUTORS

SELINE TREVISANUT, Associate Professor, School of Law, and Senior Research Associate, Netherlands Institute for the Law of the Sea, Utrecht University.

ARIE TROUWBORST, Associate Professor, Tilburg Law School, Department of European and International Public Law, Tilburg University.

HANNEKE VAN TRAA, Senior Advisor, International Institute of Air and Space Law, Leiden University.

sioвнán wills, Professor, Transitional Justice Institute and Law Department, University of Ulster.

STEPHAN WITTICH, Associate Professor, Department of International Law, University of Vienna.

MARTEN ZWANENBURG, Legal Counsel at the Ministry of Foreign Affairs of the Netherlands.

GENTIAN ZYBERI, Professor of International Law and Human Rights, Norwegian Centre for Human Rights, University of Oslo.



More Information

EDITORS' PREFACE

This is the third volume to appear in the book series *Shared Responsibility in International Law*. It was produced as part of the research project on Shared Responsibility in International Law (SHARES), which has been carried out at the Amsterdam Center for International Law (ACIL) of the University of Amsterdam since 2010.

This book series provides new perspectives on responsibility problems that arise from the increasing number of situations in which states, international institutions, and other actors engage in concerted action in the pursuit of common objectives. While such concerted action generally aims to provide beneficial outcomes, all too often it has resulted in harmful ones. If that is the case, the multiplicity of actors involved in the concerted action may complicate the determination and implementation of international responsibility. This series examines the grounds on which international law does and should allow for shared responsibility between all actors involved, and how it can be developed in a way that better enables the determination and implementation of shared responsibility.

The first volume in the series, *Principles of Shared Responsibility in International Law: A Review of the State of the Art* (2014), laid the groundwork for the series as a whole by critically reviewing the established principles of international responsibility as developed by the International Law Commission (ILC) – which are widely considered to be the state of the art in the law of international responsibility – from the perspective of shared responsibility. That volume concluded that while these principles are highly flexible, and often will allow for the determination and/or implementation of shared responsibility, they do not provide much guidance for the often complex questions of distribution of international responsibility.

The second volume, *Distribution of Responsibilities in International Law* (2015), considered, from extra-legal perspectives, how responsibility can and perhaps should be distributed among multiple wrongdoing



More Information

XIV EDITORS' PREFACE

actors. Given that international law often provides no clear direction for such distribution, it engaged in a fundamental inquiry into the bases and justifications for apportionment of responsibilities that could support an articulation of critique of current international law, and provide a basis for reform.

The present, third, volume of the series explores the practice of shared responsibility in international law. Based on the recognition that the applicable rules and procedures for shared responsibility differ between particular issue-areas, it maps relevant practices of shared responsibility in thirty-nine issue-areas. This enables an assessment of the fit of the prevailing principles of international responsibility and provides building blocks for a proposal for critique of existing law, development of the law, and eventually a broader theory of shared responsibility.

On the basis of the materials of these three volumes, a separate monograph will consolidate the insights on the state of the law, and the possibilities for further development, into a new theory for shared responsibility in international law.

The present volume comprises thirty-nine chapters, in addition to an introductory and concluding chapter. Drafts of the chapters were discussed at seminars on the 'Practice of Shared Responsibility in International Criminal Law' (28 March 2013), the 'Practice of Shared Responsibility in International Economic Law' (8 April 2013), the 'Practice of Shared Responsibility in International Law of the Sea and International Environmental Law' (18–19 April 2013), and the 'Practice of Shared Responsibility in International Refugee Law' (16 May 2013), in Amsterdam, and on the 'Practice of Shared Responsibility in International Military Operations' (12 April 2013) in Stockholm (this meeting was organised in cooperation with the Swedish National Defence College).

The research leading to this book has received funding from the European Research Council under the European Union's Seventh Framework Programme (FP7/2007–2013)/ERC grant agreement no. 249499, as part of the SHARES research project carried out at the ACIL.

We thank the members of the SHARES research team as a whole for their input during various stages of the project leading up to this volume. We also thank Jann Kleffner and Maarten den Heijer for their constructive comments on the organisation and contents of the chapters in the international military operations and international refugee law clusters in this volume. Our particular thanks go to Jessica Schechinger for her coordinating work in support of this volume and to Lilla Dittrich,



More Information

Cambridge University Press 978-1-107-10709-0 — The Practice of Shared Responsibility in International Law Edited by André Nollkaemper , Ilias Plakokefalos , Assisted by Jessica Schechinger Frontmatter

EDITORS' PREFACE

XV

Andreea Manea, Belinda Macmahon, and Anita Veenstra for editorial assistance. Finally, our thanks go to everyone at Cambridge University Press for their assistance during the production process of the volume.

André Nollkaemper and Ilias Plakokefalos Amsterdam, 1 March 2016



More Information

ABBREVIATIONS

2°C two degrees Celsius AAIAustralian Army Journal AASLAnnals of Air and Space Law ABS American Bureau of Shipping

ACAP Agreement on the Conservation of Albatrosses and Petrels ACDEG African Charter on Democracy, Elections and Governance **ACHPR** African Commission on Human and Peoples' Rights

ACHR American Convention on Human Rights ACIL Amsterdam Center for International Law **ACtHPR** African Court on Human and Peoples' Rights

ADA Anti-Dumping Agreement Annuaire du Droit de la Mer ADM

AEDI Anuario Español de Derecho Internacional **AEWA** African-Eurasian Waterbirds Agreement **AFDI** Annuaire Français de Droit International **AFISMA** International Support Mission in Mali

Australian Federal Police AFP

AFRICOM Africa Command

Annuaire de l'Institut de Droit International **AIDI**

AIAmicus Journal

AJIL American Journal of International Law

ALIAustralian Law Journal ALRAlabama Law Review

African Union Mission in Somalia AMISOM

ANZMLJ Australian & New Zealand Maritime Law Journal Asia Pacific Journal of Environmental Law **APJEL**

APSA African Peace and Security Architecture

ARIO Articles on the Responsibility of International Organizations **ARSIWA** Articles on Responsibility of States for Internationally Wrongful

ASAT Anti-Satellite Missile Test

ASEAN Association of Southeast Asian Nations

ASILP American Society of International Law Proceedings

xvi



978-1-107-10709-0 — The Practice of Shared Responsibility in International Law Edited by André Nollkaemper , Ilias Plakokefalos , Assisted by Jessica Schechinger

Frontmatter

More Information

LIST OF ABBREVIATIONS

xvii

ASOC Antarctic and Southern Ocean Coalition
ATCA Alien Tort Claims Act (United States)
ATCM Antarctic Treaty Consultative Meeting

ATS Antarctic Treaty System
ATT Arms Trade Treaty
AU African Union

AUJILP American University Journal of International Law and Policy

AU NACDP AU Non-Aggression and Common Defence Pact

AWACS Airborne Warning and Control Systems

Berk JIL Berkeley Journal of International Law

BHRLR Buffalo Human Rights Law Review

BIOT British Indian Ocean Territory

BITs bilateral investment treaties

BTC Baku-Tbilisi-Ceyhan pipeline project binding tariff information letters

BUILJ Boston University International Law Journal

BULR Boston University Law Review
BWC Biological Weapons Convention
BYIL British Yearbook of International Law

C2 command/control

CAC Coordination and Cooperation Committee
CARU Comisión Administradora del Río Uruguay

CAT Convention against Torture
CBD Convention on Biological Diversity

CBDRRC common but differentiated responsibilities and respective

capabilities

CBWs chemical and biological weapons

CC Climatic Change

CCCCoalition Coordination CenterCCLRCarbon & Climate Law ReviewCCScarbon capture and storage

CCSBT Commission for the Conservation of Southern Bluefin Tuna

CDD Les Cahiers de Droit

CDM Clean Development Mechanism

CEO Central Command CEO chief executive officer

CEP Committee for Environmental Protection
CERM Coordinated Emergency Response Measures
CETA Comprehensive Economic and Trade Agreement

CETS Council of Europe Treaty Series
CFSP Common Foreign and Security Policy

CG The Canadian Geographer



978-1-107-10709-0 — The Practice of Shared Responsibility in International Law Edited by André Nollkaemper , Ilias Plakokefalos , Assisted by Jessica Schechinger

Frontmatter

More Information

XVIII LIST OF ABBREVIATIONS

CGPCS Contact Group on Piracy off the Coast of Somalia

CIA Central Intelligence Agency

CITES Convention on International Trade in Endangered Species of

Wild Fauna and Flora

CIVCOM Committee for Civilian Aspects of Crisis Management

CJIELP Colorado Journal of International Environmental Law and

Policy

CJTL Columbia Journal of Transnational Law

CLC International Convention on Civil Liability for Oil Pollution

Damage

CLF Criminal Law Forum
CLJ Criminal Law Journal
CLR Cornell Law Review

CLSC Crime, Law and Social Change
CMF Combined Maritime Forces
CMS Convention on Migratory Species

 $\begin{array}{lll} \textit{CNR} & \textit{Canadian Naval Review} \\ \textit{CO} & \textit{Commanding Officer} \\ \textit{CO}_2 & \textit{carbon dioxide} \\ \textit{CoE} & \textit{Council of Europe} \\ \textit{COMKFOR} & \textit{KFOR Commander} \end{array}$

COMNAP council of managers of national Antarctic (research) programmes

COP Conference of the Parties
CPA Coalition Provisional Authority

CPCC Civilian Planning and Conduct Capability

CPG Combined Planning Group

CRAMRA Convention on the Regulation of Antarctic Mineral Resource

Activities

CRISPP Critical Review of International Social and Political Philosophy

CSDP Common Security and Defence Policy

CSG Guyana Space Centre

CSR corporate social responsibility
CSSR Czechoslovak Socialist Republic

CTBT Comprehensive Nuclear-Test-Ban Treaty

CTFs Combined Task Forces

CULR Catholic University Law Review
CWC Chemical Weapons Convention

CWILJ California Western International Law Journal
CWRJIL Case Western Reserve Journal of International Law

CYIL Canadian Yearbook of International Law

DCOs District Coordination Offices

DJCIL Duke Journal of Comparative and International Law



Frontmatter

More Information

LIST OF ABBREVIATIONS

xix

DJILP Denver Journal of International Law & Policy

DJLS Dalhousie Journal of Legal Studies

DN Défense nationale

DOEs Designated Operational Entities
DRC Democratic Republic of the Congo

DS dispute settlement
DSB dispute settlement body
DSP dispute settlement procedure
DSU Dispute Settlement Understanding
DWFNs distant water fishing nations

EANET Acid Deposition Monitoring Network in East Asia

EC European Communities

ECHR European Convention on Human Rights

ECJ European Court of Justice

ECOMHR European Commission of Human Rights
ECOWAS Economic Community of West African States

ECT Energy Charter Treaty

ECtHR European Court of Human Rights

EEA European Economic Area

EEAS European External Action Service

EEZ exclusive economic zone

EIA environmental impact assessment

EIAR Environmental Impact Assessment Review

EILR Emory International Law Review
EITs enhanced interrogation techniques

EJCCLCJ European Journal of Crime, Criminal Law and Criminal Justice

EJIL European Journal of International Law
EJML European Journal of Migration and Law

EL Environmental Law

EMEP Cooperative Programme for Monitoring and Evaluation of the

Long-Range Transmission of Air Pollutants in Europe

EP Energy Policy

EPLEnvironmental Policy and LawEPRExtended Producer ResponsibilityERPextraordinary rendition programme

ES European Series

ESA European Space Agency
ESS emergency sharing system
ETS European Treaty Series
EU European Union

EU ETS EU's Emissions Trading Scheme

EUFOR EU-led Force



978-1-107-10709-0 — The Practice of Shared Responsibility in International Law Edited by André Nollkaemper , Ilias Plakokefalos , Assisted by Jessica Schechinger

Frontmatter

More Information

XX LIST OF ABBREVIATIONS

EUMC EU Military Committee

EUMETSAT European Organisation for the Exploitation of Meteorological

Satellites

EUMS EU Military Staff

EUR euro

EUTELSAT European Telecommunications Satellite Organization

EUTELSAT IGO European Telecommunications Satellite Organization (intergo-

vernmental organisation)

EUTM European Union Training Mission FAL IMO Facilitation Committee

FAO Food and Agriculture Organization of the United Nations

FBI Federal Bureau of Investigation FC [EU] Force Commander

FELR Fordham Environmental Law Review
FFWA Fletcher Forum of World Affairs
FILJ Fordham International Law Journal
FPA Fisheries Partnership Agreement
FRY Federal Republic of Yugoslavia
FSOA French Space Operations Act

FYIL Finnish Yearbook of International Law
GATS General Agreement on Trade in Services
GATT General Agreement on Tariffs and Trade

GBP British pound sterling

GC Global Crime

GDR German Democratic Republic

GESAMP Joint Group of Experts on the Scientific Aspects of Marine

Environmental Protection

GHG greenhouse gas

GIELR Georgetown International Environmental Law Review

GILJ Georgetown Immigration Law Journal

GLJ German Law Journal

GNSS Global Navigation Satellite Systems

GoS Government of the Sudan
GPS Global Positioning System
GR2P Global Responsibility to Protect

GRETA [Council of Europe's] Group of Experts on Action against

Trafficking in Human Beings

GWILR The George Washington International Law Review

GYIL German Yearbook of International Law
Harv ILJ Harvard International Law Journal
Harv ILJO Harvard International Law Journal Online

HGAs Host Government Agreements



978-1-107-10709-0 — The Practice of Shared Responsibility in International Law Edited by André Nollkaemper , Ilias Plakokefalos , Assisted by Jessica Schechinger

Frontmatter

More Information

LIST OF ABBREVIATIONS

xxi

HHRJ Harvard Human Rights Journal

HICLR Hasting International and Comparative Law Review

HJLP Hitotsubashi Journal of Law and Politics

HLLR Harvard Latino Law Review

HNS International Convention on Liability and Compensation for

Damage in Connection with the Carriage of Hazardous and

Noxious Substances by Sea

HRB Human Rights Brief

HRC UN Human Rights Committee

HRL Human Rights Law
HRLR Human Rights Law Review
HRR Human Rights Review
HVDs high-value detainees

HYIL Hague Yearbook of International Law

IAATO International Association of Antarctic Tour Operators
IACHR Inter-American Commission on Human Rights

IACtHRInter-American Court of Human RightsIAEAInternational Atomic Energy AgencyICAOInternational Civil Aviation Organization

ICC International Criminal Court

ICCAT International Commission for the Conservation of Atlantic

Tun as

ICC-OTP Office of the Prosecutor of the International Criminal Court

ICCPR International Covenant on Civil and Political Rights

ICESCR International Covenant on Economic, Social and Cultural

Rights

ICJ International Court of Justice

ICLQ International & Comparative Law Quarterly

ICoC International Code of Conduct

ICPC International Criminal Police Commission ICRC International Committee of the Red Cross

ICSID International Centre for Settlement of Investment Disputes

ICSID Rev – FILJ ICSID Review – Foreign Investment Law Journal ICTR International Criminal Tribunal for Rwanda

ICTY International Criminal Tribunal for the former Yugoslavia

IDIInstitut de Droit InternationalIEAInternational Energy Agency

IEAPLE International Environmental Agreements: Politics, Law and

Economics

IFI international financial institution

IFOR Implementation Force

IGA Intergovernmental Agreement



978-1-107-10709-0 — The Practice of Shared Responsibility in International Law Edited by André Nollkaemper , Ilias Plakokefalos , Assisted by Jessica Schechinger

Frontmatter

More Information

XXII LIST OF ABBREVIATIONS

IHL International Humanitarian Law
IHRL International Human Rights Law
IIAs international investment agreements

IICLR Indiana International and Comparative Law Review

IJDP International Journal of Drug Policy
IJGLS Indiana Journal of Global Legal Studies
IJHR International Journal of Human Rights

IJMCL International Journal of Marine and Coastal Law

IJRL International Journal of Refugee Law

IJSA International Journal of Sociology and Anthropology

 ILA
 International Law Association

 ILC
 International Law Commission

 ILDC
 International Law in Domestic Courts

ILMInternational Legal MaterialsILOInternational Labour OrganizationILORinternational letters of requestILRInternational Law Reports

ILSA JICL ILSA Journal of International and Comparative Law

IMB International Maritime Boundaries
IMO International Maritime Organization

IMRCCItalian Maritime Rescue Coordination CentreIMSOInternational Mobile Satellite OrganizationINCBInternational Narcotics Control BoardINMARSATInternational Maritime Satellite OrganizationINSImmigration and Naturalization Service

INTELSAT International Telecommunications Satellite Organization

INTERFET International Force for East Timor

IOLR International Organizations Law Review

IOM International Organization for Migration

IPCC Intergovernmental Panel on Climate Change

IRRC International Review of the Red Cross
ISA International Seabed Authority

ISAF [NATO-led] Afghanistan International Security Assistance

Force

ISDS investor-state dispute settlement
ISIL Islamic State of Iraq and the Levant

ISO International Organization for Standardization
ITLOS International Tribunal for the Law of the Sea
ITLR International Trade Law and Regulation

ITSO International Telecommunications Satellite Organization

IUU Fishing Illegal, Unreported and Unregulated Fishing



978-1-107-10709-0 — The Practice of Shared Responsibility in International Law Edited by André Nollkaemper , Ilias Plakokefalos , Assisted by Jessica Schechinger

Frontmatter

More Information

LIST OF ABBREVIATIONS

xxiii

JAERE Journal of the Association of Environmental and Resource

Economists

JAIDS Journal of Acquired Immune Deficiency Syndromes

JALC Journal of Air Law and Commerce

JCLC Journal of Criminal Law & Criminology

JCMS Journal of Common Market Studies

JCSL Journal of Conflict & Security Law

JEL Journal of Environmental Law

JEM Justice and Equality Movement

JENRL Journal of Energy and Natural Resources Law

JEPP Journal of European Public Policy

JFC Joint Force Command JFQ Joint Force Quarterly

JHRE Journal of Human Rights and the Environment

JHTs Joint Hit Teams

JICJ Journal of International Criminal Justice
JIDS Journal of International Dispute Settlement

JIE Journal of Industrial Ecology

JIML Journal of International Maritime Law
JIP Journal of International Peacekeeping

JITs Joint Investigation Teams

JOs joint operations

JPH Journal of Policy History

JRMT Journal of Resource Management and Technology

JRS Journal of Refugee Studies

JSC Joint Coordination and Cooperation Committee for Mutual

Security Purposes

JWELB Journal of World Energy Law and Business

JWL Journal of Water Law

JYIL Japanese Yearbook of International Law

KFOR Kosovo Force
KLR Kansas Law Review

km kilometre

LJIL Leiden Journal of International Law

LOSC [United Nations] Convention on the Law of the Sea
LRTAP Convention on Long-Range Transboundary Air Pollution

LTC Legal and Technical Commission
LTTE Liberation Tigers of Tamil Eelam
MAA Monitoring and Action Agency

MARPOL International Convention for the Prevention of Pollution from

Ships

MAS mutually agreed solution



978-1-107-10709-0 — The Practice of Shared Responsibility in International Law Edited by André Nollkaemper , Ilias Plakokefalos , Assisted by Jessica Schechinger

Frontmatter

More Information

XXIV LIST OF ABBREVIATIONS

MEAs Multilateral Environmental Agreements

MEO Medium Earth Orbit

MIA Moore International Arbitrations

Mich LR Michigan Law Review

MIJIL Michigan Journal of International Law

MIJSDLP McGill International Journal of Sustainable Development Law

and Policy

MINUSMA Multidimensional Integrated Stabilization Mission in Mali

MJIL Melbourne Journal of International Law
MLLWR Military Law and the Law of War Review

MLR Modern Law Review

MNCs multinational corporations

MNEs multinational enterprises

MoU memorandum of understanding

MPA Marine Protected Area
MPB Marine Pollution Bulletin

MPYUNL Max Planck Yearbook of United Nations Law

M-R Meuse-Rhine [Euroregion]

MS member states

MSC Maritime Safety Committee

MSJIL Michigan State Journal of International Law

MTSA Medical Technology SA

NAFO Northwest Atlantic Fisheries Organization
NAFTA North American Free Trade Agreement
NATO North Atlantic Treaty Organization

NAVAF naval forces in Africa NAVEUR naval forces in Europe NCBs National Central Bureaus

NEASPEC North-East Asia Subregional Programme for Environmental

Cooperation

NebedeagPol the Netherlands, Belgium and Germany Police [cooperation]

NEJCIL New England Journal of Comparative and International Law

NELR New England Law Review
NGOs non-governmental organisations
NILR Netherland International Law Review

NJ Nederlandse Jurisprudentie

NL ARMS Netherlands Annual Review of Military Studies

NLB Nuclear Law Bulletin

NNPC Nigerian National Petroleum Corporation

NNWS Non-Nuclear Weapon States

Nord JIL Nordic Journal of International Law

NOx nitric oxide/nitrogen dioxide



978-1-107-10709-0 — The Practice of Shared Responsibility in International Law Edited by André Nollkaemper , Ilias Plakokefalos , Assisted by Jessica Schechinger

Frontmatter

More Information

LIST OF ABBREVIATIONS

XXV

NPRThe Nonproliferation ReviewNPTNuclear Non-Proliferation TreatyNQHRNetherlands Quarterly of Human Rights

NS New Scientist

NSG Nuclear Suppliers Group
NSGTs non-self-governing territories
NULR Northwestern University Law Review

NWCR Naval War College Review
NWS Nuclear Weapon States

NYIL Netherlands Yearbook of International Law

NYUJILP New York University Journal of International Law and Politics

NZJEL New Zealand Journal of Environmental Law

OAU Organization of African Unity
OCLJ Ocean and Coastal Law Journal

ODIL Ocean Development and International Law

OECD Organisation for Economic Co-operation and Development

OECS Organisation of Eastern Caribbean States

OEF Operation Enduring Freedom
OHQ Operational Headquarters
OHR Office of the High Representative
OIOS UN Office of Internal Oversight Services
OJEU Official Journal of the European Union

OLR Oregon Law Review
OPCOM Operational Command

OPCOM Operational Command OPCON Operational Control

OPEC Organization of the Petroleum Exporting Countries

OPLAN Operation Plan

OPRC International Convention on Oil Pollution Preparedness,

Response and Co-operation

OPRC-HNS Protocol on Preparedness, Response and Co-operation to

Pollution Incidents by Hazardous and Noxious Substances

OUP Operation Unified Protector

OY Ocean Yearbook

ÖZöR Österreichische Zeitschrift für öffentliches Recht

PA Palestinian Authority

PACE Parliamentary Assembly of the Council of Europe

PCA Permanent Court of Arbitration

PCIJ Permanent Court of International Justice

PCTVs personal computers that could be used as television receivers

Peace Implementation Council

PELRPace Environmental Law ReviewP&I ClubsProtection and Indemnity Associations

© in this web service Cambridge University Press

PIC



978-1-107-10709-0 — The Practice of Shared Responsibility in International Law Edited by André Nollkaemper , Ilias Plakokefalos , Assisted by Jessica Schechinger

Frontmatter

More Information

XXVI LIST OF ABBREVIATIONS

pic prior informed consent

PISG Provisional Institutions for Self-Government

PLMR protected living marine resources

PLR Pepperdine Law Review
PMCs private military contractors
PMG Political-Military Group

PMGGBDLJ Pacific McGeorge Global Business & Development Law Journal

PMSCs private military and security companies

PNAS Proceedings of the National Academy of Sciences of the United

States of America

PNG Papua New Guinea

POPs persistent organic pollutants

ppm parts per million
PR Polar Record

 PRLPJ
 Pacific Rim Law and Policy Journal

 PRTRs
 Pollutant Release and Transfer Registers

PSC Political and Security Committee
PSI Proliferation Security Initiative
QIL Questions of International Law
RBDI Revue Belge de droit international

RBOs river basin organisations

RCADI Recueil des cours de l'Académie de droit international de La Haye

RCCs Regional Coordination Centres

RDI Rivista di Diritto Internazionale

REC Regional Economic Community

RECIEL Review of European Community and International

Environmental Law

REDE Revue Européenne de Droit de l'Environnement regional fisheries management organisations

RFS Regional and Federal Studies

RGDIP Revue générale de droit international public

RIAA United Nations Reports of International Arbitral Awards

RIDC Revue internationale de droit comparé
RIE Review of International Economics
RJE Revue Juridique de l'Environnement

RLR Rutgers Law Review
ROE Rules of Engagement

RPE Rules of Procedure and Evidence RQDI Revue québécoise de droit international

RSC Regional Security Committee RtoP responsibility to protect

SACEUR Supreme Allied Commander Europe



978-1-107-10709-0 — The Practice of Shared Responsibility in International Law Edited by André Nollkaemper , Ilias Plakokefalos , Assisted by Jessica Schechinger

Frontmatter

More Information

LIST OF ABBREVIATIONS

xxvii

SADC Southern African Development Community

SAR search and rescue
SC UN Security Council
SCLR Santa Clara Law Review

SCM Subsidies and Countervailing Measures

SCSL Special Court for Sierra Leone
SDILJ San Diego International Law Journal

SDRs Special Drawing Rights
SEFA Sustainable Energy for All
SFOR Stabilisation Force

SHARES Shared Responsibility in International Law

SHLR Seton Hall Law Review
Sh LR Shudo Law Review

SIDS small island developing states SIS Schengen Information System

SIULJ Southern Illinois University Law Journal

SJ Social Justice

SLJIL Sri Lanka Journal of International Law

SLR Sydney Law Review

SNR Senior National Representative

SO₂ sulphur dioxide

SOEs state-owned enterprises SOFAs Status of Forces Agreements

SOLAS International Convention on Safety of Life at Sea

SOMAs Status of Mission Agreements

SOP Standard Operating Procedure 3023 for Claims in Kosovo

SRFC Sub-Regional Fisheries Commission

SRSG Special Representative of the Secretary General

SSCI US intelligence senate committee
Stan JIL Stanford Journal of International Law

SURAR Sophia University Repository for Academic Resources (Sophia-R)

TACOM Tactical Command
TACON Tactical Control
TAP Trans Adriatic Pipeline
TBT Technical Barriers to Trade
TCNs troop contributing nations
TEL Transnational Environmental Law
TEU Treaty on European Union

TFEU Treaty on the Functioning of the European Union
TFLR University of Toronto Faculty of Law Review

TILJ Texas International Law Journal

TJICL Tulane Journal of International and Comparative Law



978-1-107-10709-0 — The Practice of Shared Responsibility in International Law Edited by André Nollkaemper , Ilias Plakokefalos , Assisted by Jessica Schechinger

Frontmatter

More Information

XXVIII LIST OF ABBREVIATIONS

TLCP Transnational Law & Contemporary Problems

TLJ University of Toronto Law Journal

TLR Tulane Law Review

TMLJ Tulane Maritime Law Journal
TNCs transnational corporations
ToA Transfer of Authority
TP Tidsskriftet Politik

Trb. Tractatenblad van het Koninkrijk der Nederlanden
TRIPs Trade-Related Aspects of Intellectual Property Rights

TRS Transboundary Ramsar Sites
UAE United Arab Emirates

UJIEL Utrecht Journal of International and European Law

UK United Kingdom

ULR Utrecht Law Review

UN United Nations

UNAMID African Union/United Nations Hybrid Operation in Darfur

UNCAC United Nations Convention against Corruption

UNCAT UN Committee against Torture

UNCC United Nations Compensation Commission
UNCITRAL UN Commission on International Trade Law
UNDP United Nations Development Programme

UNECE United Nations Economic Commission for Europe

UNEP United Nations Environment Programme

UNFCCC United Nations Framework Convention on Climate Change

UNFSA United Nations Fish Stocks Agreement UNGA United Nations General Assembly

UNGAOR United Nations General Assembly Official Records
UNHCR United Nations High Commissioner for Refugees

UNICEF United Nations Children's Fund

UNITAF Unified Task Force
Un LR Uniform Law Review

UNMIK United Nations Interim Administration in Kosovo
UNODC United Nations Office on Drugs and Crime
UNOSOM United Nations Operation in Somalia

UNPROFOR UN Protection Force

UNSC United Nations Security Council

UNSCEAR UN Scientific Committee on the Effects of Atomic Radiation
UNTOC United Nations Convention against Transnational Organized

Crime

UNTS United Nations Treaty Series

US United States
USC United States Code



More Information

LIST OF ABBREVIATIONS XXIX

USD United States dollar VAT value-added tax

VCLT Vienna Convention on the Law of Treaties

VOCs volatile organic compounds

VRS Vojska Republike Srpske [Bosnian Serb Army]

WA Water Alternatives

WAGP West African Gas Pipeline
WHO World Health Organization
WLR Washington Law Review

WMO World Meteorological Organization

WPJ World Policy Journal
WTO World Trade Organization

WWI First World War WWII Second World War

YIEL Yearbook of International Environmental Law

YJIL Yale Journal of International Law

YLJ Yale Law Journal

ZaöRV Zeitschrift für ausländisches öffentliches Recht und Völkerrecht



More Information

TREATIES AND OTHER INTERNATIONAL LEGAL INSTRUMENTS

- 1963 Berne Convention on the International Commission for the Protection of the Rhine, reprinted in Trb. 1963, No. 104: 919
- 1966 ILA Helsinki Rules on the Uses of Waters of International Rivers, International Law Association, *Report of the Fifty-Second Conference of the International Law Association* (Helsinki, 1966): 910, 914, 916, 923
- 1971 Act of Santiago concerning Hydrologic Basins Concluded between Argentina and Chile, UN Doc. A/CN.4/274 (1974): 919
- 1974 OECD Principles concerning Transfrontier Pollution, available at http://acts.oecd.org: 973
- 1978 Great Lakes Water Quality Agreement between Canada and the United States, 30 UST 1383, TIAS No. 9258: 919
- 1978 UNEP Principles on Shared Natural Resources, available at www.unep.org: 919, 973
- 1985 Montreal Guidelines for the Protection of the Marine Environment against Pollution from Land-based Sources, available at www.pnuma.org/gobernanza/cd/Biblioteca/ Derecho%20ambiental/28%20UNEPEnv-LawGuide&PrincN07.pdf: 296, 298
- 1987 IDI Cairo Resolution on Air Pollution Across National Frontiers, available at www.justitiaetpace.org; 973, 974
- 1995 Washington Declaration on the Protection of the Marine Environment from Land-based Activities: 298
- 1995 Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, Washington, DC, 3 November 1995, UN Doc. UNEP(OCA)/ LBA/IG.2/7 (1995) (1995 Global Programme of Action): 298, 969
- 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone to the Convention on Long-range Transboundary Air Pollution, as amended on 4 May 2012, Gothenburg, 30 November 1999, in force 17 May 2005, 2319 UNTS 81 (1999/ 2012 Gothenburg Protocol): 967, 968, 979
- 2003 Draft Norms on the Responsibilities of Transnational Corporations and other Business Enterprises with Regard to Human Rights, UN Doc. E/CN.4/Sub.2/2003/12/Rev.2 (2003): 550, 1092, 1093, 1096
- 2004 ILA Berlin Rules on Water Resources Law, International Law Association, Report of the Seventy-First Conference of the International Law Association (Berlin, 2004): 910, 914, 920, 923, 924, 933

XXX