

SHARED RESPONSIBILITY IN INTERNATIONAL ENVIRONMENTAL LAW

Expert Seminar • 7 October 2011 • Amsterdam

The research project on **Shared Responsibility in International Law (SHARES)** seeks to rethink the allocation of international responsibilities in cases where multiple actors, through concerted action, assistance or other forms of interaction contribute to an international wrong. It seeks to uncover the extent and nature of the problem of scattering international responsibilities and will provide a fresh perspective on how international cooperation and, more generally, the ever increasing interdependence in the international legal order can be better matched with a proper system of shared responsibility.

While the general law of shared responsibility remains undeveloped, much activity has been undertaken in particular regimes. These can be seen as *lex specialis*, or as regimes that derogate from the general law of responsibility and provide their own arrangements. Such regimes are of interest in their own right, but also can inform the development of the general rules. In order to enhance our understanding of special regimes of shared responsibility, SHARES has launched the **SHARES Expert Seminar Series** to uncover the practice in such areas. The first expert meetings focused on the allocation of responsibility in the context of multinational military operations (16 December 2010) and of international refugee protection (30 May 2011).

The third expert meeting addresses the allocation of responsibility in respect of environmental protection. Transboundary environmental harm is the archetypical problem of shared responsibility in that it invites an application of principles of joint and several or proportionate responsibility. But the number of claims that has actually led to the application of such principles has been very limited, especially in the context of traditional enforcement mechanisms. Rather, states have laid down in a series of treaties how responsibility for transboundary environmental harm is to be shared. Such arrangements differ for different environmental problems, such as climate change, transboundary air pollution and transboundary movement of hazardous wastes and chemicals.

The Expert Seminar on **Shared Responsibility in International Environmental Law** is organized with a view to map the relevant principles and practices in the area of international environmental law. The presentations will serve two purposes:

1. An assessment of the 'primary' rules through which responsibility is shared in this area (equal obligations, differentiated obligations, obligations erga omnes etc.)
2. An assessment of secondary principles specifically in the areas of international environmental law, where relevant informed by case-law and decisions of non-compliance mechanisms.

The audience will consist of invited expert academics and practitioners (about 30 participants). On the basis of the meeting, a **SHARES Expert Seminar Report** will be prepared on issues of shared responsibility in the context of refugee law that will be distributed on the SHARES website, to relevant stakeholders, and will serve as a basis for further work in the SHARES project.

For more information on the SHARES project, please visit our website:
www.sharesproject.nl

PROGRAMME

09.00 - 9.30	<i>Coffee</i>
9.30 - 9.45	Introduction to the SHARES project <hr/> <p>André Nollkaemper - Professor at the Amsterdam Center for International Law, University of Amsterdam</p>
9.45 - 10.45	General Principles of International Environmental Law <hr/> <p>Hans Lammers - Former Legal Advisor of the Ministry of Foreign Affairs of the Netherlands</p>
10.45 - 11.00	<i>Coffee</i>
11.00 - 12.00	Climate Change <hr/> <p>Anne-Sophie Tabau - Lecturer at the University Paris-Nord XIII and Research Associate at the Centre d'Etudes et de Recherches Administratives et Politiques (CERAP)</p>
12.00 - 13.00	<i>Lunch</i>
13.00 - 14.00	Hazardous Chemicals and Wastes <hr/> <p>Katharina Kummer Peiry - Executive Secretary of the Basel Convention</p>
14.00 - 15.00	Loss of Biodiversity <hr/> <p>René Lefeber - Professor at the Amsterdam Centre for Environmental Law and Sustainability and Legal Counsel in the International Law Division of the Ministry of Foreign Affairs of the Netherlands</p>
15.00 - 15.15	<i>Coffee</i>
15.15 - 16.15	Marine Pollution <hr/> <p>Tullio Treves - Member of the International Tribunal for the Law of the Sea and President of the Seabed Disputes Chamber</p>
16.15 - 17.30	<i>Plenary discussion</i>
17.30 - 18.30	<i>Reception</i>