



Amsterdam Center for International Law

## ***Research Project***

### **Responsibility in Multinational Military Operations**

Contemporary military operations are regularly conducted in a multinational setting rather than by one single state acting on its own. The invasion and subsequent occupation of Iraq by the US/UK led 'coalition of the willing', the current operations in Afghanistan (OEF and ISAF), and the hybrid UN / AU peace operation in Sudan are but some examples amongst many which illustrate that, far more often than not, States operate in coalitions with other States or as part of international contingents under the authority of inter-governmental organisations. What is more, the operation of regional organizations alongside States and the UN, has led to a further multiplication of military actors.

The trend that military operations are conducted in complex multinational and multi-organizational contexts has made an answer to the question where legal responsibility lies if internationally wrongful acts occur in the course of such operations increasingly difficult and diffuse. (Under what conditions) does such responsibility lie solely with one actor (and, if so, with whom – the lead-nation, the State whose personnel are committing the internationally wrongful act, the inter-governmental organization under whose authority a State's contingent operates)? Can States and inter-governmental organizations bear concurrent responsibility, and, if so, what should be the principles governing the apportioning of the applicable consequences, including reparation for injury? These are only some of the questions to which international law does not provide clear answers. Yet, to address these questions is pertinent not only on a conceptual level. It is also of great practical importance, as demonstrated in the growing number of litigations in domestic and international courts, such as the *Behrami* case before the European Court of Human Rights, the *Al Jedda* case before the House of Lords, and the Srebrenica proceedings in Dutch courts. Furthermore, addressing these questions has a bearing on the broader questions of, and relation between, the responsibility of States and the responsibility of inter-governmental organizations.

In order to explore the aforementioned issues, the Swedish National Defence College's International Law Centre will conduct a series of expert seminars and a conference. The first such meeting, co-organised with the Amsterdam Center for International Law, will take place on 22 and 23 October 2009 in Stockholm. That expert seminar is intended to identify open questions and to further refine the agenda for the research project on 'Responsibility in Multinational Military Operations'. Speakers and participants are invited to address problematic areas that require clarification.

This first expert seminar will lie the foundation for subsequent seminars, which will address specific issues through the presentation and discussion of papers. The revised papers will subsequently be published in an edited volume. The research project will culminate in a large scale conference, at which the results of the research project will be presented.

**Programme for the First Expert Seminar of 22/23 October 2009 in Stockholm:**

<b>22 October 2009</b>		
09.00 – 09.30	Coffee	
09.30 – 09.40	Welcome	Maja Kirilova Eriksson, Pro-Vice Chancellor, Swedish National Defence College Professor of Public International Law, University of Uppsala
09.40 – 10.00	Introduction	Dr. Jann K. Kleffner, Head of the International Law Centre, Swedish National Defence College; Amsterdam Center for International Law
10.00 – 11.15	Allocating Responsibility: Attribution in Multinational Military Operations	Pierre Klein, Professor of Public International Law, Faculté de Droit, Université Libre de Bruxelles
11.15 – 11.45	Coffee	
11.45 – 13.00	Joint and Several Responsibility in Multinational Military Operations	Stefan Talmon, Professor of Public International Law, Faculty of Law, University of Oxford
13.00 – 15.00	Lunch	
15.00 – 16.30	Reparation for Injury and Fora for Effectuating Responsibility	André Nollkaemper, Professor of Public International Law, University of Amsterdam Law School, Amsterdam Center for International Law
16.30 – 17.00	Coffee	
17.00 – 18.00	Discussion	
18.00 – 19.00	Reception in the officers' mess	
20.00	Dinner	

<b>23 October 2009</b>		
09.30 – 10.00	Coffee	
10.00 – 11.15	The Relationship between State Responsibility and Responsibility of International Organisations in Multinational Military Operation	Wolff Heintschel von Heinegg, Professor of Public Law, in particular Public International Law, European Law and Foreign Constitutional Law, Faculty of Law, European Viadrina University Frankfurt (Oder)
11.15 – 12.30	Future of the Research Project	