




## BOOK REVIEW: *SHARED OBLIGATIONS IN INTERNATIONAL LAW* BY NATASA NEDESKI

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Article Info	ABSTRACT
<b>Article type:</b> Book Review	Natasa Nedeski's <i>Shared Obligations in International Law</i> is a meticulous and conceptually ambitious monograph that addresses a conspicuous gap in contemporary international-law scholarship. It advances the discourse of "shared responsibility" onto the terrain of primary obligations. Building on the SHARES research project, the book develops a positive-law conception of "shared obligations," offers a systematic typology (most importantly: divisible vs. indivisible shared obligations), and maps the doctrinal consequences of this typology for performance, attribution and the secondary obligations of cessation and reparation. The argument is rigorously constructed, richly illustrated through instructive case studies (including Certain Phosphate Lands in Nauru, the Eurotunnel arbitration, commitments under the Kyoto Protocol, and the Marshall Islands cases), and demonstrates sustained engagement with the International Law Commission (ILC) materials and the broader architecture of the law of obligations. The book's chief value lies in its conceptual clarity: by foregrounding the structure of the primary legal duty, the author persuasively demonstrates that how a duty is shared shapes who can be held responsible, what remedies follow, and how claims should be framed in adjudication. The monograph is essential reading for scholars, adjudicators, and practitioners engaged with multilateral governance and international responsibility.
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## **1. Research Question and Contribution**

The book addresses a fundamental question in international law: what does it mean for an obligation to be “shared,” and how does this shared character affect the rights and duties of the parties involved? Rather than beginning with the secondary rules of state responsibility or attempting to modify doctrines of attribution to accommodate multi-actor scenarios, Nedeski turns to the structure of primary obligations themselves. By demonstrating that the form and content of a primary obligation determine who must perform what, how breaches are assessed, and what remedial consequences follow, the book reframes several longstanding difficulties in cases involving multiple actors—ranging from environmental obligations to joint administrative regimes. This conceptual shift marks the book’s central contribution to the literature on shared responsibility.

## **2. Organisation and Methodology**

The book is structured around a clear analytical progression that guides the reader from conceptual foundations to practical implications. It begins by defining the notion of shared obligations and explaining the inadequacies of existing responsibility frameworks in addressing multi-actor duties. It then distinguishes bilateral from multilateral legal relations, develops the divisible/indivisible typology, and analyses the doctrinal consequences of this typology for attribution, cessation, and reparation. Methodologically, the work combines close doctrinal analysis with illustrative case studies and sustained engagement with ILC materials, resulting in a coherent and accessible framework well-suited for scholars, practitioners, and adjudicators.

## **3. The Concept of a Shared Obligation**

At the core of Nedeski’s argument lies a carefully constructed definition of what it means for an obligation to be “shared” in international law. She identifies three cumulative elements: (i) the presence of multiple duty-bearers; (ii) the existence of comparable or parallel obligations



binding each; and (iii) a connection between those obligations and a single constellation of facts or a common legal objective. This formulation scrupulously eschews importing normative presumptions about liability or reparations, focusing instead on the positive-law features of the obligation. Nedeski contends that many practical controversies - such as collective environmental targets, joint treaty undertakings, or shared administrative regimes - can only be resolved by first recognising that the obligation itself has a shared structure. By grounding the concept in treaty practice, case law, and ILC materials, the book convincingly argues that shared obligations are not a mere theoretical abstraction but a recurrent and salient feature of contemporary international governance.

#### 4. Divisible and Indivisible Shared Obligations

A paramount contribution of the work is its detailed development of the distinction between divisible and indivisible shared obligations, a typology that provides analytical clarity and practical guidance for interpreting multi-actor duties. Nedeski posits that an obligation is *indivisible* where its performance necessarily requires a collective effort aimed at achieving a single common result - for instance, an aggregate emissions-reduction target or a joint administrative mandate. In such instances, failure to achieve the stipulated result constitutes a breach inherently linked to all duty-bearers, irrespective of individual contributions. By contrast, *divisible* obligations impose separable duties on individual actors, even where these duties arise within a shared context. Here, responsibility for breach is assessed individually, contingent on whether each actor fulfilled its specific share or conducted required actions. The book demonstrates that this typology is not merely descriptive but entails concrete doctrinal consequences: it shapes attribution analysis, determines whether responsibility is shared or individual, and influences the form that cessation and reparation may take. Through meticulous doctrinal reasoning and well-chosen examples, Nedeski shows that understanding this distinction is indispensable for courts, treaty drafters, and practitioners dealing with multi-actor regulatory frameworks.

#### 5. Case Studies and Doctrinal Illustration

A notable strength of the book is its methodical deployment of case studies to demonstrate how the proposed typology operates in practice and where existing jurisprudence reveals conceptual gaps. Nedeski examines several emblematic situations in which shared obligations have arisen, beginning with *Certain Phosphate Lands in Nauru*, where the joint trusteeship administered by Australia, New Zealand, and the United Kingdom generated shared duties whose breach raised complex questions of attribution. The analysis then turns to the *Eurotunnel* arbitration, showing how treaty arrangements can create shared primary obligations between States and how these obligations influence the assessment of conduct and remedial duties. The joint commitments under the Kyoto Protocol serve as an instructive paradigm of indivisible obligations in the environmental domain, where achieving a collective numerical target is contingent on the aggregate performance of a group of States. Finally, the *Marshall Islands* litigation before the International Court of Justice highlights the procedural difficulties that

arise when shared obligations collide with the indispensable-party rule and jurisdictional limits. Across these examples, Nedeski's approach is analytical rather than merely descriptive; each case study tests the robustness of her typology, reveals how the structure of the primary obligation shapes the availability of remedies, and identifies unsettled doctrinal questions. The case studies thus perform an essential function: they concretise how shared obligations manifest in diverse legal settings and underscore why a clearer conceptual framework is necessary for both adjudication and treaty design.

## 6. Consequences for Attribution, Cessation, and Reparation

Building on the typology of divisible and indivisible shared obligations, Nedeski offers a detailed analysis of how the structure of the primary obligation directly informs the application of the secondary rules of State responsibility. She explains that, in cases involving indivisible obligations, a failure to achieve the common result necessarily implies a breach attributable to all duty-bearers, because the obligation, by its very nature, cannot be performed by any actor acting alone. This collective dimension does not obviate the requirement for attribution but reframes the inquiry: instead of asking which actor's conduct "caused" the breach, the relevant question becomes whether the collective performance required by the obligation has been realised. In contrast, divisible obligations allow for a more granular analysis, whereby responsibility attaches exclusively to those actors that have failed to fulfil their respective shares or conduct-based requirements. This distinction carries significant implications for cessation: where an obligation is indivisible, the cessation duty may require coordinated or joint measures, whereas divisible obligations permit differentiated compliance pathways.

Equally significant is Nedeski's discussion of reparation, particularly the extent to which it may be shared or several. She notes that where an indivisible obligation is breached, injured states may plausibly claim full reparation from any one of the co-responsible States - an outcome that resembles joint and several liability in domestic legal systems. Although international law does not explicitly codify such a principle, the book shows that several cases and scholarly positions implicitly support this understanding. For divisible obligations, by contrast, reparation must correspond to the specific share of responsibility attributable to each duty-bearer. Nedeski also highlights the underdeveloped state of rules governing contribution and recourse between co-responsible actors, observing that although the law of State responsibility accommodate such mechanisms, the precise modalities remain uncertain. Her analysis underscores the need for future doctrinal refinement while demonstrating that the structure of the primary obligation is the key determinant of how attribution, cessation, and reparation should operate in multi-actor scenarios.

## 7. Strengths of the Work

The book exhibits several notable strengths that distinguish it as a significant contribution to contemporary debates on international responsibility. First, Nedeski's conceptual precision is exemplary. By formulating a clear definition of shared obligations and articulating a workable divisible/indivisible typology, she provides scholars and practitioners with analytical tools



that reduce the ambiguities long surrounding the notion of “shared responsibility.” Second, the book demonstrates a high degree of doctrinal rigor. Rather than proposing novel theories detached from positive law, Nedeski anchors her analysis in the ILC’s Articles on State Responsibility (ASR), the Articles on the Responsibility of International Organizations (ARIO), treaty practice, and relevant jurisprudence. This fidelity to positive law enhances the book’s persuasive authority, especially for adjudicators and legal advisers who require doctrinally sound frameworks.

Third, the book’s practical orientation is a major asset. By linking the structure of primary obligations to concrete questions of attribution, remedy, and procedure, Nedeski equips litigators and negotiators with criteria that can be operationalised in real disputes and treaty drafting. The analysis is not merely theoretical; it provides actionable guidance for pleadings, interpretive arguments, and institutional design. Fourth, the work’s clarity and pedagogical **value** make it an accessible reference for advanced study and instruction. The text is organised in a manner that facilitates comprehension, and the use of tables, diagrams, and case studies aids readers navigate complex doctrinal relationships. Taken together, these strengths make *Shared Obligations in International Law* an invaluable resource for researchers, practitioners, treaty drafters, and members of international courts and tribunals.

## 8. Limitations and Areas for Further Development

While the book provides a robust conceptual and doctrinal framework, Nedeski acknowledges - and the analysis itself reveals - several areas where further research could enrich both the understanding and practical application of shared obligations. One such area concerns the empirical and political dimensions of shared commitments. Although the book insightfully explains why certain obligations are structured as divisible or indivisible, it offers limited engagement with the political incentives and negotiation dynamics that shape States’ preferences in treaty design. A fuller empirical analysis, drawing on historical case studies or practitioner interviews, could deepen the explanatory power of the typology and illuminate how shared obligations are likely to be framed in future multilateral negotiations.

A second limitation relates to the role of non-state and sub-state actors, which the book addresses only briefly. In contemporary international governance - encompassing domains from climate mitigation to corporate supply-chain regulation - non-state entities increasingly assume responsibilities that interact with, supplement, or even substitute for State obligations. Expanding the typology to account for such hybrid arrangements would enhance its relevance to emerging regulatory landscapes. Third, while Nedeski discusses the difficulties of contribution and recourse among co-responsible States, this remains an underdeveloped area of international law. A more systematic examination of comparative models, such as domestic joint tortfeasor regimes or administrative responsibility-sharing mechanisms, could yield practical guidance for resolving disputes among co-bearers of shared obligations. Finally, the book’s divisible/indivisible framework, though analytically powerful, confronts **borderline cases** - particularly hybrid obligations that combine a collective objective with



individualised performance requirements. Additional criteria or decision-making tools could assist practitioners and adjudicators in navigating these grey zones.

## 9. Comparative and Interdisciplinary Value

An important contribution of Nedeski's work lies in its capacity to open the field of shared obligations to comparative and interdisciplinary inquiry. By drawing selectively on private-law analogies - such as the distinction between joint and several liability, or the relevance of Hohfeldian correlatives - the book invites a more systematic dialogue between international law and domestic legal systems on the allocation and performance of multi-actor duties. This comparative engagement is particularly relevant because many domestic regimes have long grappled with problems analogous to those now emerging in international law, including the coordination of multiple agents, allocation of contribution, and mechanisms for internal recourse. Nedeski's framework thus establishes a valuable foundation for scholars seeking to explore how domestic practices might inform future treaty design or judicial reasoning in international law.

The book also offers opportunities for interdisciplinary research, especially in the fields of political science, institutional design, and behavioural studies. The author notes, for instance, that the acceptance of indivisible obligations in treaty regimes often turns on collective-action dynamics, bargaining power, and States' expectations regarding reciprocal compliance. These insights align with findings from collective-action theory and behavioural economics, suggesting fruitful avenues for future work that integrate legal doctrine with empirical research on state behaviour. Furthermore, federal systems' approaches to distributing regulatory or fiscal responsibilities among subnational units provide analogous models that could shed light on possible institutional arrangements for shared obligations at the international level. By signalling these possibilities, the book positions itself not only as a doctrinal intervention but also as a conceptual bridge to broader interdisciplinary conversations about how complex governance systems manage overlapping and shared responsibilities.

## 10. Overall Assessment

Nedeski's *Shared Obligations in International Law* is a valuable and timely contribution to debates on responsibility in international law. By shifting attention to the content of primary obligations, the author clarifies myriad problems that have complicated discussions on shared responsibility. The analysis is cogently structured, the examples are illustrative, and the work will prove useful to scholars, practitioners, and students seeking more precise tools for assessing multiactor legal duties.