

## 1. Introduction

- State responsibility towards non-State actors

See

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 28, Commentary, para. 3\]](#)
- International responsibility of non-State actors

See

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 10, Commentary, para. 16\]](#)

## 2. Primary and secondary rules

## 3. Responsibility for an internationally wrongful act and for the injurious consequences of acts that are not prohibited

## 4. Subsidiarity of the general rules

See

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 55\]](#)

## 5. Attribution of an unlawful act to a State

- State responsibility for its armed forces

See

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 28, Commentary, para. 3\]](#)
- The case of an organ overstepping its authority

See

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 7, Commentary, para. 4 and B\]](#)
- The organ must have acted in that capacity

See

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 7, Commentary, para. 4 and B\]](#)
- Responsibility for de facto organs

See

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 8\]](#)
- [Case No. 153, ICJ, Nicaragua v. United States \[Para. 115\]](#)
- [Case No. 211, ICTY, The Prosecutor v. Tadic \[Part C., paras 98-145 Part D.\]](#)
- Responsibility for individuals acting in the absence of official authorities

See

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 9\]](#)
- Responsibility for acts committed by insurgents who accede to power

See

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 10\]](#)

## **6. Responsibility for damages to private individuals: specific conditions of diplomatic protection**

## **7. Objective responsibility or responsibility for fault?**

## **8. Need for damages?**

## **9. Plurality of those responsible**

- When aiding or assisting

See

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 16\]](#)

## **10. Deciding on the unlawfulness of an act and the nature of the obligation violated**

## **11. Degrees of responsibility**

- The concept of State crime

See

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Chapter III, Commentary, para. 6\]](#)
- Serious breaches of obligations under peremptory norms

See

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Chapter III and Arts 40 and 41\]](#)
- [Case No. 215, ICTY, The Prosecutor v. Kupreskic et al. \[Paras 519 and 520\]](#)
- Consequences of serious breaches under peremptory norms
  - Rights and obligations of third States

See

- [Chapter 13. V, The obligation to ensure respect \(common Article 1\), Introductory text](#)
- [Chapter 13. IX, The international responsibility of the State for violations, Introductory text;](#)
- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 41\]](#)
- [Case No. 123, ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory \[Part A., paras 157-159\]](#)
- - Obligation not to assist the State concerned

See

- [Case No. 139, UN, Resolution and Conference on Respect for the Fourth Convention \[Part F., para. 3\]](#)

## **12. Circumstances precluding wrongfulness**

- Self-defence

See

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 21\]](#)
- [Case No. 123, ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory \[Part A., paras 138 and 139\]](#)
- Existence of an armed attack

See

- [Case No. 288, United States, The September 11, 2001 Attacks](#)
- Necessity

See

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 25\];](#)
- [Case No. 94, United States Military Tribunal at Nuremberg, United States v. Alfried Krupp et al. \[Section 4\(viii\)\]](#)
- [Case No. 123, ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory \[Part A., para. 140\]](#)

### **13. Consequences of responsibility for the State**

- Reparation

See

- Chapter 13. IX. 2. b), Compensation;
- [Case No. 180, UN Compensation Commission, Recommendations](#)
- [Case No. 123, ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory \[Part A., para. 152\]](#)
- [Case No. 164, Sudan, Report of the UN Commission of Enquiry on Darfur \[Part A., paras 593-605\]](#)

### **14. Implementation of responsibility**

- Entitlement to invoke responsibility
  - Who is injured?

See

- Chapter 13. IX, The international responsibility of the State for violations, Introductory text
- Erga omnes obligations

See

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 48\]](#)
- [Case No. 123, ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory \[Part A., paras 155 and 157\]](#)
- Counter-measures
- Notion

See

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 49\]](#)
- [Document No. 73, France, Accession to Protocol I \[Part B.\]](#)
- [Case No. 215, ICTY, The Prosecutor v. Kupreskic et al. \[Para. 535\]](#)
- Conditions of legality
  - Counter-measures must only be taken to re-establish respect for primary or secondary rules and must be stopped when the rules are respected

See

- [Case No. 74, United Kingdom and Australia, Applicability of Protocol I \[Part C.\]](#)
- Obligations not affected by counter-measures

See

- Chapter 13. IX. 2. c) dd), But no reciprocity;

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 50\]](#)
- [Case No. 74, United Kingdom and Australia, Applicability of Protocol I \[Part C.\]](#)
- [Case No. 215, ICTY, The Prosecutor v. Kupreskic et al. \[Paras 527-536\]](#)
- Proportionality

**See**

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 51\]](#)
- [Case No. 74, United Kingdom and Australia, Applicability of Protocol I \[Part C.\]](#)
- [Case No. 215, ICTY, The Prosecutor v. Kupreskic et al. \[Para. 535\]](#)
- Counter-measures by third States in the collective interest?

**See**

- [Case No. 53, International Law Commission, Articles on State Responsibility \[Part A., Art. 54\]](#)

## **15. State responsibility in the era of globalization**

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