

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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