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] [1]

   - International responsibility of non-State actors

   **SEE**


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] [4]

- 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 [5], and B [6]]

- 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 [5], and B [6]]

- Responsibility for de facto organs

SEE

- Case No. 53, International Law Commission, Articles on State Responsibility [Part A., Art. 8] [7];
- Case No. 153, ICJ, Nicaragua v. United States [Para. 115] [8];
- Case No. 211, ICTY, The Prosecutor v. Tadic [Part C., paras 98-145 [9]; Part D.
Responsibility for individuals acting in the absence of official authorities

SEE


Responsibility for acts committed by insurgents who accede to power

SEE


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] [12]

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] [13]

- 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] [14],
- Case No. 215, ICTY, The Prosecutor v. Kupreskic et al. [Paras 519 and 520] [15]

- 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 [16],
- Chapter 13. IX, The international responsibility of the State for violations, Introductory text; [17]
- Case No. 53, International Law Commission, Articles on State Responsibility [Part A., Art. 41] [14],
- Case No. 123, ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory [Part A., paras 157-159] [18]
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] [19]

### 12. Circumstances precluding wrongfulness

- Self-defence

**SEE**

- Case No. 53, International Law Commission, Articles on State Responsibility [Part A., Art. 21] [20],
- Case No. 123, ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory [Part A., paras 138 and 139] [21]

- Existence of an armed attack

**SEE**

- Case No. 288, United States, The September 11, 2001 Attacks [22]

- Necessity

**SEE**

- Case No. 53, International Law Commission, Articles on State Responsibility [Part A., Art. 25]; [23]
- Case No. 94, United States Military Tribunal at Nuremberg, United States v. Alfried Krupp et al. [Section 4(viii)] [24];
- 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 [26];
- Case No. 123, ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory [Part A., para. 152] [27];
- Case No. 164, Sudan, Report of the UN Commission of Enquiry on Darfur [Part A., paras 593-605] [28]

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] [29],
- Case No. 123, ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory [Part A., paras 155 and 157] [30]
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
Counter-measures by third States in the collective interest?

SEE

- Case No. 53, International Law Commission, Articles on State Responsibility [Part A., Art. 51] [37];
- Case No. 74, United Kingdom and Australia, Applicability of Protocol I [Part C.] [34];
- Case No. 215, ICTY, The Prosecutor v. Kupreskic et al. [Para. 535] [33]

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

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