



Course Outline

Course number	RMP105
Course title	State Responsibility in International Law
Credit points	3 ECTS
Total hours	24 Contact Hours
Lecture hours	
Course level	Masters
Prerequisites	

COURSE RESPONSIBLE

Name	Academic degree	Academic position
leva Miluna	LL.M., PhD cand.	Lecturer

COURSE TEACHERS

Name	Academic degree	Academic position
leva Miluna	LL.M., PhD cand.	Lecturer
Dr. Elena Fasoli (University of Trento)	Ph.D.	Visiting Lecturer
Dr. Antonino Ali (University of Trento)	Ph.D.	Visiting Lecturer

COURSE ABSTRACT

This course is devoted to the study of origins and content of State responsibility law as a set of secondary rules. It will examine the main elements of State responsibility law as stipulated in customary international law and codified in the International Law Commission's Articles on the Responsibility of States for Internationally Wrongful Acts. In practice, they serve as a guidance to invoke responsibility of another State for an internationally wrongful act in an appropriate forum having jurisdiction to decide a dispute between States. However, State responsibility law may not only be relevant in deciding the dispute in contentious proceedings – it may serve a broader purpose to implement State responsibility in the practice of international organisations, international tribunals and institutions. The International Law Commission's Articles on the Responsibility of States for Internationally Wrongful Acts adopted by the UN General Assembly will serve as legal guidance throughout the course. The course will start with the discussion of the main two elements in order to establish State responsibility – attribution of a conduct to a State and breach of an international obligation. The course will largely refer to the case-law of the International Court of Justice, as well as its predecessor, the Permanent Court of International Justice, and other international tribunals. Next, circumstances precluding wrongfulness of an act that is internationally wrongful will be examined by referring to customary international State responsibility law rules and their evolution in that respect. As a consequence of a determination of an internationally wrongful act, the issue of forms of reparation will be addressed. With regard to procedural aspects of implementation of State responsibility, the course will discuss the invocation of responsibility and admissibility of claims. In addition, as a topical

issue, responsibility of Member States of international organizations for internationally wrongful acts of the organization and Member States themselves will be analysed by referring to State practice and the International Law Commission’s Draft Articles on the Responsibility of International Organizations. Doctrines of concurrent and subsidiary responsibility of States being members of international organizations will be surveyed. As current issue, one lecture will be devoted to State responsibility under international criminal law, and in particular, State act of aggression, as well as coexistence of State responsibility and individual criminal responsibility, as well as we plan guest lectures on the issues of counter-terrorism sanctions, application of State responsibility to climate change as well as sanctions as applied to Russia, Iran, Syria and Lybia.

COURSE OBJECTIVES

The course objective is to examine the process of establishing and implementing responsibility of a State for its internationally wrongful act. The course is aimed to look at the elements of State responsibility law, – breach of an international obligation, attribution of a conduct to a State, circumstances precluding wrongfulness, and forms of reparation. Special attention will be paid to the current topical issues – Member State responsibility for acts of an international organization and Member States themselves as well as climate change and international sanctions.

GRADING CRITERIA

Please do not have too many component parts in the grading.

No.	Criteria	Weighting
1	Exam	100%

COURSE PLAN – MAIN SUBJECTS

Please summarize the main parts of the course and the planned hours dedicated to each.

No.	Main subjects	Planned hours
1	Concept of State responsibility, its main elements. Breach of an international obligation. Attribution of conduct to a State.	6
2	Circumstances precluding wrongfulness	2
3	Reparation for injury	2
4	Invocation of responsibility and admissibility of claims	2
5	Specific and topical issues in international law under State responsibility topic	12

COURSE PLAN – SESSIONS

Please specify each teaching session, with a short indication of the session subjects and readings, as well as the session formats.

Session	Session subjects and readings	Lecture/seminar
1	Concept of State responsibility in international law and its main elements	Lecture
2	Breach of an international obligation of a State and the responsibility of a State in connection with the act of another State	Lecture
3	Attribution of conduct to a State	Lecture/seminar
4	Circumstances precluding wrongfulness	Lecture
5	Reparation for injury	Lecture
6	Invocation of responsibility and admissibility of claims	Lecture/seminar

Session	Session subjects and readings	Lecture/seminar
7	State responsibility under international organizations	Lecture
8	State responsibility under international criminal law	Lecture
9	Counter-terrorist sanctions	Lecture
10	State responsibility (general part)	Lecture
11	Application of State responsibility to climate change	Lecture
12	Sanctions as applied to Russia, Iran, Syria and Lybia	Lecture

COURSE LITERATURE

No.	Author, title, publisher
1	J Crawford, <i>The International Law Commission's Articles on State Responsibility: Introduction, Text and Commentaries</i> , (Cambridge University Press, Cambridge 2002)
2	M Ragazzi (ed), <i>International Responsibility Today. Essays in Memory of Oscar Schachter</i> . (Martinus Nijhoff Publishers, Leiden 2005)
3	S Olleson, <i>The Impact of the ILC's Articles on Responsibility of States for Internationally Wrongful Acts</i> , British Institute of International and Comparative Law, available at: http://www.biicl.org/files/3107_impactofthearticlesonstate_responsibilitypreliminarydraftfinal.pdf
4	J Crawford, A Pellet, S Olleson, <i>The Law of International Responsibility</i> (OUP, Oxford 2010)
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