

Course Goals and content

By attending the course, participants will gain a solid understanding of the international legal framework regulating the issues of State responsibility. The course strikes a balance between theory and practice and will discuss recent developments in the law of State responsibility. By the end of this course, participants should be able to identify and analyse the elements of attribution of conduct, the circumstances precluding wrongfulness, and the consequences of an internationally wrongful act.

The Course is divided in two parts: Part I provides a historical introduction and focuses on the first part of the Articles on State Responsibility (the Engagement of Responsibility), while Part II deals with Content and Implementation of Responsibility

Lecturers



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Course Content

A Historical introduction and general issue

1. Responsibility in the decentralised international legal order
2. Basic principles of State responsibility
3. Primary and secondary rules
4. Codification of the rules and principles on State responsibility

B Attribution of Conduct

1. Conduct of organs or persons exercising governmental authority
2. Conduct directed or controlled by a State
3. Other cases of attribution
4. Responsibility in connection with the conduct of another State

C Breach

1. Violation of an applicable rule
2. Acts and omissions
3. Obligations of conduct and obligations of means
4. Temporal issues

D Circumstances precluding wrongfulness

1. Self-defence
2. Countermeasures
3. Necessity
4. Other circumstances precluding wrongfulness

E Content of State responsibility

1. Consequences of breaches of international law

2. Forms of reparation

3. Restitution
4. Compensation

F Implementation of State Responsibility

1. Standing
2. Countermeasures

Grading

Class participation (20 %); take-home exam (80 %). Participants taking this course for credit must attend all lectures and complete the take-home exam.

Organization

The course is intended for PhD students. A limited number of people with relevant professional or academic interest may be also admitted.

Lecture hours: 24 ECTS : 4

Timetable and Registration

The course takes place from Monday to Friday from 9.30 to 12.00 and from 13.30 to 16.00 in the Silva Casa at the World Trade Institute, University of Bern, Hallerstrasse 6, 3012 Bern. This is an intensive course. Please try to complete some of the readings from the suggested bibliography before the course begins.

Tuition fee: 500 CHF.

Available course outlines and reading material can be found under the course listing on the Doctoral Programme webpage.

<https://www.wti.org/education/doctoral-programme/#open-71871-phd-summer-school-2019>

Send your application to:
phd.applications@wti.org

This course is organized in the context of the *Doktoratsprogramme universitäre Hochschulen 2017–2020*.