

Course Goals and content

By attending the course, participants will gain a solid understanding of the principles and rules governing State responsibility as well as their crucial importance in the decentralised international legal order. The course examines when the conduct of a State engages its international responsibility and critically analyses the new legal relationship brought about by such conduct, including the implementation of the related obligations. It strikes a balance between theory and State practice across international law, including international economic law. On Friday morning, participants will be grouped into three teams and discuss a case study inspired by leading decisions and State practice. The results of the exercise will be discussed collectively on Friday afternoon with a view to testing the findings of the entire course. At the end of the course, participants should be able to carry out advanced research and to provide advice on legal issues related to State responsibility.

Lecturer



Tarcisio Gazzini is Professor of international law at the University of East Anglia and visiting professor at the Graduate Institute of International and Development Studies in Geneva as well as at the Geneva Academy of Human Rights and Humanitarian Law. He has previously taught at the Universities of Padua, Glasgow and VU Amsterdam. Between 2014 and 2017, he co-directed at the University of Lausanne a research project on foreign investment in Africa. He is a member of the International Law Association Committee on Role of International Law in Sustainable Natural Resource Management for Development. He is also a member of the editorial board of the book series published by Brill-Nijhoff on International Investment Law.

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Course Content

A Historical introduction and general issues (Monday morning)

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 (Monday afternoon)

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 (Tuesday morning)

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 (Tuesday afternoon)

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

E Content of State responsibility (Wednesday morning)

1. Consequences of breaches of international law
2. Forms of reparation
3. Restitution
4. Compensation

F Implementation of State responsibility (Wednesday afternoon)

1. Notion of injured State
2. Nature and purpose of countermeasures
3. Limits of countermeasures
4. Erga omnes obligations and international responsibility

G Responsibility of International organizations (Thursday morning)

1. International responsibility and international legal personality
2. Peculiarities of the rules on the responsibility of International organisations

3. Allocation of responsibility to International organisations or member States
4. Shared responsibility

H Critical assessment of the rules on State responsibility (Thursday afternoon)

1. State practice after the adoption of the ILC articles on State responsibility
2. Non-State actors, self-defence and State responsibility
3. Settlement of disputes in matters of responsibility
4. Reconsidering some rules on State responsibility?

Practical Exercise (Friday)

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*.