

## Preface

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Once I had written my *Introduction to the Law of Treaties* (published by Edward Elgar in 2015) I was asked by the publisher if I had under way a project to write another introduction of the same type in some other domain of international law. After reflection I came to the conclusion that I had enjoyed writing the *Law of Treaties* and that there was indeed another domain which I would like to explore on the same lines, namely that of State responsibility. In a sense, the law of treaties is the start of the story, i.e. the place where the rules are created; and the law of State responsibility is the end of the story, where, at the other extreme of the spectrum, the fate of the rules created through the sources is decided once they are breached. Both areas together form what could be called the ‘law of international obligations’: the law of treaties concerns the obligations flowing from a legal act and the law of responsibility touches upon the obligations flowing from a legal fact. Moreover, the law of responsibility is dense, conceptually challenging and very much lawyers’ law; all these things could only attract my interest. After having considered these points, I started working on what has become the present book.

The basic structure of the *Law of Treaties* has been retained. I have ordered the text in broad chapters, according to English style, and split each one of these chapters into two sections of unequal weight. In the main part of the chapter I provide a legal analysis of the questions in issue. The focus is on reaching some equilibrium between, on the one hand, the many legal questions which could be discussed and, on the other, the search for conciseness and readability. Overall, this text remains an introduction to the subject matter. For the reader interested in a more fully fledged treatment of the domain of responsibility there are two excellent English-language publications available: first, J. Crawford’s *State Responsibility* (Cambridge, CUP, 2013) and second, J. Crawford, A. Pellet and S. Olleson (eds), *The Law of International Responsibility* (Oxford, OUP, 2010); they spawn and sparkle over 825 and 1,296 pages respectively, which can hardly be described as brief analyses. There would have been no good reason to try to reproduce such an in-depth analysis of the subject matter. However, an introductory text, at once

concise and searching, could be a good complement to the two *magnum opuses* mentioned above.

In the secondary part of each chapter, under the title 'Digging Deeper', I have digested some heteroclitic materials, allowing some specific questions to be explored in greater depth, unexpected and sometimes idiosyncratic aspects or materials to be discussed, some case law to be visited or further light to be shed on some dogmatic or conceptual questions. As for practice, apart from the usual 'international practice', I have sometimes given examples from Swiss practice. Switzerland is my State of nationality and on the whole I know its international practice better than I do that of any other States. The point is not to overestimate the importance of the practice of my own country; the hope is rather to confront the English-speaking reader with a practice which perhaps he or she has never encountered before. In other words, the discussion of some cases and materials from Switzerland may diversify the picture of the practice from which the conclusions and analyses will be drawn.

The introductory nature of this book explains the fact that I have been somewhat sparing with footnotes. The interested reader is referred to the bibliography at the end of the book, in which he or she will find materials allowing them to delve further into the subject matter of responsibility. For simplicity, certain standard works referred to in the footnotes are just quoted with the name of the author(s). The reader is thus referred to the bibliography. Overall, I will mainly quote from the most important recent studies on international responsibility mentioned above. With regard to the International Law Commission, I will quote mainly the reports of R. Ago and the final report of J. Crawford.

In closing this short Preface, could I again express the hope that the reader may enjoy the present contribution as much as the one on *Treaties*, if he or she ever read or ever enjoyed the former.