

Index

- abandonment 13, 23–4
- absolute compulsion 122, 129
- absolute responsibility 18, 109, 113
- abuse 5, 86, 108, 116, 128, 134, 156, 158
- acceptance of responsibility 227
- accomplices 9, 92, 99, 121
- accountability 232
- actions
 - diplomatic 185–6, 269
 - military 105, 123, 222
 - private 92–3, 99–100
 - unilateral 147, 206
- acts
 - attribution 72–4, 93, 98, 106, 232
 - composite 53, 241, 255
 - of insurrectional movements 93–9
 - internationally wrongful *see* internationally wrongful acts
 - of persons acting in a private capacity 99–101
 - private 85–8, 91–2, 100, 202
 - ultra vires* 27, 80, 85–8, 107
 - unilateral 35, 49–50, 114, 135
 - unlawful 2–4, 7, 11, 42, 44, 109, 160–1, 175
- ad hoc endorsement 88–93
- admissibility 26, 165, 195
 - of claims 197–8, 247, 262
- agents 66–7, 72–3, 76, 78–81, 84–5, 125–6, 202, 253–4
 - State 107, 110, 126–7, 129, 169
- aggression 54–5, 82, 118, 216, 225
- aggrieved States 5, 8, 10, 92, 148, 154–5, 171, 177
- Ago, R. 10–11, 28, 41–4, 50, 52, 54, 85, 126
- aircraft 51, 122, 126–7
- Alabama* arbitration 30–2, 62, 65
- aliens 7, 10, 42, 44, 47, 185–6, 192–3, 196–7
 - rights 6, 196
 - treatment 9–10, 22, 28, 42, 52, 133
- ancillary responsibility 215–30
- Anzilotti, D. 6, 11, 99
- apartheid 53–5
- apparent authority 86–7, 107–8
- application
 - general 112, 135, 165
 - subsidiary 221
- Arangio-Ruiz, G. 28–9
- arbitral tribunals 11, 60, 67, 90, 132, 151, 153, 197
- arbitration 9, 29–32, 62–3, 194
- arbitrators 13, 149, 151, 156, 162–3, 166, 168, 170
- Argentina 132, 203
- armed attack 82, 118, 120–1, 130
- armed conflicts 16, 62, 83, 96–8, 102–6, 131, 155, 174
 - law of 84, 95–6, 98, 116, 119, 131, 133–4, 138–9
 - non-international 98, 105
- armed forces 27, 57, 72, 84–5, 88, 103, 141, 175
- armed groups 16–17, 77, 79, 81, 83, 95–8, 104–7, 118–19
- armed reprisals 119, 174
- arrest 10, 37–8
- Articles on State Responsibility for Internationally Wrongful Acts (ASR) 55–9, 71–4, 90–9, 127–37, 156–9, 171–3, 177–84, 218–22
- assurances 151–2, 249, 263
 - appropriate 151, 244, 259
 - of non-repetition 149, 151–2, 171, 244, 249, 259, 263

- attempted circumvention of
 - responsibility 225–7
- attribution 3, 9–11, 20–1, 34–5, 70–108, 223–4, 232, 240
 - acts of insurrectional movements 93–9
 - acts of persons acting in a private capacity 99–101
 - by ad hoc endorsement 88–93
 - of conduct 3, 89, 238, 254
 - effectiveness principle and *de facto* organs 78–83
 - ex post 91, 98
 - general issues 70–4
 - good faith and legitimate expectations 107–8
 - issues 11, 73, 75
 - main principles 74–83
 - organs placed at the disposal of another State 83–4
 - renvoi* to municipal law for *de jure* organs 76–7
 - rules of 72–3, 104–7
 - special rules of 72–3
 - ultra vires acts 107–8
 - ultra vires* and private acts 85–8, 107–8
 - under direction and control 102–7
- authority 75, 79, 85–6, 90, 108, 239, 250, 254
 - apparent 86–7, 107–8
 - governmental 74–5, 79, 83–5, 239
 - official 79, 239
- authorizations 19, 113, 117, 136, 140–7, 223, 256
- available local remedies 191, 195, 272
- bad faith 157, 195, 201
- belligerency, recognition of 96
- belligerent reprisals 177, 182
- belligerents 30–1, 62, 116, 139
- bilateral treaties 61, 205
- Bosnian Serbs 102–3
- burden of proof 18
- capacity 74, 77, 85, 89, 141, 143, 239
 - official 86, 107, 254
- care, standard of 35, 63, 63–6, 226
- case law 11, 122, 124, 128, 164, 181, 185
- causality 124, 131, 137, 161, 164
- causation 18–19, 109, 157, 161
- cessation 18, 20–1, 39, 149–51, 170–1, 173, 249–50, 263–5
 - duty of 51, 149–50
- chain of actions 51, 53
- China 59, 90, 170
- circumstances, exceptional 130, 154
- circumstances precluding responsibility 110, 115
- circumstances precluding wrongfulness (CPWs) 18, 20–1, 109–47, 157, 206, 220–1, 242–4, 258
 - conflict between Security Council authorization and treaty obligation 140–7
- consent 114–17
- countermeasures/reprisals 120–1
- distress 125–7, 243, 257–8
- equitable compensation for material loss 137
- force majeure 121–5
 - general issues 109–14
 - military necessity 138–40
 - peremptory norms as limit for plea 135–6
- self-defence 118–20
 - state of necessity 128–34
- civil responsibility 14, 18, 39, 153
 - types 18–20
- civil wars 17, 30, 79, 98
- civilians 96, 177
- claims 30–2, 48–50, 148–9, 171–3, 185–93, 247–9, 262–3, 269–71
 - nationality of 191, 248, 262
- clean hands doctrine 198–9
- CM *see* countermeasures
- codification 6–7, 9, 27–30, 110, 112–13, 123, 126, 129
- coerced State 220–1, 241, 256
- coercing State 220–1, 241, 266
- coercion 5, 84, 220–1, 225, 231, 241, 256, 266
- collective countermeasures by States
 - other than injured State 203–5

- collective interests 56, 143, 171, 248, 263
- collective measures 203–4
- collective responsibility 26, 177, 215–31
 - collective unlawful conduct 215–21
 - Member State responsibility for
 - conduct of an international organization 225–8
 - responsibility for conduct of Member States within an international organization 221–4
- collective security 143, 146
- collective unlawful conduct 215–21
- command and control 222
- compensation 88–9, 137, 154–71, 199, 215–16, 244–6, 248, 258–60
 - amount of 153, 216
 - equitable 137
 - full 54
- competence 77, 226, 266
- complete dependence 102, 104
- complicity 9, 23, 58, 83, 92, 106–7, 215–17
- composite acts 53, 241, 255
- compulsion, absolute 122, 129
- concession contracts 90, 115, 133
- concessionaires 228–9
- conduct 35–46, 49–53, 88–94, 113–15, 132–4, 225–8, 238–40, 253–4
 - attribution of 3, 89, 238, 254
 - endorsement of 88–9
 - of Member States 142, 215, 221
 - obligations of 41, 44
 - of organs 238–9, 254
 - standard of 38–41, 43
- consent 7, 110, 112–17, 133–4, 136, 204, 242, 256–7
- consenting States 114–15, 117
- constitutive elements of state
 - responsibility 18, 20–4, 122
- consular agents/personnel 101, 180, 250
- continuity 269, 271
- continuity of nationality 189–90, 269–70
- contravention of instructions 239, 254
- control 79, 81–2, 84, 95–6, 102–6, 219–20, 224–5, 241–2
 - and direction 80–3, 102–7, 220–1
 - effective *see* effective control
 - financial 190, 270
 - loss of 83, 122, 126
 - operational 221
 - overall *see* overall control
- cooperation 34, 58, 66, 217, 232
 - agreements 152, 205
- corporations 80, 190–1, 270–1
- costs 154, 199
 - procedural 167–8
- countermeasures 4, 120, 173, 204–5, 242, 249–50, 257, 263–5
 - and Art 60 of the Vienna Convention on the Law of Treaties 205–8
- circumstances precluding wrongfulness 120–1
 - collective *see* collective countermeasures by States other than injured State
 - legal effects of responsibility 173–84
 - proportionality 180, 264
 - and reactions to breach of ICJ
 - mandatory provisional measures 208–9
 - and reparation 4–6
 - taking 3, 249–50, 264–5
- CPWs *see* circumstances precluding wrongfulness
- Crawford, J. 21, 43, 49, 56, 85, 88, 128, 185
- Crimea 59, 203
- crimes 24, 51, 53, 55–6, 68–9
- criminalization 56, 68
- Cuba 27–8
- customary international law 100, 104, 113, 117–18, 145–6, 184, 187, 192
- customary law 11, 58, 71, 206–7
- damages 18–21, 34–5, 153–6, 159, 163–5, 195–7, 244–5, 259–60
 - payment of 90, 134
 - punitive 166–7, 216
- de facto* agents 83, 222
- de facto* organs 74, 77–8, 106, 222
- de jure* organs 72, 78
 - renvoi* to municipal law for 76–7

- denial of justice 9, 23, 52, 77
- dependence, complete 102, 104
- detention, unlawful 53, 150
- detention of persons 51, 54
- diligence 19, 31–2, 39, 62, 64–6, 163
- diplomatic action 185–6, 269
- diplomatic personnel 38, 99, 123, 175, 192–3
- diplomatic premises 89–90, 100
- diplomatic protection 10, 115, 163, 167, 183, 185, 185–202, 268–72
 - claim of IWA 186–7
 - and clean hands doctrine 198–9
 - exhaustion of local remedies 191–8
 - nationality link 187–91
 - no waiver 198
- direction and control 80–3, 102–7, 220–1
- discretion 42–3, 45, 147, 162, 167, 200
- discretionary power 176, 199, 201
- discretionary rights 182
- discrimination 51, 53, 204
- dispute settlement, procedures 208, 249–50, 264–5
- disputes 8–9, 26, 28–30, 32, 67–8, 194, 198, 208–9
- distress 110, 112–13, 125, 125–7, 129, 137, 243, 257–8
- dominant nationality, test 188–9
- double wrongfulness, criterion 220–1
- DP *see* diplomatic protection 191
- dualism 47
- due diligence 20, 23, 39–41, 62–5, 101, 107, 222
 - definition 64–5
 - duties 19, 40, 65–6, 92, 95, 99–101, 108, 161
 - elements 65–6
 - history 62–3
 - obligations 39–40, 62–6, 95, 106, 226
 - positive obligations 16
 - standard of care 63–4
- duties 3–6, 19–21, 38–9, 56–8, 125–6, 133–5, 148–52, 164–5
 - of cessation 51, 149–50
 - due diligence 19, 40, 65–6, 92, 95, 99–101, 108, 161
 - of reparation 8, 51, 105, 148
- effective control 71, 80–1, 118, 220, 222–3, 254
 - and overall control 102–7
 - test 81, 104, 106, 219, 224
- effective nationality 189
- effectiveness 69, 74, 78, 85, 104, 177, 222
- embassies 38, 40, 89, 91, 99–100, 155
- emergency 126, 132, 139, 204
- empowerments 75–6
- endorsement 50
 - ad hoc 88–93
 - ex post* 73, 89, 91–2, 99, 101
- enforcement 5, 139, 141, 176, 183, 221
- equilibrium 30, 153, 180
- equitable compensation for material loss 137
- equitable exceptions 154, 189–90, 193, 195
- equity 86, 124, 137, 153, 156–7, 163–4
 - role of 168
- essential interests 128–32, 243, 258
- estoppel 25, 35, 196, 228
- Eurotunnel* 228–30
- events, unforeseen 122, 242, 257
- ex gratia*, remedies 191
- ex gratia* payments 90
- ex post* attribution 91, 98
- ex post* endorsement 73, 89, 91–2, 99, 101
- exceptional circumstances 130, 154
- exceptions 48, 112–14, 117, 123–4, 134, 138–40, 188–90, 195
 - equitable 154, 189–90, 193, 195
- excess 86, 115, 119, 121, 164, 239, 254
- exemptions 72, 138–9, 221
- exhaustion of local remedies 9, 42, 44, 183, 248, 262, 271
 - diplomatic protection 191–8
- expectations, legitimate 37, 86, 89, 107–8, 201, 228
- expropriation 10, 53–4, 155, 183
 - creeping 51, 54
- extraterritorial jurisdiction 71, 106

- facts, legal 2–3, 109
- fault 9, 14–15, 18–19, 22–4, 35, 92, 163–4, 198–9
 requirement of 14, 23, 39
 responsibility for 18–19
- Federal Republic of Yugoslavia *see* FRY
- financial control 190, 270
- force
 armed 27, 57, 72, 84–5, 88, 103, 141, 175
 irresistible 121–2, 242, 257
- force majeure 110–11, 113, 121, 121–5, 127, 220–1, 242, 257
- foreign citizens 63, 87, 185
- foreigners 63, 87, 101, 187, 231
- formal apologies 169, 246, 260
- formative stage 11, 13–15
- France 66–7, 167, 203–4, 228
- FRY (Federal Republic of Yugoslavia)
 98, 102–3, 204–5
- functional protection 185, 202
- functions 2, 65, 70–1, 143, 145, 253–4, 258, 263–4
 public 74–5, 83
- fundamental norms 59, 108, 136, 184, 200
- Gabcikovo-Nagymaros* 128, 132, 164
- general application 112, 135, 165
- general international law 5–6, 50, 56–7, 72–3, 135, 145–6, 246, 261
- general rules 26–9, 60, 73, 101, 149, 158, 168, 230
- Geneva Conventions 88, 95–6, 116
- genocide 39–40, 51, 53–5, 64, 98, 102, 135, 171
- good faith 86, 89, 107–8, 124, 152, 164, 208–9, 228
- governmental authority 74–5, 79, 83–5, 239
- governmental power 94, 97
- grave and imminent peril 128–30, 243, 258
- gravity 54, 118–19, 180–1, 231, 250, 264
- Greece 90
- gross or systematic failure 56, 246, 261
- groups of states 170, 247–8, 261, 263
- guarantees 2, 42, 44, 196–7, 244, 249, 259, 263
 of non-repetition 149, 151–4
- Guatemala 210
- Hague Regulations 84, 134, 138–9
- Heffter, A.G. 10
- history 1–33, 143
- home State 115, 186, 197, 199, 222
- human rights 16, 42, 53, 102, 166, 186, 195, 204
 law 179, 186, 226
 reparation 210–14
 treaties 38, 51, 198, 201, 211
 violations 205, 212–13, 218
- humiliating forms 169–70, 246, 260
- Hungary 131–2, 137
- ICC (International Criminal Court) 16
- ICJ (International Court of Justice) 36, 80–1, 104–6, 128–9, 131–2, 167–8, 201–2, 208
- ICTY (International Criminal Tribunal for the former Yugoslavia) 16, 81, 103–6
- IHL (international humanitarian law)
 27, 88, 116, 131, 138–9, 179, 206
- ILC (International Law Commission)
 10–12, 29–30, 56–7, 89–91, 127–9, 153, 156–8, 172
 codification of state responsibility 27–30
- illegality 4, 34, 86, 109–10, 177
- immaterial damage 169
- imminent peril 128–30, 243, 258
- immunities 16, 71, 89, 123, 202
- impossibility 123, 127, 156
 material 125, 158
 of performance 111, 124
- imputation 10–11, 71, 109, 197
- incorporation 46, 191, 270–1
- independence 46, 157, 195, 202
- individual responsibility 16, 251, 267
- individuals 16, 23, 70, 99–100, 104–6, 185, 187, 210–11
 private 79, 89, 91, 106, 161

- injured States 148–9, 155–8, 163–5, 170–7, 180–3, 215–16, 246–50, 260–5
- injuring States 149, 151–3, 155, 165, 167, 207, 213, 216
- injury 169–70, 182, 185, 189–92, 195–7, 244–6, 259–60, 269–72
- instructions 79–81, 85–8, 104–5, 151, 239, 254
 - contravention of 239, 254
 - State's 80, 102
- insurgents 17, 94–5, 98
- insurrectional movements 16, 93–8, 239
- insurrections 63, 73, 94–5, 97–8
- intent 35, 218, 221
 - special 39
- intention 14, 90, 124, 181–2
- interest rates 246, 260
- interests
 - collective 56, 143, 171, 248, 263
 - essential 128–32, 243, 258
- internal law 45, 47–8, 72, 74, 76, 78, 238, 244
- internal legislation 62, 65, 151, 156
- internal remedies 197–8
- international community 128, 131, 243, 245, 247–8, 258–9, 261, 263
- International Court of Justice *see* ICJ
- international crimes 28–9, 54–60, 166, 180, 201, 203, 216
 - Swiss argument against international crimes of the State 68–9
- International Criminal Court *see* ICC
- International Criminal Tribunal for the former Yugoslavia *see* ICTY
- international humanitarian law *see* IHL
- International Law Commission *see* ILC
- international legal obligations 36, 39, 46–7, 99, 120–2, 130, 186–7
- international legal order 13, 47, 72, 110, 177, 210
- international legal personality 15, 202, 217, 253
- international legal rights 185, 196, 198
- international legality 8, 23, 109, 133, 171
- international obligations 45–8, 60–2, 125–6, 128–9, 131–2, 187, 240–3, 253–9
- international organizations 56, 84, 215, 217, 221, 224–7, 251, 253–67
 - conduct of Member States 142, 215, 221
 - Member State responsibility for conduct 225–8
 - responsibility 17, 114, 222, 252–3
 - for conduct of Member States within 221–4
 - responsible 259–65
- international practice 24–5, 82–3, 85, 95, 97, 106–7, 153, 155
- international responsibility 15–17, 20–2, 45–8, 85, 231–2, 244–7, 256, 266–7
 - and state responsibility 15–17
- international society 14, 47, 174, 176, 183, 232
- internationally wrongful acts (IWAs) 34–69, 109–12, 148–55, 169–76, 180–7, 215–19, 244–6, 262–7
 - adoption of legislation contrary to international law 60–2
 - breach and temporal issues 48–54
 - conduct 38–45
 - due diligence obligations 62–6
 - general issues 34–5
 - gravity of breach 54–60
 - primary obligation still running 66–8
 - qualification only through international law 45–8
 - violation of a legally applicable obligation 35–7
- interpretation 43–5, 53–4, 61–2, 109, 122–3, 142, 144–5, 229–30
- inter-temporal principle 49–50
- invasion 83, 204, 219
- inviolability 180, 250, 264
- invocation of responsibility 247–9, 261, 263
- Iran 91, 100
- Iranian State 90–1, 100
- Iraq 135, 164, 204, 219
- irresistible force 121–2, 242, 257
- irresponsibility 24, 108

- Israel 91, 132
 IWAs *see* internationally wrongful acts
- joint organs 165, 230
 jurisdiction 29, 31, 63, 73, 103, 165, 223
 extraterritorial 71, 106
jus cogens 55, 57, 136, 192, 200
 norms 48, 57, 116, 131, 201, 217
 justification 112, 116, 121–2, 124,
 130–1, 134, 142, 145
- Kelsen, H. 5–6
 knowledge 32, 218–19, 221, 241,
 255–6, 265–6
- law and responsibility 1–2
 law of armed conflicts 84, 95–6, 98,
 116, 119, 131, 133–4, 138–9
 see also IHL
 Law of the Sea Convention (LOSC) 43,
 73
 law of treaties 29, 114, 130, 205–8
 lawful measures 137, 242, 250, 265
 lawfulness 3, 58
 laws of war 33, 133, 139
 legal basis 50, 145, 213
 legal consequences 1–3, 26, 72, 76, 244,
 258–9
 legal effects of responsibility 148–214
 cessation 150–1
 collective countermeasures by States
 other than injured State 203–5
 compensation 159–69
 countermeasures 173–84
 and Art 60 of the Vienna
 Convention on the Law of
 Treaties 205–8
 and reactions to breach of ICJ
 mandatory provisional
 measures 208–9
 diplomatic and functional protection
 185–202
 general aspects 148
 guarantees of non-repetition 149,
 151–4
 reparation 149–73
 in human rights law 210–14
 restitution 154–8
 satisfaction 169–73
 satisfaction *ex gratia* 210
 legal facts 2–3, 109
 legal norms 1–2, 34–5, 109, 136
 legal obligations 1, 5, 36, 45, 47,
 129–30, 141, 226
 international 36, 39, 46–7, 99, 120–2,
 130, 186–7
 legal order 1–3, 13, 15, 38, 40, 46–7,
 176, 182
 international 13, 47, 72, 110, 177,
 210
 legal personality, international 15, 202,
 217, 253
 legal persons 15, 70, 185, 217, 269–72
 legal position, subjective 35–6, 140,
 144, 147, 208
 legal systems 11, 18, 24, 32, 110
 legality, international 8, 23, 109, 133,
 171
 legitimate expectations 37, 86, 89,
 107–8, 201, 228
 letters of reprisals 9, 231
lex specialis 31, 37, 49, 73, 123, 127,
 206, 209
 principle 146, 230
 liability 7, 18, 25, 34, 93, 165, 172
 strict 34, 99, 109, 125
 life and limb 125–7, 129
 local remedies 9, 42, 191–8, 271–2
 exhaustion 9, 42, 44, 183, 191–3,
 195–7, 262, 271
Loizidou case 104, 106
 LOSC *see* Law of the Sea Convention
 loss of control 83, 122, 126
 loss of profits 159, 162–3, 245, 260
 losses 90, 95, 137, 153, 159–65, 167–8,
 180, 248
 material 137, 155, 165, 244, 258
 lump sum agreements 136, 155
- maintenance of peace 55, 143, 145, 231
 material damage 168–9
 material impossibility 125, 158
 material losses 155, 165, 244, 258
 equitable compensation for 137

- measures
- Collective 203–4
 - lawful 137, 242, 250, 265
 - provisional 182–3, 208–9
 - unilateral 4–6, 10, 37, 56, 61, 177
- merits 10, 31, 60, 153, 187, 196–7, 199
- stage 187, 196
- Mexico 63, 87, 90
- military actions 105, 123, 222
- military necessity 131, 133, 138–40, 206
- military operations 106, 138, 161
- mines 165, 216
- money, sums of 155, 159, 162, 166, 169, 213
- moral damage 21, 159
- moral persons *see* legal persons
- municipal law 13–14, 42, 46–8, 71–4, 76–8, 87, 116, 200
- analogies with 13–15
 - obligations 45–6
 - rules of 72, 188
- nationality 187–91, 196–7, 199, 202, 269–72
- of claims 191, 248, 262
 - continuity of 189–90, 269–70
 - effective 189
 - link 187–91
 - multiple 188
 - State of 187–91, 196–7, 202, 269–72
- nationals 185–6, 192, 197, 201, 270–1
- natural persons 18, 80, 187, 269, 272
- necessity 112–13, 127–31, 133–4, 138–40, 206, 208, 243, 258
- argument 129–30, 133–4, 140
 - invoking 128, 131, 133, 243, 258
 - military 131, 133, 138–9, 206
 - secondary 134
 - situation of 243, 258
 - special 127, 134
 - state of 27, 110, 112–13, 125, 127–34, 137, 139, 157–8
- negative obligations 38–9
- negligence 14, 18, 41, 62, 64–5, 124, 226
- negotiations 31, 151, 186, 216
- neutrality 9, 31–2, 62–3, 119
- New Zealand 66–7, 167, 203
- Nicaragua 102, 222, 232
- non-international armed conflicts 98, 105
- non-repetition 152, 170, 244, 259
- assurances and guarantees of 244, 249, 259, 263
 - assurances of 149, 151–2, 171, 244, 249, 259, 263
- non-retroactivity 37, 50, 98
- non-State entities 16
- non-use of force 8, 57–8, 133, 136
- normative conflict 143–4
- norms 18–19, 35–6, 38, 42, 47–8, 56, 58, 61–2
- fundamental 59, 108, 136, 184, 200
 - legal 1–2, 34–5, 109, 136
 - peremptory 24, 56–8, 114, 117, 132, 135–6, 243, 246
 - primary 36–9, 41, 43–4, 61–2, 65–6, 68, 134, 136
 - secondary 28, 65, 110–12, 134
- obligations
- breach of 2, 14, 57, 177
 - of conduct 41, 44
 - of due diligence 39–40, 62–6, 95, 106, 226
 - international 45–8, 60–2, 125–6, 128–9, 131–2, 187, 240–3, 253–9
 - negative 38–9
 - new 3–5, 7, 50, 98, 148, 176
 - positive 38–9, 58
 - of prevention 40, 43, 51
 - of result 41–2, 44–5, 52, 61, 196
 - sources of 24–5
 - treaty 37, 48, 140, 144, 207
- occupied territory 84, 131–2
- official authorities 79, 239
- officials 66, 85–6, 108
- omissions 38, 51–3, 80–1, 94–5, 99–101, 229–30, 241, 255
- operational control 221
- organic structure 74, 76, 78
- legal 73

- organs
 - de facto* 74, 77–8, 106, 222
 - de jure see de jure* organs
 - joint 165, 230
 - official 103–4
 - State 42, 72, 83–4, 91, 102, 104, 116, 127
- overall control 81, 118, 222
 - and effective control 102–7
 - test 103–4
- PCIJ (Permanent Court of International Justice) 2, 13, 153–4, 186, 193, 209
- peace 31–2, 55, 63, 143, 145, 205, 231
 - maintenance of 55, 143, 145, 231
- peaceful settlement 8–9, 36, 179, 185, 269
- peacekeeping operations 223–4
- peremptory norms 24, 56–8, 114, 117, 132, 135–6, 243, 246
- peremptory norms of general international law 135, 243, 246, 249, 258, 261, 264
- performance 75, 121–2, 244, 247, 249, 259, 261, 263–4
 - impossibility of 111, 124
- peril 127, 243, 258
 - imminent 128–30, 243, 258
- Permanent Court of International Justice *see* PCIJ
- personnel, diplomatic 38, 99, 123, 175, 192–3
- persons
 - acting in a private capacity 99–101
 - legal 15, 70, 185, 217, 269, 271–2
 - natural 18, 80, 187, 269, 272
 - stateless 190, 201, 270
- plurality of injured states 172, 248, 262
- police officers 86–7
- positive obligations 38–9, 58
- positivists 11, 28
- power 3, 75, 96–8, 146–7, 176–7, 199, 208, 222–4
 - discretionary 176, 199, 201
 - governmental 94, 97
- precedence 127, 144, 146, 198, 209
- predecessor States 95, 190, 269–70
- prejudice 215–16, 242–3, 247–8, 250–1, 256, 258–9, 263, 267
- presumptions 45, 73, 123, 152, 189, 226–7, 229
- prevention 7, 19, 32, 34, 39–41, 100, 108
 - obligation of 40, 43, 51
- primacy 111, 140–1, 144–7, 155, 157
- primary norms 36–9, 41, 43–4, 61–2, 65–6, 68, 134, 136
- primary obligations 6–8, 43, 45, 51, 112, 134–5, 148–51, 179
- primary rules 7, 19, 53, 112–13, 117–18, 140–1, 144–5, 206–7
 - of international law 82, 107, 133, 232
- prisoners of war 138–9
- private action 92–3, 99–100
- private acts 85–8, 91–2, 100, 202
- private capacity, persons acting in a 99–101
- private individuals 79, 89, 91, 106, 161
- private justice 174, 176–7
- private persons 38, 90, 92, 100–1
- procedural costs 167–8
- profits 111, 123, 125–6, 157
 - loss of 159, 162–3, 245, 260
- proof, burden of 18
- property 53, 138, 201
- proportionality 156, 176, 180–2, 209, 250
 - countermeasures 180, 264
- protected persons 27, 99, 116, 126
- protection 65–6, 85, 87, 116, 199–202, 248–9, 263–4, 272
 - diplomatic 10, 115, 163, 167, 183, 185–202, 268–72
 - functional 185, 202
- protective measures 99–100
- provisional measures 182–3, 208–9
- public functions 74–5, 83
- punitive damages 166–7, 216
- quantum
 - of compensation 24, 35, 164
 - of damages 54, 172

- Rainbow Warrior* case 25, 36, 66–8, 151, 167, 232
- rebels 16, 95–6
- reciprocity 27
- redress 32–3, 52, 195–7, 213, 221, 272
measures of 32–3, 214
- reforms 146–7, 204
- refugees 190, 201, 270
- reliance
detrimental 228
on responsibility 227–8
- remedies 42, 44, 53–4, 152, 154–5, 170–3, 192–7, 205–6
ex gratia 191
individual 186
internal 197–8
legal 157, 271
local *see* local remedies
- renunciation 92, 114, 194
- renvoi* 48, 78, 85, 88
for *de jure* organs 76–7
- reparation 2–8, 20–1, 110, 135–6, 148–74, 244–6, 259–60, 262–5
claims for 26, 182, 197
and countermeasures 4–6
duty of 8, 51, 105, 148
form 247, 262
full 152
in human rights law 210–14
- repatriation 66, 169
- reprisals 3, 5–6, 9–10, 27, 32–3, 120, 174–5, 179
letters of 9, 231
- responsibility
absolute 18, 109, 113
acceptance 227
ancillary 215, 217, 219, 221, 223, 225, 227, 229
attachment of 113, 222
attempted circumvention 225–7
circumstances precluding 110, 115
civil *see* civil responsibility
collective 26, 177, 219, 229–31
consequences of 2, 7, 18, 20, 28, 35–6, 111, 113
individual 16, 251, 267
international *see* international responsibility
- invocation 247–9, 261, 263
issues 2, 9, 29, 32, 35
joint 230
and law 1–2
legal 2, 36, 102, 232
legal nature 2–4
private law 15, 87
solidary 229
and sovereignty 12–13
special legal regimes 26–7
ultra vires 87
under classical international law 32–3
- responsible international organizations 259–65
- restitution 5, 53–4, 149–51, 153–9, 169–71, 211, 245–6, 259–60
in kind 153, 155, 213
- retorsions 33, 175–6
- retroactivity, non-retroactivity 37, 50, 98
- rights
secondary 92, 153, 173
subjective 171, 173
- risk 38, 41, 62, 66, 122–5, 138, 144, 152
responsibility for 105
- Russia 59, 203
- sanctions 1, 3, 5, 45, 47, 59, 169, 176
- satisfaction 21, 23, 149, 152, 169–73, 211–13, 245–6, 259–60
ex gratia 210
- saving clauses 61, 122, 137, 183–4
- SD *see* self-defence
- secondary necessity 134
- secondary norms 28, 65, 110–12, 134
- secondary obligations 5–8, 10, 157
weak 57
- secondary rights 92, 153, 173
- secondary rules 7, 10, 23, 34, 36, 82–3, 112–13, 143–4
- security 55, 75, 205, 229
collective 143, 146
- Security Council 58, 117, 140–4, 146–7, 150, 176, 184, 203–4
authorizations 141, 144
- self-defence (SD) 82, 90, 110, 113, 117–21, 129, 136–7, 257

- self-determination 55, 58, 136
- self-help 121, 148, 174
- Serbia 90, 98
- settlement, peaceful 8–9, 36, 179, 185, 269
- shareholders 190–1, 271
- ships 30, 37, 62, 122, 126, 133, 137, 272
- slave trade 37, 49
- soft law 2, 36, 232
- solidary responsibility 229
- sources of obligations 24–5
- South Africa 185, 201, 204
- sovereignty 22–3, 59, 176, 192, 197, 212
 - and responsibility 12–13
 - state 12–13
- space objects 19–20
- special intent 39
- special legal regimes of responsibility 26–7
- special necessities 127, 134
- special rules 26, 190, 198, 217, 229–30, 251, 267, 272
 - of attribution 72–3
- stability
 - economic 156–7
 - political 158
- standard of care 35, 63, 63–6, 226
- standard of conduct 38–41, 43
- State agents 107, 110, 126–7, 129, 169
- state of necessity 27, 110, 112–13, 125, 127–34, 137, 139, 157–8
- State organs 42, 72, 83–4, 91, 102, 104, 116, 127
- state sovereignty 12–13
- State succession 90, 92, 190, 206
- stateless persons 190, 201, 270
- States
 - aggrieved 5, 8, 10, 92, 148, 154–5, 171, 177
 - coerced 220–1, 241, 256
 - coercing 220–1, 241, 266
 - consenting 114–15, 117
 - groups of 170, 247–8, 261, 263
 - home 115, 186, 197, 199, 222
 - injured 148–9, 155–8, 163–5, 170–7, 180–3, 215–16, 246–50, 260–5
 - injuring 149, 151–3, 155, 165, 167, 207, 213, 216
 - of nationality 187–91, 196–7, 202, 269–72
 - predecessor 95, 190, 269–70
 - territorial 41, 82, 94–5, 98–100, 110, 119, 192
 - third 121, 172, 178, 188–9, 199, 202, 216, 221
 - wrongdoing 5, 8, 10, 18, 21, 114, 155–6, 165
- strict conditions 92, 109, 130, 148, 177, 206
- strict liability 34, 99, 109, 125
- structure, organic 74, 76, 78
- subjective legal positions 35–6, 140, 144, 147, 208
- subjective requirements 219, 221
- subjective rights 171, 173
- subsidiary responsibility 262
- succession, State 90, 92, 190, 206
- Suriname 204–5
- Switzerland 56, 61, 68, 84, 100, 200, 203, 218
- systematic failure 56, 246, 261

- Tadic* case 102–3
- Tehran* case 90, 100
- temporal scope 54, 66, 232
- territorial integrity 7, 38, 112, 116, 122, 126–7, 133
- territorial space 122, 169
- territorial State 41, 82, 94–5, 98–100, 110, 119, 192
- territory 62–5, 82–3, 93–4, 96, 117, 119–20, 190, 193–4
 - occupied 84, 131–2
- terrorist groups 82, 133
- third States 121, 172, 178, 188–9, 199, 202, 216, 221
- threats 66, 177, 205, 249, 264
- tort 5, 9, 40, 52, 195, 197
- torture 52, 58
- treaty obligations 37, 48, 140, 144, 207
- Treaty of Canterbury 228–9
- Treaty of Washington 31
- Triepel, H. 11, 99

- triggering mechanisms 14–15
- Uganda 85, 203
- ultimate control 224
- ultra vires* acts 27, 80, 85–8, 107
- ultra vires* responsibility 87
- ultra-hazardous activities 18, 20, 109
- unforeseen events 122, 242, 257
- UNGA (UN General Assembly) 20, 27, 29–30, 136, 143
- unilateral action 147, 206
- unilateral acts 35, 49–50, 114, 135
- unilateral measures 4–6, 10, 37, 56, 61, 177
- unitary nature of state responsibility 24–5
- United Kingdom 17, 30–1, 90, 97, 133, 165, 203–4, 228
- United Nations 140–1, 143, 237, 242, 249, 251–2, 264, 267–8
 - General Assembly *see* UNGA
 - Security Council 58, 117, 140–4, 146–7, 150, 176, 184, 203–4
- United States 10, 16, 30–1, 58, 90, 102, 203–4, 210
- unlawful acts 2–4, 7, 11, 42, 44, 109, 160–1, 175
- unlawful conduct 2, 86, 131, 182
- unlawful detention 53, 150
- unlawfulness 7, 112–13, 135
- VCDR *see* Vienna Convention on Diplomatic Relations
- VCLT *see* Vienna Convention on the Law of Treaties
- victims 87, 129–30, 136, 153, 199, 211–13
- Vienna Convention on Diplomatic Relations (VCDR) 39, 44, 89, 100, 123
- Vienna Convention on the Law of Treaties (VCLT) 48, 55, 115–16, 124, 130, 135, 205–8, 211
- waiver of claims 110, 115
- Washington Rules 31
- without prejudice clauses 137, 142, 172
- wrongdoing State 5, 8, 10, 18, 21, 114, 155–6, 165
- wrongful acts *see* internationally wrongful acts
- wrongfulness 112–13, 128, 135, 175, 206, 242–3, 256–8
- Yeager* case 83, 104, 106