

Course title	Ansvarsfrågor inom folkrätten – fortsättningskurs/Responsibility in International Law
Decision	Appendix decided by ämnesrådet i Folkrätt
Valid from term Please note that the literature can be changed before each new course opportunity	VT20

GENERAL READING LIST

NOTE: There is no set textbook for this course.

All readings and other materials will be provided online through Canvas.

You are expected to access and read the relevant materials prior to class. Please also note that this is a developing list and other materials may be added as the course progresses. Note also that the video lectures listed below from the UN Audiovisual Library of International Law are not part of the assessment for this course; they are merely suggested as a complement to the relevant reading materials.

Introduction

- Alain Pellet, 'The Definition of Responsibility in International Law' in James Crawford, Alain Pellet and Simon Olleson (eds), *The Law of International Responsibility* (Oxford: Oxford University Press, 2010), 3-16 (12p)

State Responsibility

- James Crawford and Simon Olleson, 'The Character and Forms of International Responsibility' in Malcolm Evans (ed), *International Law* (4th ed., Oxford: Oxford University Press, 2014), 443-475 (32p)
- Either: James Crawford, *The International Law Commission's Articles on State Responsibility: Introduction, Text and Commentaries* (Cambridge: Cambridge University Press, 2002 (387p) (available through Anna Lindh-biblioteket)
- Or: International Law Commission, [Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries](#) (114p)
- James Crawford, ['The International Law Commission's Articles on State Responsibility: Past and Future'](#), UN Audiovisual Library of International Law, Video Lecture (45 min)
- [Application of the Convention on the Prevention and Punishment of the Crime of Genocide \(Bosnia and Herzegovina v Serbia and Montenegro\)](#) ('Bosnian Genocide case'), ICJ Reports 2007, 43, at paras. 377-415, 416-424 (see also generally paras. 425-450) (NB: ICJ judgements are written in English and French – if you wish to print an English only version, select 'print even pages only')
- Christian Dominicé, 'Attribution of Conduct to Multiple States and the Implication of a State in the Act of Another State' in James Crawford, Alain Pellet and Simon Olleson (eds), *The Law of International Responsibility* (Oxford: Oxford University Press, 2010), 281-290 (9p)
- Richard Mackenzie-Gray Scott, ['Torture in Libya and Questions of EU Member State Complicity'](#), *EJIL:Talk!*, Blog of the European Journal of Int'l Law (11 Jan. 2018)
- Harriet Moynihan, ['State Complicity in Other States' Bad Acts – and How to Avoid It'](#), *Just Security* (US blog), (14 Nov. 2016)

- Martin Dawidowicz, [‘Third-party countermeasures: A progressive development of international law?’](#), Questions of International Law (2016), 3-15 (12p)
- Christian Tams, [‘Obligations Erga Omnes in International Law’](#), *UN Audiovisual Library of International Law*, Video Lecture (34min)

Responsibility of International Organisations

- International Law Commission, [Draft articles on the responsibility of international organizations, with commentaries \(2011\)](#) (104p)
- Dapo Akande, ‘International Organisations’ in Malcolm Evans (ed), *International Law* (4th ed., Oxford: Oxford University Press, 2014), 248-279 (29p)
- [Reparations for Injuries in the Service of the United Nations](#), ICJ Reports 1949, 174 (NB: ICJ judgements are written in English and French – if you wish to print an English only version, select ‘print even pages only’)
- August Reinisch, ‘Privileges and Immunities’ in Jan Klabbers and Åsa Wallendahl (eds), *Research Handbook on the Law of International Organizations* (Edward Elgar, 2011), 132-155 (15p)
- [Application no. 65542/12, Stichting Mothers of Srebrenica and Others v the Netherlands](#) (11 June 2013) ECtHR (47p)
- Pierre Klein, ‘The Attribution of Acts to International Organizations’ in James Crawford, Alain Pellet and Simon Olleson (eds), *The Law of International Responsibility* (Oxford: Oxford University Press, 2010), 297-316 (19p)
- Kristina Daugirdas, [‘IO Reputation and the Draft Articles on IO Responsibility’](#), *EJIL:Talk!*, Blog of the European Journal of Int’l Law (24 March 2015)

Shared and Concurrent Responsibility

- Andre Nollkaemper, [‘Shared Responsibility in International Law’](#), *UN Audiovisual Library of International Law*, Video Lecture (49 min)
- Andre Nollkaemper and Dov Jacobs, [‘Shared Responsibility in International Law: A Conceptual Framework’](#), *Michigan Journal of International Law* (2013), 359-438 (80p)
- Francesco Messineo, [‘Attribution of Conduct’](#) in Andre Nollkaemper and Ilias Plakokefalos (eds), *Principles of Shared Responsibility in International Law* (Cambridge: Cambridge University Press, 2014), 60-97 (37p)
- Alexander Orakhelashvili, ‘Division of Reparation between Responsible Entities’ in James Crawford, Alain Pellet and Simon Olleson (eds), *The Law of International Responsibility* (Oxford: Oxford University Press, 2010), 647-665 (18p) (available through Anna Lindh biblioteket)

Individual Criminal Responsibility

- [The Rome Statute of the International Criminal Court](#)
- Antonio Cassese, *International Criminal Law* (3rd ed), Chapter 1 (Fundamentals of international criminal law) (18p)
- Gerhard Werle, ‘General Principles of International Criminal Law’ in Antonio Cassese, (ed), *Oxford Companion to International Criminal Justice* (Oxford: Oxford University Press, 2009), 54-62 (8p)
- Bert Swart, ‘Modes of International Criminal Liability’ in Antonio Cassese (ed), *Oxford Companion to International Criminal Justice* (Oxford: Oxford University Press, 2009), 82-93 (11p)
- Paola Gaeta, ‘International Criminalisation of Prohibited Conduct’ in Antonio Cassese (ed), *Oxford Companion to International Criminal Justice* (Oxford: Oxford University Press, 2009), 63-74 (11p)
- Daphna Shrager, ‘The Second Generation UN-based Tribunals: A Diversity of Mixed Jurisdictions’ in Cesare Romano,

Andre Nollkaemper and Jann K. Kleffner (eds), *Internationalised Criminal Courts* (Oxford: Oxford University Press 2004), 15-38 (23p)

- Kriangsak Kittichaisaree, *International Criminal Law* (Oxford: Oxford University Press, 2001), Chapter 2 (Ad hoc International Tribunals and the International Criminal Court) (26p)
- Kriangsak Kittichaisaree, *International Criminal Law* (Oxford: Oxford University Press, 2001), Chapter 9 (Grounds for Excluding Criminal Responsibility) and Chapter 12 (Cumulative charges, sentencing, and compensation for victims) (36p)
- Jann K. Kleffner, *Complementarity in the Rome Statute and National Criminal Jurisdictions* (Oxford: Oxford University Press, 2008), Chapter 2 (National Suppression of Core Crimes), 7-56 (49p)
- Dapo Akande, '[The International Criminal Court Gets Jurisdiction Over the Crime of Aggression](#)', *EJIL:Talk!*, Blog of the European Journal of Int'l Law (15 Dec. 2017)

National Prosecutions of International crimes

- Swedish war crimes cases: summaries and excerpts (provided in ITS Learning)
 - Arklöf-målet – Stockholms Tingsrätts dom, 2006-12-18, mål nr B 4084-04
 - Martinovic-målet – Stockholms Tingsrätts dom, 2012-01-20, mål nr B 5373-10 – Svea Hovrätts dom, 2012-12-19, målnr B 1248-12
 - Mbanenande-målet – Stockholms Tingsrätts dom, 2013-06-20, målnr B 18271-11
 - Droubi-målet – Södertörns Tingsrätts dom, 2015-02-26, mål nr B 13656-14
 - Makitan-målet – Stockholms Tingsrätts dom, 2011-04-08, mål nr B 382-10
- Sakanh-målet – Stockholms Tingsrätts dom, 2017-02-16, mål nr B 3787-16
- Radio Sweden, '[Oil executives charged with assisting war crimes](#)' (18 Oct. 2018)
- Bloomberg News, '[Prosecutor Readies War Crime Charges Against Swedish Oil Bosses](#)' (26 Oct. 2018)

NB: There may others added as the cases proceed and judgments are released.

Responsibility of Non-State Actors

- Andrew Clapham, '[Non-State Actors under International Law](#)', *UN Audiovisual Library of International Law*, Video Lecture (48min)
- Gérard Cahin, 'The Responsibility of Other Entities: Armed Bands and Criminal Groups' in James Crawford, Alain Pellet and Simon Olleson (eds), *The Law of International Responsibility* (Oxford: Oxford University Press, 2010), 331-341 (10p)
- Anna-Karin Lindblom, 'The Responsibility of Other Entities: Non-Governmental Organisations' in James Crawford, Alain Pellet and Simon Olleson (eds), *The Law of International Responsibility* (Oxford: Oxford University Press, 2010), 343-354 (11p)
- Andrew Clapham, 'Non-State Actors in Times of Armed Conflict' in Andrew Clapham, *Human Rights Obligations of Non-State Actors* (Oxford: Oxford University Press, 2006), 271-316 (45p)
- Andrew Clapham, '[Human Rights Obligations for Non-State Actors: Where are We Now?](#)' in Fanny Lafontaine and Francois Larocque (eds), *Doing Peace the Rights Way. Essays in International Law and Relations in Honour of Louise Arbour* (Intersentia, 2017) (18p)
- Jann K. Kleffner, 'The Collective Accountability of Organised Armed Groups for System Crimes' in Andre Nollkaemper and Harmen van der Wilt (eds), *System Criminality in International Law* (Cambridge: Cambridge University Press, 2009), 238-269 (31p)

Date
2021-01-19

Course literature

- Peter Muchlinski, '[Corporations in International Law](#)', in *Max Planck Encyclopaedia of Public International Law*, focus on paras 1-18, 25, 30-37, 47-54
- '[Business and Human Rights: A Brief Introduction](#)', Business and Human Rights Resource Centre
- [UN Guiding Principles on Business and Human Rights \(2011\)](#)

General Websites

International Law Commission:

State Responsibility http://legal.un.org/ilc/guide/9_6.shtml

International Organisations: http://legal.un.org/ilc/guide/9_11.shtml

SHARES Project: <http://www.sharesproject.nl/>

For Reference:

- James Crawford, Alain Pellet and Simon Olleson (eds), *The Law of International Responsibility* (Oxford: Oxford University Press, 2010)

DETAILED READING LIST

This list is intended to help you structure your reading. Full citation and details about the assigned readings (as well as links to the online texts are in the general reading list). They are not repeated here for brevity.

DASR = [Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries \(2001\)](#)

DARIO = [Draft articles on the responsibility of international organizations, with commentaries \(2011\)](#)

All references to these works include both the text of the article and the associated commentary.

Introduction		
Introduction: Course Structure, Reading Instructions & The Nature of Responsibility	NH	<ul style="list-style-type: none"> Alain Pellet, 'The definition of responsibility in international law' in James Crawford, Alain Pellet and Simon Olleson (eds), <i>The Law of International Responsibility</i> (Oxford University Press, 2010)
Module 1: The Law of State Responsibility		
State Responsibility: General Principles & Attribution	NH	<ul style="list-style-type: none"> ASR, Arts. 1-7 (and associated ILC Commentary) James Crawford, 'The International Law Commission's Articles on State Responsibility: Past and Future', <i>UN Audiovisual Library of International Law</i>, Video Lecture (45 min) James Crawford and Simon Olleson, 'The Character and Forms of International Responsibility' in Malcolm Evans (ed), <i>International Law</i> <p>NB: The latter reading covers the entire topic of state responsibility, you can split the reading by reading the relevant sections of the text for the topic we will cover in class.</p>
Attribution (cont.)	NH	<ul style="list-style-type: none"> ASR, Arts. 8-11 (and associated ILC Commentary) Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro), concentrate on paras. 377-415 (see also generally, paras. 425-450)
Breach & Circumstances Precluding Wrongfulness	NH	<ul style="list-style-type: none"> ASR, Arts. 12-15, 20-27 (and associated ILC Commentary)
Ancillary & Other Responsibility	NH	<ul style="list-style-type: none"> ASR, Arts. 16-19, 46-47 (and associated ILC Commentary) Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro), paras. 416-424 (application of Art. 16 ASR by analogy) Christian Dominicé, 'Attribution of Conduct to Multiple States and the Implication of a State in the Act of Another State' in James Crawford, Alain Pellet and Simon Olleson (eds), <i>The Law of International Responsibility</i> (Oxford University Press, 2010), 281-290 (9p) Richard Mackenzie-Gray Scott, 'Torture in Libya and Questions of EU Member State Complicity', <i>EJIL:Talk!</i>, Blog of the European Journal of Int'l Law (11 Jan. 2018) Harriet Moynihan, 'State Complicity in Other States' Bad Acts – and How to Avoid It', <i>Just Security</i> (US blog) (14 Nov. 2016)



Consequences & Implementation	NH	<ul style="list-style-type: none"> ASR, Arts. 28-54 (and associated ILC Commentary) Martin Dawidowicz, 'Third-party countermeasures: A progressive development of international law?', <i>Questions of International Law</i> (2016), 3-15 (12p) Christian Tams, 'Obligations Erga Omnes in International Law', <i>UN Audiovisual Library of International Law</i>, Video Lecture (34 min)
Seminar 1:		
Module 2: Responsibility of International Organizations		
Responsibility of International Organisations, Attribution of Conduct	NH	<ul style="list-style-type: none"> DARIO, Arts. 1-27 (and associated ILC Commentary) Dapo Akande, 'International Organisations' in Malcolm Evans (ed), <i>International Law</i> Reparations for Injuries in the Service of the United Nations Application no. 65542/12, Stichting Mothers of Srebrenica and Others v the Netherlands, concentrate on para. 114 and following ("The Law"). Pierre Klein, 'The Attribution of Acts to International Organizations' in James Crawford, Alain Pellet and Simon Olleson (eds), <i>The Law of International Responsibility</i> (Oxford University Press, 2010), 297-316 (19p)
Circumstances Precluding Wrongfulness, Privileges & Immunity	NH	<ul style="list-style-type: none"> DARIO, Arts. 28-40, 48, 58-63 (and associated ILC Commentary) August Reinisch, 'Privileges and Immunities' Kristina Daugirdas, 'IO Reputation and the Draft Articles on IO Responsibility', <i>EJIL: Talk!</i>, Blog of the European Journal of Int'l Law (24 March 2015)
Shared & Concurrent Responsibility	NH	<ul style="list-style-type: none"> Andre Nollkaemper, 'Shared Responsibility in International Law', <i>UN Audiovisual Library of International Law</i>, Video Lecture (49 min) Andre Nollkaemper and Dov Jacobs, 'Shared Responsibility in International Law: A Conceptual Framework', <i>Michigan Journal of International Law</i> (2013), 359-438 (80p) Francesco Messineo, 'Attribution of Conduct' in Andre Nollkaemper and Ilias Plakokefalos, <i>Principles of Shared Responsibility in International Law</i> (Cambridge University Press, 2014), 60-97 (37p) Alexander Orakhelashvili, 'Division of Reparation between Responsible Entities' in James Crawford, Alain Pellet and Simon Olleson (eds), <i>The Law of International Responsibility</i> (Oxford University Press, 2010), 647-665 (18p)
Seminar 2:		



Module 3: Individual Responsibility		
International Criminal Responsibility	NH	<p><i>General & Background Reading</i></p> <ul style="list-style-type: none"> The Rome Statute of the International Criminal Court Antonio Cassese, <i>International Criminal Law</i> (3rd ed), Chapter 1 ('Fundamentals of International Criminal Law') (29p) <p><i>International Criminal Forums</i></p> <ul style="list-style-type: none"> Gerhard Werle, 'General Principles of International Criminal Law' in Antonio Cassese, (ed) <i>Oxford Companion to International Criminal Justice</i> (Oxford University Press, 2009), 54-62 (8p) Paola Gaeta, 'International Criminalisation of Prohibited Conduct' in Antonio Cassese, (ed), <i>Oxford Companion to International Criminal Justice</i> (Oxford University Press, 2009), 63-74 (11p) Daphna Shrager, 'The Second Generation UN-based Tribunals: A Diversity of Mixed Jurisdictions' in Romano, Nolckemper and Kleffner (eds), <i>Internationalised Criminal Courts</i> (Oxford University Press, 2004), 15-38 (23p) NB – Page 18 is missing from the main document and provided separately Jann K. Kleffner, <i>Complementarity in the Rome Statute and National Criminal Jurisdictions</i> (Oxford University Press, 2008), Chapter 2 ('National Suppression of Core Crimes'), 7-56 (49p) Kriangsak Kittichaisaree, <i>International Criminal Law</i> (Oxford University Press, 2001), Chapter 2 ('Ad hoc International Tribunals and the International Criminal Court') (26p) Dapo Akande, 'The International Criminal Court Gets Jurisdiction Over the Crime of Aggression', <i>EJIL:Talk!</i>, Blog of the European Journal of Int'l Law (15 Dec. 2017)
International Criminal Responsibility (cont.)	NH	<p><i>Modes of Responsibility & Defences</i></p> <ul style="list-style-type: none"> Kriangsak Kittichaisaree, <i>International Criminal Law</i> (Oxford: Oxford University Press, 2001), Chapter 9 ('Grounds for Excluding Criminal Responsibility') and Chapter 12 ('Cumulative Charges, Sentencing, and Compensation for Victims') (36p) Bert Swart, 'Modes of International Criminal Liability' in Antonio Cassese, (ed), <i>Oxford Companion to International Criminal Justice</i> (Oxford University Press, 2009), 82-93 (11p)
National Prosecutions of International Crimes	TBC	<p>Swedish Case Studies – on ITS learning</p> <ul style="list-style-type: none"> Radio Sweden, 'Oil executives charged with assisting war crimes' (18 Oct. 2018); Bloomberg News, 'Prosecutor Readies War Crime Charges Against Swedish Oil Bosses' (26 Oct. 2018) and from above: Jann K. Kleffner, <i>Complementarity in the Rome Statute and National Criminal Jurisdictions</i> (Oxford University Press, 2008), Chapter 2 ('National Suppression of Core Crimes'), 7-56 (49p)
Seminar 3:		



Module 4: Responsibility of Non-State Actors		
Responsibility of Armed Groups	NH	<ul style="list-style-type: none"> • Andrew Clapham, ‘Non-State Actors under International Law’, <i>UN Audiovisual Library of International Law</i>, Video Lecture (48 min) • Gérard Cahin, ‘The Responsibility of Other Entities: Armed Bands and Criminal Groups’ in James Crawford, Alain Pellet and Simon Olleson (eds), <i>The Law of International Responsibility</i> (Oxford University Press, 2010), 331-341 (10p) • Jann K. Kleffner, ‘The Collective Accountability of Organised Armed Groups for System Crimes’ in Andre Nollkaemper and Harmen van der Wilt (eds), <i>System Criminality in International Law</i> (Cambridge University Press, 2009), 238-269 (31p) • Andrew Clapham, ‘Non-State Actors in Times of Armed Conflict’ in Andrew Clapham, <i>Human Rights Obligations of Non-State Actors</i> (Oxford University Press, 2006), 271-316 (45p) • Andrew Clapham, ‘Human Rights Obligations for Non-State Actors: Where are We Now?’ in Fanny Lafontaine and Francois Larocque (eds), <i>Doing Peace the Rights Way. Essays in International Law and Relations in Honour of Louise Arbour</i> (Intersentia, 2017) (18p)
NGOs & Corporate Responsibility	NH	<p>In addition to the above:</p> <ul style="list-style-type: none"> • Anna-Karin Lindblom, ‘The Responsibility of Other Entities: Non-Governmental Organisations’ in James Crawford, Alain Pellet and Simon Olleson (eds), <i>The Law of International Responsibility</i> (Oxford University Press, 2010), 343-354 (11p) • Peter Muchlinski, ‘Corporations in International Law’, in <i>Max Planck Encyclopaedia of Public International Law</i>, focus on paras 1-18, 25, 30-37, 47-54 • ‘Business and Human Rights: A Brief Introduction’, Business and Human Rights Resource Centre • UN Guiding Principles on Business and Human Rights (2011)
Seminar 4:		
Final Exam Preparations and Questions	NH	