

CICR

Internationally wrongful acts in the domestic courts : the contribution of domestic courts to the development of customary international law relating to the engagement of international responsibility / Simon Olleson

Document type:	Article
Title:	Internationally wrongful acts in the domestic courts : the contribution of domestic courts to the development of customary international law relating to the engagement of international responsibility
Author zone:	Simon Olleson
Host item entries:	Leiden journal of international law,
Languages:	English
Abstract:	The rules of customary international law governing when a state or international organization will be held to have committed an internationally wrongful act, thereby engaging its international responsibility, are relatively well settled in international practice and jurisprudence. A key point of reference in this regard is the work of the International Law Commission on State Responsibility and Responsibility of International Organizations. The present paper examines relevant practice of domestic courts from a variety of jurisdictions which have relied upon the ILC's work, and discusses the extent to which domestic courts may make a contribution to the further development of the rules relating to engagement of responsibility. It concludes that, due to the operation of rules of, inter alia, immunity and non-justiciability, the principal instance in which domestic courts may actually apply the rules of international law is where it is the responsibility of the forum state which is in issue.
Authors:	Olleson, Simon
Keyword in English:	CUSTOMARY INTERNATIONAL LAW STATE RESPONSIBILITY
Keyword in French:	DROIT INTERNATIONAL COUTUMIER RESPONSABILITE D'ETAT
Go to:	Leiden journal of international law Leiden journal of international law [Vol. 26, no. 3, September 2013]