

Teil I

Allgemeines Völkerrecht

§ 5 Die völkerrechtliche Verantwortlichkeit

A. Grundlagen der völkerrechtlichen Verantwortlichkeit

Vertiefende Literatur zu A.: A. v. Arnould/S. Buszewski, Modes of Legal Accountability: The Srebrenica Example, FW 88/3-4 (2013), 15; A. S. Barros/C. Ryngaert/J. Wouters (Hg.), International Organizations and Member State Responsibility, 2016; E. Brown Weiss, Invoking State Responsibility in the Twenty-first Century, AJIL 96 (2002), 798; J. Brunnée, International Legal Accountability Through the Lens of the Law of State Responsibility, NYIL 36 (2007), 21; D. Caron, The ILC Articles on State Responsibility: The Paradoxical Relationship Between Form and Authority, AJIL 96 (2002), 857; C. Chinkin (Hg.), Sovereignty, Statehood and State Responsibility: FS Crawford, 2015; O. Corten, La Commission du droit international comme agent de formalisation du droit de la responsabilité, FS Dupuy, 2014, 399; J. Crawford, State Responsibility: The General Part, 2013; W. Czaplinski, UN Codification of Law of State Responsibility, AVR 41 (2003), 62; ders., International Responsibility of International Organizations: An Outline, PolyYIL 27 (2004/05), 49; K. Daugirdas, Reputation and the Responsibility of International Organizations, EJIL 25 (2014), 991; O. Dörr, Völkerrechtliche Deliktsansprüche Privater – auf der Grundlage und in den Grenzen einer völkerrechtlichen Schutznormlehre, FS E. Klein, 2013, 765; A. Fischer-Lescano, Subjektivierung völkerrechtlicher Sekundärregeln: Die Individualrechte auf Entschädigung und effektiven Rechtsschutz bei Verletzungen des Völkerrechts, AVR 45 (2007), 299; M. Fitzmaurice/D. Sarooshi (Hg.), Issues of State Responsibility before International Judicial Institutions, 2004; M. Forteau, Régime général de responsabilité ou *lex specialis*?, RBDI 46 (2013), 147; G. Gaja, Primary and Secondary Rules in the International Law on State Responsibility, RivDI 97 (2014), 981; T. Giegerich, Verantwortlichkeit und Haftung für Akte internationaler und supranationaler Organisationen, ZVglRwiss 104 (2005), 163; K. Ginther, Verantwortlichkeit, Haftung und Verantwortung im Völkerrecht, FS Zemanek 1994, 335; P. J. Kuijper, Attribution – Responsibility – Remedy: Some comments on the EU in different international regimes, RBDI 46 (2013), 57; U. Linderfalk, State Responsibility and the Primary-Secondary Rules Terminology: The Role of Language for an Understanding of the International Legal System, NorJIL 78 (2009), 53; A. Nissel, The Duality of State Responsibility, ColHRLR 44 (2013), 793; A. Nollkaemper, Concurrence between Individual Responsibility and State Responsibility in International Law, ICLQ 53 (2003), 615; ders./I. Plakokefalos (Hg.), Principles of Shared Responsibility in International Law, 2014; ders./D. Jacobs (Hg.), Distribution of Responsibilities in International Law, 2015; B. Patel, Responsibility of International Organisations Towards Other International Organisations, 2013; V.-J. Proulx, Institutionalizing State Responsibility, 2016; M. Ragazzi (Hg.), The Responsibility of International Organizations, 2013; V. Richard, Les organisations internationales entre *responsibility* et *accountability*: le régime de responsabilité esquissé par la CDI est-il adapté aux organisations internationales?, RBDI 46 (2013), 190; S. Rosenme, State Responsibility – *Festina Lente*, BYIL 75 (2004), 363; R. Rosenstock, The ILC and State Responsibility, AJIL 96 (2002), 792; D. Sarooshi (Hrsg.), Remedies and Responsibility for the Actions of International Organizations, 2014; C. Tams, All's Well that Ends Well: Comments on the ILC's Articles on State Responsibility, ZaöRV 62 (2002), 759; C. Thiele, Das Verhältnis zwischen Staatenverantwortlichkeit und Menschenrechten, AVR 49 (2011), 343.

B. Das völkerrechtliche Delikt: Überblick

Vertiefende Literatur zu B.: *H. Aust*, Complicity and the Law of State Responsibility, 2011; *ders.*, Complicity in Violations of International Humanitarian Law, in: Krieger (Hg.), *Inducing Compliance with International Humanitarian Law*, 2015, 442; *J. Fry*, Coercion, Causation, and the Fictional Elements of Indirect State Responsibility, *VJTL* 40 (2006/07), 611; *A. Gattini*, Smoking/No Smoking: Some Remarks on the Current Place of Fault in the ILC Draft Articles on State Responsibility, *EJIL* 10 (1999), 397; *M. Hakimi*, State Bystander Responsibility, *EJIL* 21 (2010), 341; *R. Harndt*, Völkerrechtliche Haftung für die schädlichen Folgen nicht verbotenen Verhaltens, 1993; *M. Jackson*, Complicity in International Law, 2015; *V. Lanovoy*, Complicity in an Internationally Wrongful Act, in: Nollkaemper/Plakokefalos (Hg.), *Principles of Shared Responsibility in International Law*, 2014, 134; *I. v. Münch*, Das völkerrechtliche Delikt in der Entwicklung der modernen Völkerrechtsgemeinschaft, 1963; *G. Nolte/H. P. Aust*, Equivocal Helpers – Complicit States, Mixed Messages and International Law, *ICLQ* 58 (2009), 1; *S. Talmon*, The Responsibility of Outside Powers for Acts of Secessionists, *ICLQ* 58 (2009), 493; *A. Tanzi*, Liability for Lawful Acts, *MPEPIL* (2/2013); *W. Werner*, Responding to the Undesired: State Responsibility, Risk Management and Precaution, *NYIL* 36 (2005), 57.

C. Das völkerrechtliche Delikt: Einzelfragen

Vertiefende Literatur zu C.: **Zu I. (ohne Verhältnis IO/Mitgliedstaaten).** *A. v. Arnould/S. Buszewski*, Modes of Legal Accountability, *FW* 88/3-4 (2013), 15; *J. d'Aspremont*, Rebellion and State Responsibility: Wrongdoing by Democratically Elected Insurgents, *ICLQ* 58 (2009), 427; *ders.* u. a., Sharing Responsibility Between Non-State Actors and States in International Law, *NILR* 62 (2015), 49; *S. Besson*, La pluralité d'Etats responsables: vers une solidarité internationale?, *SZIER* 17 (2007), 13; *I. Brownlie*, State Responsibility: The Problem of Delegation, *FS Zemanek* 1994, 299; *L. Clarke*, Public-Private Partnerships and Responsibility under International Law, 2014; *S. Darcy*, Assistance, direction and control, *IRRC* 96 (2014), 243; *P. Dumberry*, New State Responsibility for Internationally Wrongful Acts by an Insurrectional Movement, *EJIL* 17 (2006), 605; *A. Epiney*, Die völkerrechtliche Verantwortlichkeit von Staaten für rechtswidriges Verhalten im Zusammenhang mit dem Verhalten Privater, 1992; *J. Griebel*, Die Zurechnungskategorien der de facto-Organen im Recht der Staatenverantwortlichkeit, 2004; *P. Jacob*, Les définitions des notions d'«organe» et d'«agent» retenues par la CDI sont-elles opérationnelles?, *RBDI* 46 (2013), 17; *A. Kees*, Responsibility of States for Private Actors, *MPEPIL* (3/2011); *C. Kreß*, L'organe de facto en droit international public, *RGDIP* 105 (2001), 93; *M. Milanović*, State Responsibility for Non-State Actors, *LJIL* 22 (2009), 307; *A. Nollkaemper/D. Jacobs*, Shared Responsibility in International Law, *MichJIL* 34 (2013), 359; *A. Nollkaemper/I. Plakokefalos* (Hg.), *Principles of Shared Responsibility in International Law*, 2014; *P. Palchetti*, De Facto Organs of a State, *MPEPIL* (5/2006); *S.-H. Schulze*, Cyber-, „War“: Testfall der Staatenverantwortlichkeit, 2015; *A. Seibert-Fohr*, Die völkerrechtliche Verantwortlichkeit des Staats für das Handeln von Privaten, *ZaöRV* 73 (2013), 37; *S. Stahl*, Schutzpflichten im Völkerrecht – Ansatz einer Dogmatik, 2010; *G. Townsend*, State Responsibility for Acts of *De Facto* Agents, *ArizonaJICL* 14 (1997); *K. Trapp*, Shared Responsibility and Non-State Terrorist Actors, *NILR* 62 (2015), 141; *J. Wolf*, Die Haftung der Staaten für Privatpersonen nach Völkerrecht, 1997; *V. Zambrano*, Il «controllo effettivo» nella ripartizione della responsabilità tra organizzazioni internazionali e Stati, 2014.

Verhältnis IO/Mitgliedstaaten. *P. d'Argent*, State organs placed at the disposal of the UN, effective control, wrongful abstention and dual attribution of conduct, *QIL*, Zoom-in 1 (2014), 17; *J. d'Aspremont*, International Responsibility and the Constitution of Power, *IOLR* 12

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Zu II. *A. Abass*, Consent Precluding Wrongfulness: A Critical Analysis, ICLQ 53 (2004), 211; *M. Aghius*, The Invocation of Necessity in International Law, NILR 56 (2009), 95; *M. Aznar Gómez*, La distinction entre sanctions et contre-mesures, RBDI 46 (2013), 111; *C. Binder*, Die Grenzen der Vertragstreue im Völkerrecht, 2013, 317 ff; *T. Christakis*, L'Etat avant le droit? Exception de «sécurité nationale» en droit international, RGDIP 112 (2008), 5; *S. Darcy*, Retaliation and Reprisal, in: Weller (Hg.), Oxford Handbook on the Use of Force, 2015, 879; *C. Farhang*, The Notion of Consent in Part One of the Draft Articles on State Responsibility, LJIL 27 (2014), 55; *T. Franck*, On Proportionality of Countermeasures in International Law, AJIL 102 (2008), 715; *A. Gattini*, Zufall und force majeure im System der Staatenverantwortlichkeit anhand der ILC-Kodifikationsarbeit, 1991; *H.-J. Heintze*, Völkerrechtliche Aspekte des Notstandsrechts, in: Zwitter (Hg.), Notstand und Recht, 2012, 47; *M. C. Hoelck Thjoernelund*, State of Necessity as an Exemption from State Responsibility for Investments, MPUNYB 13 (2009), 423; *Y. Kerbrat*, Sanctions et contre-mesures: risques de confusion dans les articles de la CDI sur la responsabilité des organisations internationales, RBDI 46 (2013), 103; *F. Paddeu*, A Genealogy of force majeure in International Law, BYIL 82 (2011), 381; *A. Reinisch*, Sachverständigengutachten zur Frage des Bestehens und der Wirkung des völkerrechtlichen Rechtfertigungsgrundes „Staatsnotstand“, ZaöRV 68 (2008), 3; *M. Ruffert*, Reprisals, MPEPIL (8/2009); *A. Sykes*, Economic “Necessity” in International Law, AJIL 109 (2015), 296; *N. Tsagourias*, Necessity and the Use of Force: A Special Regime, NYIL 41 (2010), 11; *A. Tzanakopoulos*, L'invocation de la théorie des contre-mesures en tant que justification de la désobéissance au Conseil de sécurité, RBDI 46 (2013), 78; *V. Tzevelekos*, Vers la reconnaissance d'un droit étatique à l'autoprotection?, RGDIP 112 (2008), 295.

Zu III. *E. Canizzaro*, Is There an Individual Right to Reparation?, FS Dupuy, 2014, 495; *B. Graefrath*, Responsibility and Damages Caused: Relationship between Responsibility and Damages, RdC 185 (1984), 9; *C. Gray*, Remedies, in: Romano/Alter/Avgerou (Hg.), The Oxford Handbook of International Adjudication, 2014, 871; *C. Hoss*, Satisfaction, MPEPIL (4/2011); *M. Langer*, Les assurances et garanties de non-répétition, FS Dupuy, 2014, 539; *D. Shelton*, Righting Wrongs: Reparations in the Articles on State Responsibility, AJIL 96 (2002), 833; *dies.*, Reparations, MPEPIL (8/2009); *dies.*, Remedies in International Human Rights Law, 3. Aufl. 2015; *A. Tanzi*, Restitution, MPEPIL (2/2013); *S. Wittich*, Compensation, MPEPIL (5/2008).