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Principles of International Refugee Law

6. Responsibility

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The Principle of Responsibility

Responsibility

The meaning of terms

- Moral
- Political
- The collective responsibility of States to protect refugees
- Legal

Identifying the obligations

Hard cases

- Responsibility for 'creating' refugees
 - Abuse of rights
 - Human rights
- Responsibility for creating the conditions permitting voluntary repatriation
 - Human rights

General principles of State responsibility

- Acts of organs and agents of the State
 - Authority and control over territory and inhabitants
 - Activities outside territory
- Attribution of acts and omissions to the State
- Conduct in breach of an international obligation owed by the State
- Joint and several liability
- Aid and assistance

The responsibility of States and of international organizations

- International organizations are capable of violating international obligations
- Attribution
- Aid and assistance
- State responsibility for the acts of international organizations
 - European Court of Human Rights: *Waite & Kennedy* (2000); *Bosphorus* (2006)
- Peremptory norms

Limited or general responsibility

- Attribution
- Jurisdiction
 - Human Rights Committee
 - Committee against Torture
 - International Court of Justice

Challenges of incorporation and implementation

- Standard of compliance
- Another example: the 1984 Convention against Torture
 - Prevention, protection, prosecution, punishment
 - Implications for domestic law
- Some conclusions