

Title: The liability of state for acts non prohibited by the international law

The responsibility of a state is undoubtedly fundamental question of the international law. This statement is emphasized by numerous scientists. They indicate that responsibility is essential factor, which distinguishes law and morality. This text focuses on liability of state for acts lawful on the ground of international law, which is specific kind of responsibility in the international law

Thesis begins from description of historical and theoretical grounds of the system of the responsibility of states. The first considerations on this subject have taken place in Renaissance, but it is worth to mention that it was not popular issue in the age of absolutism. In past, responsibility of state has been equated with responsibility of the monarch. The change in such thinking was effect of subsequent works. The authors have constated, that nation or society can constitute a kind of juridical person, which can be responsible for its obligations taken out for common interest. But until XXth century, responsibility of state was considered as responsibility for the damages to foreigners and contemporary meaning of this notion is its new interpretation. Next two chapters are devoted to works of UN International Law Commission on responsibility of states for internationally wrongful acts. During considerations on this issue, there were mentioned the most essential subjects for international responsibility of state, among them imputation of the acts, forms of reparations and definition of violation of the international law. During its works, ILC presented evolution in thinking on international responsibility, from responsibility for damage to foreigner to consequence of violation of international law. This process finalized in failure, because international society have not adopted general agreement. Despite of that, the project of convention created by International Law Commission is effect of considerations of the most significant lawyers.

Following three chapters include principles of liability of state on the ground of three branches of international law: the space law, the law of the sea and the nuclear law. A state is in different position in every one of them. It can be directly liable, or can incur subsidiary liability. In this context the space law is particularly important, because it includes absolute liability, which can be model for international law of environmental protection.

International Law Commission has decided on distinguish subject of the international liability for injurious consequences arising out of acts not prohibited by international law from further works. This considerations are subject of the seventh chapter, which includes course of works and its' effects. In this case ILC haven't adopted any project of convention, but only compilation of principles. Rapports of special rapporteur are important source of knowledge of

practice, decisions of courts and doctrine, but principles includes specific imperatives for states. The last chapter is devoted to analysis of practice and sentences of international tribunals. The author of thesis posed the question about regulation of liability of state on the ground of the international law. He considered consequences for state for damage occurred without violation of the international law. The last conclusion meant existence or creation of international custom of liability of state.