



MAX PLANCK INSTITUTE

FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW

Ali Sharifi

Objective International liability

MPIL Agora

14 June, 2023, 16:00-17:00, Room 014

“Objective liability” is mostly used to denote a form of liability where, in contrast to classic responsibility, no wrongful act is required. While the notion of “objective liability” is well defined and clear in municipal law, it has been proved to be a controversial one in international law. In contrast to international responsibility for wrongful acts, less controversial and largely subject to customary law, the very existence of international liability outside conventional norms has been contested. The classic debate concerns the existence of a customary rule providing for liability without any wrongful act. This rule is expressly accepted in three conventional regimes, namely nuclear, space, and oil pollution regimes. However, there is no consensus on the admission of this form of liability outside conventional frameworks.

The International Law Commission has examined the subject for twenty years. Meanwhile, the result of its work (2006 Principles on the allocation of loss) has been severely criticized by the scholarship. This mitigated result is due to both theoretical and practical difficulties. On the theoretical aspect, the ILC has been criticized for not having properly delimited the subject matter. Especially the relation with responsibility for wrongful acts has been criticized. Also, the subject is accompanied by huge economic impacts. At the core of the issue are trans-boundary industrial and technological damages, and one could easily imagine the economic challenges underlying the subject.

Ali Sharifi proposes a discussion on the very notion of international liability. He will argue that, despite technical difficulties, there exists a positive rule of international liability without wrongful acts. For this, he should present an overview of different sources of international law on the subject. Moreover, he will examine the relation between international liability with related notions such as, international responsibility (for wrongful acts), due diligence and of course, the notion of risk.



Ali Sharifi is a Phd candidate and also a Teaching and Research Fellow (*ATER*) at Strasbourg University. He has taught and done research in domestic and international public law. He holds two master degrees and a *diplôme universitaire* in international and comparative law. He is also a former intern at UNHCR and a former coach of Strasbourg Jessup Team, champion and runner-up in France (2019-2020).

**Max Planck Institute for Comparative Public Law and International Law
Im Neuenheimer Feld 535
69120 Heidelberg**