

Chapter 3: Breaking International Law Worksheet

3.1 Case Study: Estonia's Virtual War

- In your own words, briefly summarize important facts about the case. Include important actors and events.
- What are the important legal and political questions raised by this case?

3.2 Determining Responsibility

Attribution

- When can the acts of government bodies and employees be attributed to a state?
 - What is an *ultra vires* act? How does it affect attribution?
 - Provide 2—3 examples to illustrate these ideas
- When can the acts of nonstate actors be attributed to a state?
 - How are the effective and overall control standards different? Which courts use which standard?
 - What is acknowledgement?
 - Provide 2—3 examples to illustrate these ideas

Wrongfulness

- What are the various circumstances that preclude the wrongfulness of legal violations?
- Provide 2—3 examples for each circumstance.

3.3 Consequences of Responsibility

Cessation and Prevention

- What is required under international law if a state is responsible for an ongoing violation?
- Why are assurances/guarantees of non-repetition controversial under international law?

- Provide 2—3 examples to illustrate these concepts.

Reparation

- What are the various forms of reparation under international law?
- Provide 2—3 examples for each form.

3.4 Why Do States Break International Law?

Enforcement Perspective

- What are the basic assumptions and arguments of this perspective?
- How does this perspective affect international law on state responsibility?
- Provide 2—3 examples to illustrate this perspective.

Managerial Perspective

- What are the basic assumptions and arguments of this perspective?
- How does this perspective affect international law on state responsibility?
- Provide 2—3 examples to illustrate this perspective.

Flexibility Perspective

- What are the basic assumptions and arguments of this perspective?
- How does this perspective affect international law on state responsibility?
- Provide 2—3 examples to illustrate this perspective.

3.5 Case Study Revisited: Is Russia Responsible for the Estonia Cyberattacks?

- How do the topics discussed in this chapter help you to understand this case?
- How would *you* answer the legal and political questions that are raised by this case?¹

¹ *Note: Some of these questions may require that you express an opinion or make a value judgment. There is no inherently correct or incorrect opinion/value, but you should be able to support your answer (and argue against alternative opinions/values) using basic facts and logic.*