

THE CENTRE FOR INTERNATIONAL & PUBLIC LAW (CIPL)
ANU COLLEGE OF LAW PRESENTS:



PUBLIC SEMINAR

STATE RESPONSIBILITY & FINANCIAL CRISES

Dr Sarah Heathcote

Senior Lecturer
ANU College of Law, The Australian National University



Friday, 17 April 2009, 1-2pm
Phillipa Weeks Staff Library
ANU College of Law (Bldg 5), Fellows Rd, ANU
The Australian National University

Please RSVP (by cob Wednesday 15 April) to E: rsvp@law.anu.edu.au

Enquiries to T: (02) 6125 0454

This event is free and open to the public.

The Lecture

Absent a general rule of due diligence, it is doubtful that a State could incur international responsibility for the onset of a global financial crisis—and this despite 'governance' failures at the international level. Where international law has more to say is when a financial crisis prompts a State to depart from its international obligations owing in some other field. Frequently, as with the Argentinean crisis of 2001–2002, the State departing from its obligations will invoke a state of necessity to avoid responsibility, but the results of ensuing awards have been both contradictory and unsatisfactory. It will be argued in this seminar that, contrary to what the International Law Commission and a number of cases have (theoretically) held since 1997, state of necessity is not a rule of customary international law and the international legal system, including the rules on the origin of State responsibility, can cater in other ways to situations of financial necessity.

The Lecturer

Dr Sarah Heathcote is a Senior Lecturer at the ANU College of Law. Previously she worked at the University of Geneva, teaching public international law and the law of international organizations for close to ten years. She has also worked as adjunct faculty for Boston University, in private practice on mass claims for environmental damage and since 2001, has worked in the Secretariat of the Institute of International Law. Her particular research interest is necessity and international law, which was also the topic of her doctoral dissertation.

The views expressed in this seminar are those of the presenter and do not necessarily represent the views of The Australian National University.