SELF-PROTECTION MEASURES OR COUNTERMEASURES IN THE STATE: MODALITIES AND REQUIREMENTS

Set of decentralized reactive measures taken by States injured of an internationally wrongful act. Their main task is that the offending State ceases its actions opposite to the law. The arts. 48 and 54 of the International Law Commission (ILC) draft articles allow States other than an injured State to take countermeasures against the offending State.

MODALITIES

- **Retorsion**: legal but unfriendly measures intended to abolish or restrict the facilities or benefits given by one State to another, so that the offending State would discontinue the wrongful conduct.
- **Reprisals**: when the State takes reprisals, it violates a norm of international law. These are permitted and tolerated by international law as long as they are in response to a prior wrongful act.

GENERAL LIMITS

- They are prohibited when violating ius cogens norms.
- Armed reprisals are prohibited.
- They are prohibited when involving human rights violations.

REQUIREMENTS

- Countermeasures are to be directed only against the offending State.
- Prior to the adoption of countermeasures, the injured State should have invited the offending State to cease the wrongful act and to repair the damage caused.
- They should be proportional to the damage suffered.
- Reversible character: they should be ceased when the offending State has fulfilled its obligations.