

to those rules and regulations, it could not expect to be considered as a member of the Family of Nations; and that any State that should commit a breach of this obligation in respect of foreign subjects within its territorial bounds would be held responsible and accountable for redress. Couched in these terms, the Geneva Preparatory Committee of the Codification Conference has propounded the question of the legal foundation of State responsibility in the Bases of Discussion submitted to the various governments.

The Government of Germany replied that it held the view of the binding force of International Law, and that the general importance of this problem surpasses that of mere responsibility and extends beyond its scope. The Danish Government deems that it is not essential to base the responsibility of States on a purely formal conception. Both the latter and the Swiss governments do not deem it proper to advance international common assent as the reason for responsibility. The Danish Government further avers that it would be difficult to conceive that just because a State does not recognize its responsibility under international law, it should thereby be deprived of its rights to be considered as a member of the Family of Nations. The Swiss Government maintains that it would be a source of confusion to establish too close an occasional relationship between international common assent and responsibility.

It is practically impossible to eliminate altogether purely formal conceptions in this issue. The essential principles of responsibility can not very well be severed from their foundation upon the binding force of the law of Nations, inasmuch as responsibility itself "constitutes merely one feature of the general principles of the law." The settlement of all special cases of responsibility involves the idea of adherence to juridical precedents. The general doctrines implicitly embody the sense of practical solutions. However, whenever the ancient notion of absolute sovereignty is invoked, responsibility is thereby avoided. The Roumanian Government has advanced this doctrine in its reply to the Preparatory Committee of the Codification Conference. When the doctrine of self-limitation is invoked, responsibility finds its basis upon principles strictly subject to established conventions. However, if the responsibility of States is founded upon the broader doctrine of common right, new fields are thereby laid open for its application. This suggests the advisability of establishing some presumption of law, which should insinuate or justify the handling of matters incident to membership in the Family of Nations. There is a series of issues more or less related to the solution of the fundamental juridical problems, to wit: the rights of aliens; supremacy of municipal or international law, etc. The sanction of jurisdiction, especially in legal matters, depends to a certain extent upon the view adopted for the foundation of responsibility as a feature of the general theory of the law.