the acts of persons acting in representation or on behalf of the State may be deemed official acts of the latter; and it is essential to deal especially with those acts which pertain exclusively to the performance of official functions and could not be otherwise exercised by a private individual. The essence of responsibility would thus consist of imputing to the State the injury resulting from the act of its agent in violation of an international obligation. The difficulties that arise, however, are in reference to the definition and scope of such international obligations. These obligations may be found expressed in treaties; more or less defined in the common law; they are implied in the attainment of certain purposes, which impose upon the State an efficient conduct towards that end; and, finally, in the observance of a reasonable conduct in pursuing the general or special endeavors incident to national character. All of these obligations may be classed as either positive or negative. However, there is an extensive modern field of new relationships undergoing intense development, which could not very well be defined without due discussion. In this state of affairs, naturally, it has been possible for a great many new questions to arise, and the interested parties have in vain demanded cognizance by the Law of Nations.

The organs or authorities which make of the State a real entity with international character are subject to all the various forms of organization according to the different systems of municipal law. However, this is immaterial from the international point of view. The State is the one responsible as a legal entity. Its agents act for it and legally bind it. The acts of the agents might not be in accordance with the regulations of the laws in force; they might have exceeded their authority or improperly used their official investiture; and their acts might be entirely beyond the scope of their official functions, but performed by virtue of their being clothed with the robe of public office, or using the means which the State has placed at their disposal. When these acts are performed in the legitimate exercise of the authority of the State, or in pursuance of instructions issued by the proper State organ, there can be no doubt but that the personality of the agent is merged into that of the State;—it is the act of the State itself. If it violates an international obligation, the State proper has committed the

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requirements, which establish in advance the proper rules to determine under what conditions and by what persons the acts should have been executed. To term an act a 'State act' means, therefore, first of all, that it comes within the scope of the activities of the State in the sense that it forms part of the usual procedure, and its connection with the State is thereby established. The unity of the State entity, therefore, becomes manifest through these acts of the State. This relationship between the various organs of the entire entity, founded upon their rules of conduct, forms the basis of 'imputation' of the acts to the State. The State is, so to speak, the center where these various acts termed 'State acts' converge, by operation of this constructive imputation." Hans Kelsen: *Les Rapports de Système entre le Droit Interne et le Droit International Public.* Académie de Droit International. Recueil des Cours 1926. IV. Tome 14 de la Collection. Librairie Hachette. Paris, 1927.