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MEDIATE AND IMMEDIATE STATE RESPONSIBILITY

(a) The cases of responsibility arising out of the acts or omissions of governmental organs and public officials are, of course, the most numerous in international jurisprudence. There are considerable differences in the practices of the various governments and in the decisions of the arbitrators and mixed claims commissions. It would be well to consider: first, cases involving responsibility for acts of competent officials who have discharged their duties in pursuance of the law; or have exceeded their authority; or in any way infringed the provisions of the municipal law to the detriment of alien subjects; second, acts which are not within the scope of official duty, but personal acts which involve, therefore, merely personal responsibility of the officer under the municipal law; third, cases of the same nature as the last mentioned ones, but which, by their characteristics or apparent relationship to the functions of public office, may be similar, under certain circumstances, to public acts proper; fourth, cases in which there is no bad faith on the part of the government officials, or in respect of which the national authorities have adopted proper measures, and the State is thus relieved of all responsibility; and fifth, finally, all cases of common responsibility which assume international character through the fault of the State or denial of administrative justice.

(b) Responsibility might also arise directly between two States. These cases come up, for instance, in territorial encroachments; or violation of treaty provisions; or disregard for the rights of a neutral State; or lack of due respect to diplomatic organs; and, generally speaking, in all cases in which the injury has not been inflicted upon individuals, but upon the foreign community as an entity, or in its national character as a member of the Family of Nations. International jurisprudence has, indeed, numerous cases involving this type of responsibility, which is termed "immediate responsibility", because the facts upon which it is based establish, at the onset, a question between two powers. A distinction has to be drawn, however, between *immediate* and *objective* responsibility. It does not arise out of all injurious acts. There are instances in international procedure in