

which the facts have been submitted to investigation in order to establish their truth, their nature, and to fix responsibility therefor. The last case which may be cited as an example is the boundary controversy between Bolivia and Paraguay. Both States were claiming for encroachments upon their territorial sovereignty. A Commission was appointed to fix the responsibility.<sup>1</sup> The same thing occurred in the incident of the *Dogger Bank*. But, under ordinary circumstances, the facts have been considered sufficient in themselves to impute to the State responsibility for the acts of its agents or officials, as in the case of the violation of the Brazilian sovereignty by the seamen of the *Panther*. The distinction between the two situations does not lie in the character of the agents blamed, but in the nature of the alleged acts and their juridical import. However, both cases cover agents or officials, irrespective of their category, who, due to the circumstances under which they are acting, are deemed to represent the State as an international entity and involve its responsibility, whether they have acted within the range of their authority, or have exceeded same, or otherwise violated the laws of their own country.

(c) Among the acts which might involve responsibility, are the unilateral or bilateral declarations of will of the competent authorities. These are: the Chief Executive of the Nation, the Ministers of State, the Congress itself as regards its power to authorize or approve treaties, and diplomatic representatives in charge of their negotiations under instructions from their governments. The declarations of will of these various organs, in general,

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<sup>1</sup> This incident took place shortly after a Conference of all the American Republics had met in Washington to adopt two conventions on conciliation and arbitration. The Conference tendered its good offices to Bolivia and Paraguay, and both Republics accepted. As a result of these good offices, which were exercised through a Special Commission, the two Republics signed a Protocol on January 3, 1929. The pertinent articles of this Protocol are of the following tenor: "The Governments of Bolivia and Paraguay agree upon the following stipulations: First. To organize a Commission of Investigation and Conciliation which shall be composed as follows: (a) Two delegates each from the Governments of Bolivia and Paraguay, and (b) one delegate appointed by the Governments of each of the following five American Republics: United States of America, Mexico, Colombia, Uruguay and Cuba. Second. The Commission of Investigation and Conciliation shall undertake to investigate, by hearing both sides, what has taken place, taking into consideration the allegations set forth by both parties, and determining in the end which of the parties has brought about a change in the peaceful relations between the two countries. Article Six. The Commission is empowered, in case it should not be able to effect conciliation, to establish both the truth of the matter investigated and the responsibilities which, in accordance with international law, may appear as a result of its investigation. Article Ten. The high contracting parties reiterate their firm purpose of having said controversy settled, in any event, by juridical means and in perfect peace and friendship between the two countries."

The Commission has performed its task very efficiently, having brought about a reconciliation. It has also made efforts to settle the territorial controversy between the two interested Republics and, at this moment, the good offices of the five Republics represented in the Commission are still being exercised through their diplomatic organs, with very good prospects of obtaining successful results.