

is no practical reason for the classification of State agents into principals and subordinates. Those who have brought up this classification, place in the first rank the representative authorities, such as the Chief Executive of the Nation and his Ministers. The purpose of the classification is to impute to the State responsibility for the acts or omissions of high government officials. The action of petty agents or employees would not, fundamentally speaking, give rise to responsibility. This would be established, eventually, in cases in which the injured party would have no means available for legal redress, or in which the State should fail to apply proper disciplinary measures to the delinquent subordinate officer. This is the doctrine propounded by the oldest treaty authorities, who specifically set forth a series of severe disciplinary measures to be applied in cases of responsibility for the acts of subordinate officers. The doctrine of the Harvard School adheres to these same principles. This school recognizes responsibility in respect of the acts of high government officials in pursuance of the functions of their office, if no legal remedy can be had; and of petty officers and employees in the course of their duties in cases where there has been a denial of justice, or in which the Government has failed to apply proper disciplinary measures. The views of the various governments in their reply to the inquiry of the Preparatory Committee of the Codification Conference make no mention of the classification of State organs or officials. It is not possible to state, however, that a standard and definite procedure may be noted in going through the decisions. There are some arbitral awards which have fixed responsibility upon the State in connection with the acts of its subordinate officers. However, generally speaking, it may be stated that arbitral awards, especially in cases involving the United States of America and the Latin American Republics, have set forth that the action of subordinate officers should be prosecuted in the national courts. Only in cases of a denial of justice would they assume international import. It is contended that it would seem unfair to hold the State internationally responsible for the acts of its employees, who it is physically impossible to maintain under the constant supervision of their superiors. Assuming that a regular system of government organization and supervision is in force, together with efficient disciplinary regulations, the administrative acts of the employees should be subject only to the legal remedies available to the parties concerned in order to secure proper redress for their injuries. But it has been claimed, on the other hand, that the numerous arbitral awards which have relieved the State from responsibility on account of the action of its employees, have not been prompted by the rank of the culprits, but by the fact that the claimants had not exhausted their legal means to secure redress. From this point of view, the decisions should not be construed in the sense that they do not recognize international responsibility in these cases, but rather that