

subject to the same principles governing responsibility for the acts of private citizens. However, as regards official communities, counties, or other political subdivisions which exercise public functions, their acts might be construed as acts of the State proper which, by reason of national organization, have been delegated to local authorities. In these cases international responsibility is based upon the same general principles applying to State organs.¹ If the acts are within the range of the local activities of the community or other political subdivision, the State is responsible for them, although they do not bear in fact the characteristics of State acts. The real foundation for this principle lies on the fact that the State should become reconciled to the view that all public acts within its jurisdiction, included in the sphere of action of its legislative and executive organs, and by whomsoever performed, are to be deemed in international circles as acts of the State itself. That which the State itself is not permitted to do under international law, can neither be performed by its constituent or subordinate entities. Should they do it, the State is to be held responsible therefor.²

(h) Responsibility in the case of federated governments for the acts of the various constituent entities is termed *indirect* responsibility, because it is averred that the State becomes liable for the acts of others. This, however, is true only in part. *Direct* responsibility is involved in the case of federated governments when one of the member States violates the obligations undertaken by the Federal Union, or when it fails to perform its duties or do the necessary for the discharge of such obligations. The acts or omissions of political subdivisions are immaterial as far as international law is concerned. International duties are imposed exclusively upon the Union itself, which, in its collective capacity, represents the entire Nation in the international sphere. A distinction has to be drawn, however, between the responsibility of the federal subdivision or its duty to indemnify for injuries inflicted, or violation of the international law, and the position of the federal government when it has to take cognizance of claims for the individual obligations of the member states and make allowance therefor. This is the position which involves what jurists have termed *indirect* responsibility. On the other hand, if it is a confederacy in which the federal states retain certain international character, each member is individually responsible.

¹“When in this connection the community executes acts which, if performed by the State itself would be contrary to the Law of Nations, the State becomes immediately responsible therefor to the foreign State thereby injured, inasmuch as such acts of the community are, for all practical purposes, ‘acts of the State’. Moreover, the damage sustained by the foreign State is due to an act which, in a centralized form of government, amounts to a formal act of the State. Undoubtedly the State cannot, by decentralizing its organs, avoid responsibility for acts that are, in fact, acts of the State government.” (Triepel—Rappports du droit international avec le droit interne—p. 354.)

² *Ibid.*