

This responsibility, however, can only be fixed through the medium of the central government, which represents the entire Union. There may be found in international history various instances of direct and indirect responsibility of federal governments, and it has been no easy task to achieve the admission of federal responsibility for the infringements of the member states. In several cases federal governments, while not disclaiming responsibility, have pleaded their inability to discharge international obligations due to the lack of legal means to compel fulfilment on the part of its constituent political units. In other cases, like the Luis Stern matter, the central government has gone so far as to refuse *a limine* to discuss the judicial organization of a particular State. Other well known leading cases are the McLeod between England and the United States; the California Schools, between Japan and the United States; and the New Orleans and Hahnville, Louisiana, lynchings, which caused differences between the United States and Italy, etc. In all of these various controversies, the governments have been reluctant to accept full federal responsibility; but, in the end, it has been admitted. In the last mentioned case, the acceptance of responsibility was solemn and definite. The experience gained from these incidents leads to the conclusion that it is a recognized principle of international law that the federated State should be responsible for the violation of the international obligations of the Union by its constituent members, and also for the infringement of the latter's own international duties. It is not permissible to set up the national organization of the government as an excuse for the failure to discharge such obligations. This question was brought up in the inquiry of the Preparatory Committee of the Codification Conference. The replies of the various governments were all based on the assumption that responsibility arises out of the fact that the entity which conducts the foreign relations is the proper one to undertake international obligations. The replies on this point refer also to the position of subordinate states, colonies, protectorates, etc., for the acts of which the controlling State should be responsible. Among the Bases of Discussion of the Codification inquiry, No. 23 reads as follows: "Where a State is entrusted with the conduct of the foreign relations of another political unit, the responsibility for damage suffered by foreigners on the territory of the latter belongs to such State. When one Government is entrusted with the conduct of the foreign relations of several States, the responsibility for damage suffered by foreigners on the territory of such States belongs to such common or central Government."

This Basis of Discussion does not appear to be technically adequate. The conduct of foreign relations is sometimes divided in a certain way. There are instances in which the states of a federation retain the right to enter into treaties upon specific matters, and to have diplomatic representation. This was the case with the German Federated Empire prior to the World War of