

status of the British Dominions and Colonies is implicitly reserved by the text."

However, it would not be possible to make any such reservation when preparing a formula for codification purposes. Some stipulations should be made to include federated States and other commonwealths which cannot properly be classed under the common type of confederacy. The formula set forth in Basis for Discussion No. 23 of the Preparatory Committee, previously mentioned, could be construed to include: first, all protectorates, mandates and various types of subordinations among States; and second, all of the common types of confederacies, wherein a central Government undertakes the conduct of foreign relations. The deficiency of this formula lies in the fact that it confuses *responsibility* with *representation*, and that it does not depart from the idea of the control of the foreign relations.

There is another defective formula, and that is the Harvard School doctrine, which includes in the same category all the so-called political subdivisions, and considers protectorates, colonies and dominions on the same footing, disregarding altogether their relations with the central Government under their Constitution, and takes into account merely the fact of whether they have or have not independent control of their foreign relations.

The responsibility of one State for acts of another depends upon the tenor and scope of the covenants which have placed the one State under the more or less absolute control of the other. In the case of combined governments, responsibility is based on the international character of the individual States. If they have such character, their responsibility is unquestionable. The fact as to whether or not each member of a commonwealth is invested with international character, depends upon the nature of the bonds which bind them together. And this bond cannot very well be defined *a priori*, as it is a subject for study in each concrete case. It is submitted that this is the only advisable conclusion. The practical difficulty, which, at the present moment seems insurmountable, is to establish the ways and means of making responsibility effective in the case of certain combined entities.