

bear a distinctly peculiar character, and have not been clearly defined in international rulings. These problems cover the following: first, whether the decisions of local courts may or may not give rise to responsibility; secondly, the definition and extent of a denial of justice; and thirdly, whether international jurisdiction is or not dependent upon the exhaustion of local remedies.

(b) The principle of respecting and abiding by court decisions is usually accepted both in theory and in practice. The question is, to what extent should these decisions be upheld? This principle is not based upon the autonomy of the judicial system. Neither is it connected with the ancient and somewhat mystical conception of justice as a supreme majesty. Nor is it possible to consider it as an extension of the doctrine of judicial guaranties which establish the binding force of the *res adjudicata* in the local jurisprudence. The international binding force of judicial decisions is sanctioned by the international jurisdiction which the States recognize. All the civilized nations have, or should have, a judicial organization and substantive and procedural laws sufficient to afford proper protection to the rights of persons who reside in their territory, as well as to the rights of foreign States who are fellow members of the Family of Nations. These rights cannot be protected by other States. The fact that the governmental functions of the State are confined to its territory establishes, therefore, the obligation to provide for the proper administration of justice, and this obligation creates the right to have the acts incident thereto—which constitute the administration of justice—duly respected by the international community. Besides, this respect towards judicial action is essential to mutual independence and cooperation. It is due to these legal considerations that the decisions which the judges render in the national courts should be presumed in international circles to be regular and just.

Up to this point there is no possible discrepancy; but it is necessary to determine: (a) when may a court decision be deemed to be the final ruling of the judiciary; (b) whether the presumption of regularity and fairness carried by every judicial decision may be set aside in certain cases; and (c) whenever this presumption is set aside, in what manner would international jurisdiction be established?

Both in theory and in practice there is also absolute accord on the fact that court decisions cannot be considered to give rise to international responsibility until all the local remedies available to determine their validity have been exhausted.

(c) But once the decision becomes final, would it be possible to challenge it in the international community by reason of the so-called *notorious or manifest injustice*? This problem is, indeed, both difficult and complicated. In this connection the Institute of International Law adopted the