"(d) Caused by procedure so faulty as to exclude all reasonable hope of just decisions."

Norway accepts the ancient conception of flagrant injustice. Switzerland states that:

"If the future convention were to lay down that the State is internationally responsible, not only for judgments contrary to international law given by its courts and for manifestly incorrect decisions of the courts, but also for a denial of justice in all the forms in which it occurs (including wrongful dilatoriness on the part of the courts), we think that it would cover the essential points."

This theory involves the enforcement of principles of natural justice that are far above the will of the State. The substantive rules have not been laid down by the States. The application of the rules of construction may give rise to discussions among the States, just as it does among individuals. There is no reason warranting the prevalence of the view of one State over that of the others, when one of them disregards, or objects for special reasons, to the presumption of regularity and fairness to which a judicial proceeding is entitled. This difficult problem cannot very well be reduced to a definite formula that would either eliminate it altogether, or accept it without reservation. Neither is it free from dangerous consequences, because it might lead to the revision of the decisions of national courts as a matter of regular procedure and to improper disregard of the judicial authority of the States. Nor could it be altogether eliminated, because it is an international question which arises in certain cases of claims due to unusual injustice or corruptive practices. When a State disregards or, for special reasons, objects to the presumption of fairness and regularity with which a judicial act is invested, this establishes a conflict between two jurisdictions: one that is organic and regular (the national judiciary); and the other, which is inorganic and irregular, because it is not derived from the regular functions of the administration of justice within the States, and because it is exercised only on account of a conception based on extraordinary reasons. The only possible solution for this conflict would be to establish a regular organization to pass upon the conflict, in other words, the jurisdiction of the community of States. International courts are the only ones competent to determine whether it is or not possible to set aside the usual presumption of fairness and justice carried by acts of the national judiciary. If a State should refuse to submit to the jurisdiction of the international community, it could not, without violating the principles of equality, raise any objections to the validity of the action of national courts of other States. In other words, the decisions of the courts that enforce the municipal law cannot form the basis of responsibility unless so determined by the