

from a wrongful act or omission of the revolutionists committed at any time after the inception of the revolution."<sup>1</sup>

(d) If the damages have not been caused by the insurgents, but by government officers or agents in their efforts to quell the insurrection, the general rule is that the State is not responsible, although this is subject to certain conditions and exceptions. The havoc of war is considered to be an inexorable calamity. It is in this case that the doctrine of *vis major* is fully applicable. Among the opinions stated in the replies of the governments to the inquiry of the Preparatory Committee, one of them is unique, and that is the view of the Government of Switzerland to the effect that damage caused by the armed forces of the Government in the suppression of revolts are the consequence of measures adopted by the authorities for the public welfare, but that it would be only the just duty of the community to indemnify private persons for the actual damage sustained by them in the course of the operations. This duty would not cover indirect damage, because this would be impractical. This view is worthy of careful consideration as regards the duty of the community towards all of its members irrespective of their nationality. This could be further amplified to cover all damages resulting from war, within a reasonable limit acceptable to the States, and provided that this would cover the enforcement of a principle of social welfare for the benefit of all inhabitants without discrimination. However, the difficulties of a provision of this nature in an international convention, could not very well be disregarded. The fact remains that, with the exception of destruction and injuries caused to persons or property in the course of military operations and especially in battle, all the acts that imply an enrichment of the State, such as requisitions, among others, are of course subject to the obligation to allow due compensation.

(e) Upon drafting a formula to cover responsibility in respect of damage caused under these circumstances, the danger and inconvenience entailed by the use of misleading terms should be constantly borne in mind. The reply of the Government of Great Britain to the inquiry in question sets forth that the State is not responsible for damage unintentionally inflicted by the authorities or the armed forces during the course of the suppression: "Compensation must be paid for the property of a foreigner appropriated or intentionally destroyed in the course of such operations, but not for property destroyed or injured unintentionally." This formula could not be more misleading. The elements of will or intention as regards the causing of the damage have no application in this case. The commander of an army may have a manufacturing plant in which the rebels are barricaded intentionally destroyed. The act, however, would be a genuine military opera-

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