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REPARATION AND JUDICIAL SETTLEMENT

(a) After the substantive rules of State responsibility in connection with foreigners have been established, the codification of the international law should be supplemented by a set of fundamental rules of procedure for the enforcement of international obligations. All of these rules can be readily defined, inasmuch as they have been established as common usage by international practice. There is no doubt but that the States should be the ones to institute the international action for the wrongs committed against their nationals. This procedure would cover amicable suggestions, requests or enjoinders, and formal claims handled through diplomatic channels. The foundation for this action on the part of the State lies upon an extant principle in the modern mind, that is very often resorted to. It is deemed that the dignity and respectability of the State would be impaired if its nationals should not be accorded proper juridical treatment. It is further deemed that nationals are units of the State, and that it is incumbent upon the State to protect them all over the world and demand from the other States proper justice for them. All of these conceptions are the remaining traces of the doctrine of the classical schools and, at the same time, a certain reminiscence of medieval tendencies. However, it is an unquestionable international fact that up to this day that is the theory entertained in the minds of the States. They claim for their nationals. They are the *States'* claims and pertain to their sovereignty. It is not considered that these claims are instituted by the State under a commission from the injured person, or as his representative. The only requirement is that the victim of the international wrong should be a national of the plaintiff State. International authorities are well acquainted with the details of procedure, viz., nationality from the time that the damage was caused and until the completion of the proceedings; the effects of a change of nationality in the meantime, either voluntary or by operation of law; and the legal consequences of the death of the victim. None of these questions involve any difficulties. But it would be worth while to consider a departure from the prevailing procedure of handling claims through diplomatic channels. Would it not constitute a principle of juridical evolution