

THE INTERNATIONAL RESPONSIBILITY OF STATES FOR THE UNAUTHORIZED ACTS OF THEIR ORGANS

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Introduction

The object of this study is the international responsibility of States for the unauthorized acts of their organs in the light of international law. This topic is very interesting, but also one of the most difficult and controversial branches of international law. Therefore, R. Ago, the Special Rapporteur on "State Responsibility," rightly indicates that the problem of the international responsibility of States for the conduct of their organs acting outside their competence or contrary to the provisions concerning their activity, is a "highly controversial and much discussed question."¹ The difficulties of studying this topic are many, because in the practice of States and in the decision of international arbitral tribunals, there are many cases relating to the international responsibility of States for the unauthorized acts of their organs, but statements of position taken in those cases are very often contradictory.

Therefore, an examination of State practice and of the decisions of international arbitral tribunals does not always lead to concordant and satisfactory results permitting the establishment of a fair degree of certainty as to content of the customary international rule in this subject. Moreover, the doctrine of international law relating to this topic is far from unanimous. Recognizing the importance of the problem of the international responsibility of States for the unauthorized acts of their organs, we shall first focus on the general question of international responsibility for internationally wrongful acts, and subsequently on the subjective and objective condition of the existence of such acts. Next, we will discuss the problem of the attribution to the State, as the subject of international law, of the conduct consisting of the commission or omission of organs of the State in particular circumstances. The last problem dealt with in this study is the determination of the conditions under which the conduct of the State organs attributed to it can be considered

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