

# Status of State Authority on the State Responsibility

Maysam Araee Daronkola, Abbas Ali Kadkhodaei, Abbas Koutch Nejad

<sup>1</sup>Phd Candidate of Public International Law, Department of Theology and Islamic Sciences, Payame Noor University (PNU), Eهران, Iran,

<sup>2</sup>Faculty member of Public International Law, Department of Law and Political Science, Faculty of Public Law, University of Tehran, Tehran, Iran,

<sup>3</sup>Faculty Member of Public International Law, Department of Law, Faculty of Law, North Tehran Branch, Islamic Azad University, Tehran, Iran

## Abstract

International responsibility is newest facilities of contemporary international law that despite the common accepting of responsibility principles and its framework, so far, success in adopting a comprehensive treaty in this area has not been appointed. One of main reasons of failure in international responsibility plan is lack of attention to the authority of states. Therefore, authority issue that is a political phenomenon and its relationship with important topics of international responsibility that is a legal phenomenon, to achieve an obvious framework, indeed the states is responsible for violation of international law and their authority will not decreased. So the authority of the states is the main tool to provide peace and security both nationally and internationally.

**Key words:** Authority, International responsibility, Authority, Responsibilities confrontation

## INTRODUCTION

The complexity of the international responsibility system is different as these complications joint to the authority of state. Today the term responsibility in the domestic legal and international law system exit from the shade of contractual responsibility, also the advent of states becomes a tool to revival of discipline. In addition, the term has also been applied by ethics and moral responsibility that finds a special state in the law. The important point in the relationship between authority and responsibilities is essentially different in nature of the two categories from each other. The authority is a political phenomenon and responsibility is a legal and moral phenomenon. The authority should be monitored and evaluated by legal tool in order to considered as a legitimate phenomenon and provide responsible requirement for its agent if it used within the defined limits.

On the other hand, states to apply legitimated authority use of legal tools in many cases which includes a wide range of responsibilities. Today there is strong competition between authority (to protect national interests) and the

international responsibility (to maintain discipline in the international society). The main areas of difference of these two categories can be the vote of International Court of Justice in the case of Germany and Italy (rebuttal of Italy against Germany case). In this case the Court rejected reliance on the human rights to going under question the authority of the states in which the right of state assets observed.

In this research, we examined two issues and their relationship with each other so that we can find a point of balance between these two important phenomena. Major part of the international responsibility design problems can be solved by explaining the status of these two important phenomena.

It is believed that one of the most important problems of the country's international responsibility plan is lack of attention to the authority of the countries in domestic society and fears of the collapse it. The countries believed that a significant part of national and international authority ignored when joined the international responsibility plan.

## THE CONCEPT OF AUTHORITY AND ITS RELATIONSHIP TO RESPONSIBILITY

### The concept of Authority

Authority means ability and power. Also the hierarchy of authority in political society formed that lead to the

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**Corresponding Author:** Maysam Araee Daronkola, Phd Candidate of Public International Law, Department of Theology and Islamic Sciences, Payame Noor University (PNU), Eهران, Iran. E-mail: Maysama122@yahoo.com

concentration of power in a political entity called the state and it legitimately can use phenomenon called power, which it so-called authority. (May, 1998: 94)

In the international society, sense and concept of authority is different from its concept in domestic society and it may be called the state support in supply the interest of the country and people and also protection of rights (human, not just its citizens) and bring peace, stability and security of the authority.

Almost all lawyers insisted on the theory that there is a form of common social responsibility in the structures and sociological analysis of responsibilities, that everyone transfer a basic task, which is responsibility of them (Tully, 2005: 3)

The main task cannot emerge arbitrarily and only one centralized political power due to its authority needed it.

So, mainly concentrated political power has to request responsibility in the society. The international society also suffer from organizational entities, such as the United Nations have played such a role and trying to do such measures through organizations such as the International Court of Justice.

Moreover beside the opinion, some also have jointed the authority with obligation to implement the legal obligations. From this perspective, as the authority closely related to the ability and power as well as closely related to the duty (May, 1998: 136).

On one hand, the phenomenon called the authority, there is power of states and on other hand there is authority of the duties of states. These duties are assigned to the states legally. So the authority of states is resulted of legal authority. (May, 1998: 150) and because the law is powerful, therefore, law enforcer also considered powerful. So authority and rule of law cannot be viewed only from this perspective.

### **Functions and Duties of the Authority**

The authority may be different instrument and each variety of it deserves to legitimacy but the authority cannot overtake the rule of law legally and always take steps within a framework that the law has defined for that. Authority excluded the framework of law (including the natural and unnatural laws), loses its legitimacy based on its existence or its behavior. The essential characteristic of any authority is linking certain principles of law and in particular the rules of the responsibility to justify its legitimacy and enforcement of rules of responsibility. Therefore the duty of the state is justice enforcement; as a result the authority

is state right and tool for the enforcement of justice. Politicians known authority as beauty to the property, and they believe because it is necessary to maintain order and peace of society, it must not be under question that because of issues such as state immunity or the immunity of heads of state is also due to maintaining the authority and influence of rule. It is notable that authority is not infinite and responsibility system determines that authority to what extent and under what conditions can be overthrown.

However, the study of literature on the relationship between the authority and responsibility in addition to some researcher interpret it in line with the rule of law (Marmor, 2012: 65), some also known it a moral duty that is submit to the law (Marmor, 2012: 511) and still others link it to discipline and prevent of private justice (Marmor, 2012: 540) and others consider it essential to equality of human beings. All are equal, so law and states must guarantee equality (Marmor, 2012: 569). Some other expects justice enforcement controlled by the right and responsibilities system (Marmor, 2012: 335)

Inherent duty of any powerful states respected human will and as far as law and discipline are not changed, the authority should not overlook the right.

For example, the states without any reason exclude or limit the people to marriage and to work unless peace and security is threatened.

So a certain limit for authority and free will of human and states' authority determined. In this situation, free will doesn't disturb the discipline and the authority has not also led to despotism. Enforcement guarantee of each of these two categories is also a moral responsibility. In such situation the states must understand that free will and independence is not the basis to escape responsibility, but free will is strong evidence for the existence of responsibility (May, 1998: 32 & 71).

It should also be noted that in order to use authority cannot be careless to history and historical context. In many cases states organize affairs with respect to bureaucratic experiences. The responsibility system cannot be careless to functionalism of state that shaped based on historical experience. For example, states have to arranging the society to suspend some human right (Corlett, 2013: 37). The situation posing during the crisis and so to ignore the rights, authority do not marginalize.

### **The Relationship Between the Authority and Responsibilities**

Today there is relationship between authorities with the issue of responsibility because public opinion to the responsibility system is based on interest and discipline and that it show

a phenomenal place called state - in the development and application of a wide range of responsibilities in the communities. In fact, the phenomenon that called state cannot be main tools of the authority.

Today important part of the responsibility system in domestic law and international responsibility formed based on foundation of policy principles, is not based on right and duty system. If we refer to the opinions of philosophers like Kant, we concluded that he knows the establishment of responsibility system based on the right and duty is correct but impractical. (Kant, perpetual peace: 128)

Responsibility system in relation to the authority divided into two branches by different entities. A set of responsibility rules is political and these rules are needed to state life and on the other hand a set of the principle of responsibility has individual aspect and regulate of the mechanical life of people in societies (Young, 2011: 3). In the responsibility with a political nature, the aim of creating and implementing rules of responsibility, ensuring the interests of society and the state in this situation structure and the subject of social justice and a variety of justice (such as restorative justice). States failure to distribute justice in this structure and are responsible due to the failure. The scope of such responsibility is so vast that cause to delegitimize the state. The authority should take steps to justice. Because when injustice is structural, then the legal system of responsibility will lose its sense and concepts. In this situation the authority of state expanded and justice marginalized (Young, 2011: 95).

Moreover, the above points should be mentioned that authority also will have political responsibility. This responsibility is very similar to the duty that the responsibility of state responsible, is lack of perform assigned duties. However, there may be or may be not fault that in any case the responsibility for the state is not effective. The authority is responsible itself and requests the responsibility of its subsidiary element.

In such a framework should not ignore the fact that an important part of the inherent jurisdiction of the states is protection of the right and determine the duty of its subsidiary elements.

Deviate from any of these cases caused the reaction of state and according to the philosopher Hart the responsibilities are posed. In fact, today legal responsibility is a synthesized phenomenon that is sum of political, moral, civil, social and economic responsibility.

Hart also in drawing the responsibility gives a special role authority because Hart's division of legal rules, the focus

on organizing secondary rules to entities called state. (Hart, 1961: 99 & 117)

Hart understands the authority of the state and divided legal rules into primary and secondary rules in this regard. He knows secondary rules in regard to state authority are applicable. According to Hart's theories state just not claimed responsibility, but also legitimate it rules. He also knows many of legal issues; even those are apolitical related to the acts of rule.

In fact, he believes the distribution of justice by the state and therefore highlighted the role of state from other legal and political plants. Some scholars of rights know implementation and enforcement of responsibility as kind of state commitment to enforce distributive justice (Rawls, 1999: 35). The scholars assuming the enforcement of distributive justice, is an act of authority, and claim of responsibility in line with the authority of the states is justifiable.

So, regarding the authority as a political phenomenon and responsibility as a legal phenomenon, we are forced to accept the fact that there are always political views to the responsibility system and given the relationship between the authority and the responsibility, individual responsibility and social justice should not be analyzed separately. In such opinion, domestic and international responsibilities as one topics of political morality are classified (Ripstein, 2001: 12) that its main purpose is distribution of justice.

In addition to thinking, it should be noted that some of the lawyers, sociologists and politicians try to avoid having the philosophical and ethical views to responsibility. They believed that the language of authority is tied to the national interest and mainly does not understand well the philosophy and ethics, profit and profit-oriented language. From the perspective of political system, risk should be fairly divided, because anyone will not accept justice. In this situation, other duties of political authority said is distributive risk; in addition need to control the risk. The level of risks in the society reduces as much as possible. It might be argued that this view is that in a democratic society brings authority to state.

If in the dictatorship or monarchy society, the will of the king leading to the authority, in a democratic society, responsibility to discipline, risk distribution, dispensing justice and contact cause the necessity of authority (Coleman, 1992: 430).

The other effects pose as a political phenomenon in sovereignty and as a legal political phenomenon. Sovereignty would also be entitled to claim responsibility and therefore

responsibility is demanded sovereignty introduction. The sovereignty causes the “duty to respond” to the enjoyment of this right would also be created. This right knows the authority competent at the national level to address the responsibility of residents and at the international level competent to follow international responsibilities of international law (Chinkin & Baetens, 2015: 2)

Sovereignty is for the state and claimed responsibility from the sovereignty enforcement. In fact, it is important to note that the state through the enforcement of the rule of law, to track responsibility is qualified, but it's not enough. Because the state is not a holy soul that does not sin, and the state must be responsible. So in discussions of the development of responsibility, to take care the state is not jurisdiction to decide on responsibility, is not immune from responsibility. According to the existing procedures as well as poor history of countries on human rights violations or violations of the rights of sovereign countries and other countries, authority cannot be a good excuse to consider immunity of countries of international responsibility.

## **THE RELATIONSHIP BETWEEN STATE AUTHORITIES WITH RESPONSIBILITY CONCEPT**

### **The Basic Theory of Authority and Responsibility**

After we knew the authority phenomenon are closely associated with the issue of responsibility and the relationship between the national and international levels are significantly visible we must understand how should be the relationship between these two concepts and what phenomenon else is needed in relation to both the formulation of logical ratio. Because they may have different views, numerous as justice, welfare, security, discipline, interest and ethics is the main phenomenon that is the ability to maintain the necessary balance between authority and responsibility system.

Historically, the main part of the theories regarding the relationship between the authority and responsibility of countries based on natural law and moral responsibility is shaped and almost dating is much more than other issues. States are corrupt morality and public morality cannot be turned into a universal and comprehensive ethics. If states are clear ethics, states will have no criterion for evaluating behaviors. But states can use their authority to adhere to the principles of ethics (Araszkiewicz, 2015: 11)

In this context the moral and natural rights is relationship between state authority and international responsibility. One cannot deny the authority of the state in implementing the responsibility system and the best index to prevent state

authoritarian are resorting to natural law. It should appeal to the natural law and ethics rules in the area of responsibility of sovereign states organized.

In this regard it should be noted that phenomenon called authority is the product of situational and positive rights, will not easily bow down in the face of natural rights.

On the other hand the conflict of moral and ethical responsibilities (compensation-centered) is also very important in reality. In such a situation we need to know which of these cases are superior to the other? The state certainly will not be able to handle the situation in society, and waiting ethics longer. In particular, today in the international responsibility system, economic-driven and discipline-driven theory has particular importance. Lawyers emphasize on theories such as absolute responsibility and risk theory is also the reason for this.

According to the opinions expressed on the relationship between responsibility and authority of the countries, we should expressed that due to the rapid growth and acceleration of information and communication technologies in the present day, you cannot simply use natural rights and traditional tools of moral to link countries authority and responsibility to each other.

In other words, the new situation of the international society requires economic-driven and discipline-driven theory is able to grab a growing international society to coordinate more. Perhaps a kind of moral ethics that also called intergovernmental ethic used to resolve this problem.

### **The Scope of Responsibilities of the Authority**

The scope of authority of states for development of responsibilities is the important points on the relationship between states authority with concept of responsibility. According to this principle, we need to know mainly behavior resulted of countries authority under what conditions the will have international responsibility for them? Or against whether any entity in the interest of a country or authority do behavior will be responsible? Whether in the international law system the responsibility of the state or authority of state is more important?

In response to the preliminary question to say who could be responsible for its direct relationship with those who have acted contrary to the legal rules and in this regard, no situation can be a source of immunity, unless international law don't believed to such immunity. In this context, the Convention of diplomatic rights or consular or immunity of property and or documents related to the countries mentioned. Hence we can say that the authority cannot

provide grounds for exemption from responsibility unless authorized by law.

From the perspective of the current procedure in international law also observed that only certain things can be a source of international responsibility in favor of the authority of state.

These categories include:

A collective treaties such as the 1964 Vienna Convention on diplomatic relations, 1967 Vienna Convention on Consular Relations, 2004 UN Convention relating to the Jurisdictional Immunities of States and their property and other similar cases 2: international discipline and safety 3: the principle of fairness 4: self-defense 5: countermeasures less than war in the relationship between the authority and responsibility must be taken to such right of states to self-defense be noted.

Using the authority of the country in order to defend the territorial integrity or defend its nationals, the requirement for exemption from international responsibility provided. But in this context does not behave as a responsible authority, is responsible and should be held accountable. Especially in situations the subject's response to the actions of other countries stays away from the principle of proportionality. In fact, mutual measure to maintain the authority of the state (Ragazzi, 2005: 49)

However, due to the rational order that power must be tools of justice and the state must consider justice as one of its essential task, so authority is a state legitimate power to use force in the direction of justice (including social and legal).

In international humanitarian law and international criminal law is also based on the theory that the state is misusing his authority will be responsible and accountable. In this situation, the state to extremes in their actions based on the error theory is responsible.

States in accordance with their behavior can include an act or get rid of it, provide the requirement of international responsibility for country. As well as citizen's behavior of a country inside or outside the territory of which the state could provide its international responsibility (Bonafè, 2009: 11)

The main cause of the responsibility of countries due to individual's behavior because his authority did not prevent the error of their nationals. This is largely the fault of the state is based on state responsibility through its authority. John Rawls's obliged political power to dispense justice and one of its duties is enforcement of a variety of the responsibility in domestic law by refusing this duty,

provide international responsibility of countries. He says responsibility in domestic law is an important tool for maintaining political integration and prevents chaos and ensures equal rights for everyone is based on distributive justice (Rawls, 1999: 54).

## **INTERNATIONAL RESPONSIBILITY OF COUNTRIES FOR NATIONAL LAW ENFORCEMENT**

Countries are entitled and obliged to implement its national law and the meaning of international responsibility with national law enforcement, review of that part of the authority of the state that is in conflict with international law or human rights in the countries sometimes authority support international law or suppress it.

Since the relationship between the authority and country's international responsibility cannot considered, but was unaware of the impact and its effect on domestic authority of countries. Because the state always in the discussion of international responsibility, the role of civil authority, as well as the need to refer survival and it essential for independence and equality with other countries. They know their authority from national law enforcement.

The basic duties of the authority are that the society is so safe for everyone is free. It is also the duty and authority of states that posing beside the discipline. It is clear and obvious that single person cannot be happy without freedom and society without discipline cannot grown free men. So both topics of human rights and authority are necessary to each other and powerful state cannot necessarily be an authoritarian state that suppresses freedom. In this regard, the state with respect to lack of authority or inappropriate use of his authority could be responsible. Because the requirement of an international society is peaceful and stable countries that is not possible except through the implementation of national legislation. However, country cannot claim what is located within the borders of one country, and there is no relationship between peace and international security and therefore the international society has not right to interfere in the affairs so-called related to internal developments of countries.

To resolve the conflict created between the domestic authority of the country and international responsibility system, the authority of the domestic society interpreted as part of the authority in the international society. With this approach, not only the authority of a state is an internal affair, but also can be an international issue. On other hand state due to international law forced to justice their nationals that one of the main reasons needed to state

intervention in the issue of responsibility in domestic society can be called restorative justice.

The state should be based on qualifications which were granted to it based on the rule of law and to take the necessary protections of the rights of its nationals. The scope of supports in the domestic and international society is expanded and cause actual and national jurisdiction (global) provides the judicial system of a country.

The state also uses its authority to extend welfare and this task seems so obvious that is also a moral duty. Otherwise, the basis of existence of state with respect to the minimum such as discipline and security defined. In fact, one of the functions of the responsibility system is restoration of welfare for the people and countries (Thompson, 2005: 99). Today in the international human rights, development rights or human rights of third-generation expanded that are referred to such issues. Because historical experience has shown that countries actually considered itself immunity of welfare and only pay attention to the issue of security and discipline, and move towards authoritarianism.

Therefore, international law should not be organized in such a way that the authority of a state influenced. As stated, paragraph 7 of Article 2 of the UN Charter forbidding organization such as the United Nations of intervening in affairs essentially is the jurisdiction of a country. Because the Articles such as Article 2 of the UN Charter mainly are aware that reduce the authority of a state has consequences. Also according to the international responsibility plan the country are responsible in such way that their authority will not diminished (Yarwood, 2011: 78) and responsibility plan rely on the subjective theory of responsibility or error theory also emphasized on this issue.

Accordingly Chapter 6 and 7 of the UN Charter should be enforced in such a way that don't damage to this important affair. Because experience has proven to remove the authority, a different authority cannot immediately replace. The current situation in countries such as Iraq, Libya and Syria in recent years is evidence for such issue that lack of power has such effects on people. The reason for this is that authority cannot be only an administrative and bureaucratic structure.

Spiritual beliefs of nationals of each country to legitimacy and power of authority formed large part of authority. Also, according to the Statute of the International Court of Justice (Article 36), addressing a lawsuit adversarial needed to the acceptance of the parties, in the main reason of this decision can be seen to respect the authority of a country.

However, with respect to the authority of the countries the question is how democratic state should applied its authority as a reaction in relation to its nationals in relation to discipline and justice?

Only a democratic state in creating institutional structures should not be democratic but in their behavior has to observe the principles of democracy (Scheffler, 2001: 12)

In response the state against the people responsible behavior, should be applied the authority in such way that the principles of democracy, such as freedom and human rights does not threaten and to protect the authority of a country, basic principles of human rights suspend and to achieved this matter the rule of law used.

## **THE CONFLICT OF AUTHORITY WITH THE COUNTRY'S INTERNATIONAL RESPONSIBILITY**

Due to lack of a centralized political power or authority in international law system, opinion and will of the majority cannot be a legal obligation for countries in minority. It means cannot be evidence of responsibility rules as the secondary rules of law despite the power of a powerful entity will have the ability to enforcement. But this weakness in a different way can be compensated so that if the responsibility rules resulted of a right, then can becomes a duty for others (Eternal Peace, Kant, p. 132). In fact, the international society cannot create a political entity that is more powerful from legal perspective and so the international responsibility mechanism should be organized with respect to right system.

In this framework, some of lawyers believed that the thinking over responsibility system is linear (Krabbendam, 2002: 139). In linear thinking, there is a great and ideal goal to achieve and in this situation, firstly, must be treat reasonable and consistent with the preset principles second, achieving the great goal that we have set for ourselves. We seek to meet goal in the international responsibility system or goals to solve problems for the restoration of discipline and justice? (Non-linear thinking) (Krabbendam, 2002: 147)

It seems the lack of a centered and acceptable authority for all members of the international society, now do not be looking for a specific and excellent purpose in the responsibility system and also procedures proved the main purpose of international law and institutions such as the International Court of Justice is solving problems. Although in the Court votes evidence of the Court efforts to induce peace and security also observed.

However, we must see what the solution is and what methods can be used to solve the conflict between authority and country's international responsibility with the minimum possible damage?

Perhaps the answer is democracy in the world organized and the state authority managed. (Meyer, 2009: 58). The authority for any reason is not good and for any reason the authority should not be ignored. If the international responsibility system decides to delete or modify the authority of a state, at first it must have an alternative to it. Because in practice what is more important than the existence of an authority, is the subject of lack of security caused by the absence of authority.

On the other hand international responsibility supporting discipline, security and justice cannot ignore countries' international responsibility. Recently, some developing international organizations, know it as the best alternative for the lack of state authority but it should know that cannot rely on international organizations unless the legitimacy and effectiveness of the organization are measured.

In practice one of the best criteria for assessing these organizations is accountability and responsibility (Meyer, 2009: 29).

If the international organizations and institutions are responsible for the authority which is granted to them, then they have the legitimacy and such authority is not created unless all countries from all or part of its authority in favor of the organization are ignored.

In line with decreasing the authority of countries and replacing it with the authority of a public international organization, an integrated international authority and responsibility system cannot exist without a centralized system with judicial and executive functions. It has been possible. The feature of centralized power of justice distribution, power, wealth and will is responsible for ensuring fairness in the international society should undertake this duty. Accordingly, justice, power, wealth and responsibility are distributed when there is enough authority against competition or annoying elements and in the internal structure divided the authority's interests properly among its members.

It is obvious that in light of the ignorance of part of country authority, the whole authority of a country should not be destroyed (Chinkin & Baetens, 2015: 71), because states have a famous public framework in legal and political equations that are part of its nature and matter (Chinkin & Baetens, 2015: 144) and the public nature must be preserved in order to protect the interests of its nationals.

The public nature should not be confiscated in favor of specific individuals and for this reason the immunity of the countries, their property and country officials considered to be able to perform the duties of the country authority. The individuals are a manifestation of the authority of a country and under certain conditions as a result of enforcement of authority of a country has no responsibility.

Also the authority of the states and therefore authority of the international society and comprehensive organizations should not undermine therefore countries have a duty to take care of it.

They are careful to respect imperative laws and are responsible, so the right for them is determined, as a result, they are entitled to pursue the implementation of imperative laws by others (Ragazzi, 2005: 31).

The international legal and political authorities of offending countries implement international imperative laws. According to this thinking, some forbid the authority influenced by the responsibility because responsibility is a direct result of right (book Malcolm Shaw, p. 781), and it is not known as the result of political citizenships or human sociality or international law of the countries.

The international responsibility system is not except of this situation. That is the foundation that leads to the rightful owner; the foundation caused us to be responsible for. It seems that this thought is nothing except reflection of the centrality of free will in rights and assignments. Because a will that is free and has the right to be free, then must also be responsible.

But this view is not alone applicable. At least in today's society that is applicable and claiming the rights, are powerful states cannot be relied on absolute rights of responsibilities. Authority of states needed to create and implement the rights.

## **THE SUPREMACY OF INTERNATIONAL RESPONSIBILITY ON THE AUTHORITY OF THE COUNTRIES**

As was emphasized, contrary to domestic law that authority is a requirement of legislation and enforcement of law and finally responsibility is demanded, in international law, international responsibility system practically lacked a centralized political authority as its supporter and today in the best kind of international political authority, states can within the framework of the UN Security Council to adopt a method similar to domestic authority.

This collective behavior within the framework of the UN Security Council cannot under any conditions compared with the country's authority and thus we can say that the international responsibility system in the international society is independent of the category called authority.

In fact, the relationship between the authority and international responsibility limited to the country's international responsibilities is as an international legal phenomenon and country political authority of the country as a national political phenomenon. In this regard, according to the political legal framework of the UN Charter, international responsibility should not be judged by the authority of the countries. The states because of preference of national interest, the state authority preferred to international responsibility. But the supremacy of international responsibility on the authority of the states must be properly considered reasonable and legitimate interests.

The relationship between the authority and responsibility should be justified and the major issues that must be adjusted in relation to the international authority and responsibility are the principle of responsibility, confirm responsibility behavior of compensate.

We also know that the basic framework of international responsibility of the country shaped base on failure and error against duty that they had. Over time and technology development the extent of international responsibility to damage was also widespread and this led the authority of the state in the international society is more limited than past. With the development of areas such as human rights and international humanitarian law as well as international environmental law and today the rights of terrorism, in comparison with the past authority of the state has been reduced, so that talk of a collective or organizational authority emerged in necessary time to create exceptions to the authority of countries. This organization or collective authority in some cases is needed to international peace and security, the authority of states modified or ignored.

However, a powerful state under its authority should be accountable. Responsibility with accountability is different and unlike the responsibility system that is mainly based on fault theory, accountability system based on outcome of the duty of a state. That is, if the result was going to be achieved by the jurisdiction and authority of the state, is not sure the state should be held accountable. The installations can be considered very similar to the risk theory and absolute responsibility with the difference in the theory of risk and absolute responsibility, damages is provision but in the accountability damages is not provision. In fact, the accountability is a legal obligation for the political power,

and this is quite apart from the responsibility. (Yarwood, 2011: 26)

The accountability unlike of responsibility necessarily is not rooted in tradition, imperative laws or any other international rule. For accountability, a country due to violation of international law is not responsible and sometimes for this reason is responsive why not takes advantage of their authority properly (Yarwood, 2011: 61). According to this theory, countries should be responsible to a high-level institution that is now the United Nations as global sample and Europe Union as regional sample.

So we can say from the point of view of historical and intellectual content of legal scholars, thinking is excellence to accountability and responsibility on the authority of the country has become widespread. Examples of this claim can be found in the rule of law "trial now or extradite now" seen based on this rule, countries or international criminals should be tried in his country or if they cannot take advantage of his authority and that person will be prosecuted, he is a person to another country for trial will be refunded.

## **SUPPORT THE INTERNATIONAL RESPONSIBILITY OF THE AUTHORITY OF THE COUNTRIES**

International Law in organizing the international responsibility system only to limit the domestic and abroad authority and in many cases to be tried by the responsibility, the authority of the state protects and even strengthens them. Because international law is aware that there is a lack of integrated international authority, the authority of island countries can only be an effective tool for maintaining discipline and security throughout the world.

Such authority can take action to restore discipline at the national and international level to assist the country of the world. In this regard the United Nations Charter has placed a special place for the authority of country and if the legitimacy of authority arising from it, the duty of the state is enforcement of authority. From this perspective, the state to carry out its duties under domestic law or international law entrusted to him could use his authority. There is a contradiction between domestic and international duty of the state takes shape but in any case if an international duty to eliminate or remove the domestic authority of a country take shape cannot be considered legitimate international duty.

What that paragraph 7 of Article 2 of the Charter of the United Nations referred to this point. The role of

international law in defending the authority of the countries focused to defend the legitimate authorities against the illegal authorities and different backgrounds can challenge the enforcement of illegitimate authority of states and bring international responsibility to the perpetrators.

Issues such as the environment, diplomatic and consular law, security, terrorism, and human rights, invading countries and ignoring the law, unlawful use of force and so on, such cases are the responsibility in relation to their ignoring the authority of a country. For example, certainly terrorism is one of the phenomena that challenge the authority of states. Terrorism has several effects that are killing people and. but imagine that a sonic bomb will explode with no damage. In this case what are damaged countries? In this situation the most important thing that damaged is the authority of a state. Or if the privacy of an embassy attacked or a public ship without observing rules of international law, inspected, here the only thing that damaged is the authority of states and countries. (Lund, 2004: 24)

The authority of the state due to factors such as riots, chaos, piracy and ... threatened. In these cases endangering state authority, is an act of responsibility. It means in relation to responsibilities, sometimes the responsibility to protect the authority of state and sometimes tries to control and limit its authority. In such cases international law consider legal action for countries that strengthen their authority in the international arena. In other words, international law with the responsibility of developing international rules are sometimes attempting to deal with offending countries and sometimes regarding the rights and immunities for countries, assists the authority countries.

Therefore current international procedure suggests that responsible behavior of countries can be placed in two categories. The first category includes acts that harm the rights and authority of a country and the second category includes behaviors that regardless of whether a particular country has been affected or not, a daring and rebellious than the general rules and imperative laws is considered. As mentioned in the first case, the responsibility system dealing with illegitimate authority and in the second case, a rogue authority to comply with international imperative laws will guided.

The authority of the countries in support of international law and international responsibility system, include "relative principle" and in some cases allowed some weak states to restore or create their own authority, undermined the authority of other countries and violate it. In the same way that it is now one of the biggest criticisms of international law, (Meyer, 2009: 163) in other words, the rules that are

written by the victors, causing international authority sent for them should be reviewed because it systematically rules would reduce the authority of other countries.

In this context, the right of autonomy of nations in determining self-fate or the right of independence of country in international law pointed out that in order to restore the authority of the colonized countries were created.

Along with recent thinking, there is the responsibility of protection in international law that gives to political system allow interference in domestic affairs of a country. In the international society cannot monopolize international responsibility for the authority of some tyrannical state and responsibility to protect is one of the topics excluded the responsibility of the monopoly of some state (Chinkin & Baetens, 2015: 24)

As well as international humanitarian law and committed crimes by the state cited if necessary we will require the authority of states to bring to justice. In this context, quasi-legal and political actions resulted of season six and seven of the UN Charter cited that the seasons are looking for consensus among legal authorities against an authority with illegitimate behavior.

Basically there is the political belief that power cannot be quiet and the essential task of any state or authority, discipline of the universe and the world are based on the inner model. Power detects abnormal conditions and to support the norms to address their disorder. Accordingly, the state cannot be indifferent towards what are they located in the nearby society. This approach has resulted in the creation of the right to protection under international law and so logical that today has become a supporting role. Today the basic mechanism of responsibility for supporting the central state authority violated trespassing because it is based inhumane acts and the violation of the authority is the few cases ignoring the legitimate authority of a state.

In fact, such a state is entitled to disregard the authority of a country or obliged to override the authority of a state to protect the institution of humanity, so has not international responsibility in this regard. However, support should be regular and special procedures. (Orford, 2011: 42)

However, in this regard must ask ourselves: Is there an integrated rule that permits interference in the domestic affairs of country? (Orford, 2011: 13) Are international imperative laws can simulate the global authority? For example, can we say that there are international rule of law. Has it disadvantages to the Third World countries? What will be the role of the UN in the fragmented world?

To what extent is the executive power of institutions? Is the international executive authority are similar to the authority of the state? All of these, including doubt that the responsibility to protect and ignoring the authority of the countries concerned that beyond this process, supporting the authority of another state that is a right or a duty to support.

At the end of this topic can be said that in the current state of the international society, the responsibility system in general and public purposes rather than suppressing the phenomenon of authority, control and manage it, so in addition to its limit, its capacity to support the legitimate foundations of international law also will used.

Court verdict in 2010 related to reject the mutual-claim of Italy against Germany could also be placed in this category. In this court verdict decides currently human rights on the authority of the countries has been manifested in the countries ownership on their extra-territorial property, has not superiority.

## CONCLUSION

With a comprehensive review of the current status of the international society concluded that cannot without two important issues of international responsibility and authority of the countries, provide the international peace and security. However, the authority is a political tool and international responsibility is an effective legal tool to restore discipline and compensation and we know that the basic purpose of each of these two categories is different from each other. The purpose of the enforcement of the authority of states is establishing internal discipline and the purpose of application of international responsibility, compensation and international discipline.

But the difference in the objectives don't lead to these two categories are considered irrelevant and in practice can be seen without each of these two phenomenon, cannot be hoped peace and security in the international society. So in a logical ratio, authority not resulted in a framework to establish countries responsibility on the other hand, we see that international law, in cases given the right to the authority of the country and considers immunities for the country, and from this point countries responsibility led to the collapse in political, security and economic structure of country.

In this regard the authority and responsibility should follow the framework to keep any of them, forget another. However, due to the fact that the authority of the countries is political phenomenon and state responsibility is legal

phenomenon cannot be charged due to the responsibility of the countries, the authority of states ignored. Because in the current state of the international society suffering lack of a coherent authority in the world dimension, the only real and practical tool is maintain international peace and security, and authority of countries.

Otherwise the authority of countries should be formulated within the framework of the rule of law. Countries cannot excuse for international responsibility due to maintaining the authority. As such, state authority must be tools of justice and to restore discipline cannot be considered noble cause for the authority. The international society also needs to enslave the authority of a country from international entities such as the United Nations as a framework to create a global authority used to justice, challenge authority to countries. But this theory is as valuable and proper functioning of the country that has a proper share in the benefits of creating an integrated and global authority.

In line with limiting the authority of the state, any powerful state would not be tyrannical and unjust states. Even justice can be one of the essential duties of powerful state that international society used to force other countries to the rules of international law.

For example we can refer to states in support of humankind those countries using their authority and the responsibility to protect the rights of human beings.

According to the topics, countries in the incorrect use of its local authority or non-normative superior to other authority have international responsibility. Also, due to the general obligations of states to maintain discipline, security, welfare and authority are essential duties of states. As states do not use their authority must be accountable.

Although the international current procedures for conflict between the authority and responsibility of states, given right to maintain the authority of the countries that this procedure cannot be free of problem. This is the case of Germany and Italy will be the supreme example. But in this case the Court, the German states does not innocent of responsibility in the field of human rights, but rejected the counter Italy; disputes between authority of countries and international responsibility remained.

According to the principles presented in the various parts of this paper, the authority cannot used law as a tool and according to the enforcement of national law cannot be considered as adequate reason for exempting the state from international responsibility.

As a result, the relationship between the authority and responsibilities, and relationship between physical and organic of the political and legal phenomenon is sufficient. It should be based on principles of ethics, these two categories in relation to each other expanding of their goods and the suppression of evil. Perhaps the lack of attention to this issue is because of the superiority of the authority to the Court's verdict responsibility.

Finally, it should be acknowledged that the international responsibility system has always been committed to limiting the authority of the country. Even the authority of country is also supported. For example, immunity for heads of state, their property and documents and lack of identify criminal responsibility for the state could be reason to claim so that it can be helped maintain stability and security in the international society.

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