

Chapter 4: Upholding International Law

Glossary

Absolute theory of state immunity: doctrine that protects all foreign state acts from domestic courts

Acta jure imperii: Latin for “sovereign act”; act that can only be undertaken by a state, not a private company

Acta jure gestionis: Latin for “commercial act”; act that can be undertaken by a private company

Admissibility: criteria that affect a legal body’s willingness to rule, usually based on the specific facts of the case

Advisory opinion: a non-binding document that answers legal questions submitted by an international organization

Arbitration: a process in which one or more individuals decide a dispute based on evidence and arguments

Civil remedy: a remedy primarily aimed at making a victim whole

Compromissory clause: treaty text that gives authority to an international legal body to hear disputes about the treaty’s interpretation or application

Consular immunity: the principle that protects consular officials from criminal (but not civil) actions in domestic courts of a foreign state

Countermeasure: legal violation taken in response to a prior a wrongful act by another state

Criminal remedy: a remedy primarily aimed at punishing a violator

Diplomatic immunity: the principle that protects diplomats from civil and criminal actions in domestic courts of a foreign state

Erga omnes obligation: an obligation to the international community as a whole

Human trafficking: the use of force, fraud, or coercion to secure labor

Individual petition: process that allows individuals to directly complain to an international organization if they believe that their rights have been violated by a state

International community: a group of global actors with legal interests and personality, independent of its members

International Court of Justice: an international court created in 1945 as part of the United Nations

Investor-state dispute settlement: system of legalized dispute settlement that allows foreign investors to directly sue their host states using international arbitration

Judicial economy: the principle that a legal body should decline to make a ruling that is not necessary to resolve a dispute

Judicial propriety: the principle that a legal body should decline to make a ruling that would not serve a judicial function

Jurisdiction: authority a legal body to rule on a dispute

Naming and shaming: public condemnation of noncompliant states

Obiter dictum: Latin for “something said in passing”; a statement in a judgment that is not necessary to resolve the given legal dispute

Peremptory norm: according to the VCLT, “a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character”

Proportionality: principle that force and coercion must be commensurate with a state's objectives or injury; applies to countermeasures, use of force (*jus ad bellum*), and armed conflict (*jus in bello*)

Protective principle: claim that a state can regulate and punish acts with systematic and important effects on the state's national interests, like its security

Restricted theory of immunity: doctrine that only protects a foreign state's sovereign acts (and not its commercial acts) from domestic courts

Retorsion: a lawful act used to punish a state

Right to diplomatic protection: the doctrine that states have the right to protect their nationals at the international level

Scorecard diplomacy: public grading of states to influence behavior

Socialization: informal process in which diverse actors internalize social norms through their interactions

Standing: admissibility requirement that the actor filing a case must have a legal interest in the dispute

State immunity: the principle that a domestic court should not rule on a foreign state act without that state's consent

Universal jurisdiction: use of a state's domestic law and institutions to regulate behavior that occurs outside of its domestic territory, does not involve its nationals, and does not have systematic or important effects on itself