

## Chapter 4: Upholding International Law

### Glossary

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**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