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1. WELCOMING LETTER

Dear delegates,

We, Isabela García and Juan Manuel Hernández as your presidents want to welcome you to VMUN's new committee, the International Court of Justice. Likewise, we are very content that you are part of the thirteenth version of this model as well.

VMUN is a memorable experience for both of us and we hope that it becomes an unforgettable opportunity for you to meet new people, learn about global topics and challenge yourself. Furthermore, we want to accompany you during the investigation process and debate time and do not doubt to contact us at any moment.

Nevertheless, do not forget that this is made with the purpose of understanding that even if a UN model cannot change the world, it can change perspectives with what goes around us and arise the will of working for change.

Finally, we desire that you cherish the work that we've done to grant you and enjoyable event, and we'll wait for you in further versions of this model.

Isabela García Ochoa
305 323 0106

Juan Manuel Hernández
323 471 4334

icjvmun@sanjosevegas.edu.co



2. INTRODUCTION TO THE COURT

The International Court of Justice (ICJ) was established in 1945 along with the creation of the United Nations, due to its Charter. It began to work in April 1946, and it is the main organ of the UN. The “seat of the Court” is located in The Hague, Netherlands.

The ICJ has two main purposes: legal disputes between States, which are referred to as contentious cases, and provide advisory opinions regarding legal questions (advisory proceedings). Contentious cases are entertained by the Court if the States involved in the proceeding have accepted the Court’s jurisdiction, and in order to communicate the case to the ICJ, they may do it through their Minister for Foreign Affairs, or through their ambassador from the Netherlands. Likewise, the five main organs of the UN and 16 specialized agencies of the United Nations are open to advisory opinions and are accepted for any questions regarding legal proceedings within the scope of activities (ICJ, n.d).

All 193 member states of the UN are parties of the ICJ Statute under article 93(1) of the UN Charter. However, special membership for non-member entities does exist under Article 93(2). The ICJ diverges from other UN bodies in the sense that it does not draft resolutions, but that it rather focuses on settling disputes by confronting both parties to international law. Thus, it is crucial for the judges of the Court to tackle every issue considered through the lens of international law¹

Annotation: The roles of the members of the Court are in the ICJ Protocol.

¹ NHSMUN. (2022). NHSMUN Background Guide [Ebook] (p. 8). Retrieved 29 July 2022, from.



3. TOPIC 1: Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America).

3.1. BACKGROUND AND HISTORICAL CONTEXT.

To understand the ongoing situation regarding the relocation of the United States Embassy, it's essential to comprehend the historical context between Israel and Palestine. Most of Israel's population is Jewish², and Palestine's is Sunni³, so, their conflict has primarily been a religious dispute. Israel's citizens state that they are descendants of the Hebrew people and the "promised land", and Palestine's citizens mention that they are descendants of the Philistines, this being considered a territorial disagreement since the beginning of the conflict, however, there is no "historical right" as both have stated.

At the end of the XIX century, Zionism⁴ arose, which supported the creation of a national State in Palestine. Between 1882 and 1903 the first massive migration was held from Jews to Palestine (first Aliyah), mainly from countries such as Russia, Poland, and Romania. A year after the second Aliyah took place, anti-Semitism started to gain popularity, therefore Jews took the chance to travel back to Palestine to their "refuge". Later, more migrations took place (5 Aliyahs in total), and when WWI started, the Ottoman Empire fell, giving the United Kingdom the power to rule Palestine, increasing migration due to more antisemitism in Europe. For this reason, attacks from Arabs to Jewish possessions took place, and urged the creation of Jewish defense forces, such as the Haganah⁵ and Irgun⁶.

Likewise, WWII was another detonator for more migrations, as the holocaust was a threat to the Jewish population. Furthermore, in 1946, an attack to the British command caused the

² Those who follow Judaism as their traditional religion.

³ Members of one of the two branches of the Islam, which consist of most of the religion's supporters.

⁴ Political movement which recognized the Jewish not as a religion, bus as a national group.

⁵ Jewish defense forces.

⁶ Paramilitary army for the creation of the State of Israel.



United Kingdom's retirement from Palestine, and in 1947 the UN divided Palestine into 2 States: Arab (Palestine) and Jewish (Israel), leading to, on May 14 of 1948, the creation of the "State of Israel". Two days after its independence, the Arabs (supported by the Arab League) declared war on Israel, however, the State of Israel won the war and gained 23% of the territory. Time after, in 1967 another conflict emerged, where Israel won Sinai's territory (Egypt), and in 1973 the United States comes into the topic during the Yom Kippur War, as the country supported Israel, and with it, Israel got Egypt's recognition as a Nation-State. (Israel and Palestine's territory evolution explained in the following image).

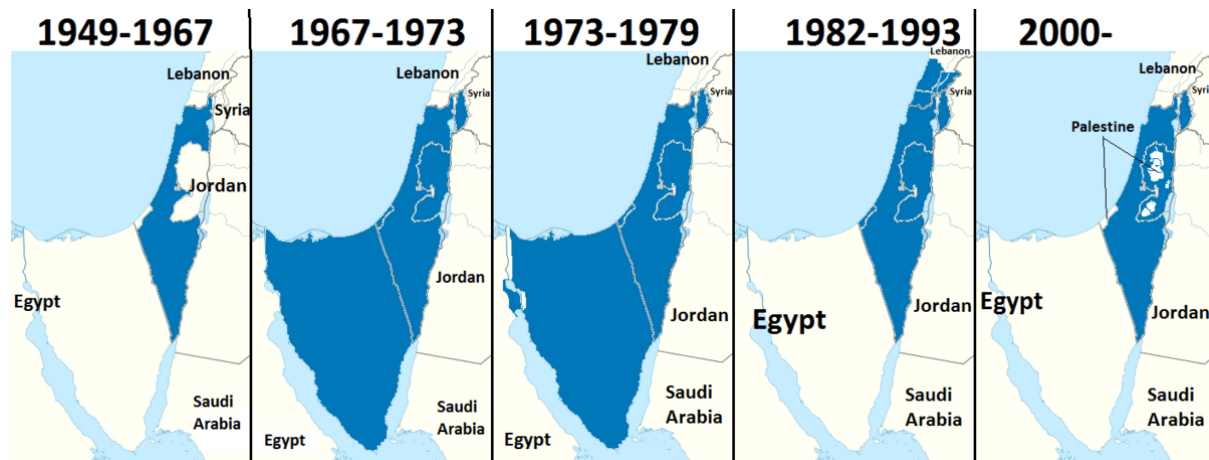


Figure 1 https://commons.wikimedia.org/wiki/File:Israeli_territorial_changes.png

As time passed by, Israel got recognition by most of the international community, yet Palestine did not; conflicts increased, repression for Jews in Palestine, and for Arabs in Israel did as well, and the territorial dispute has gained more importance between both the States. Due to the warfare, Israel started the construction of the "Apartheid Wall" in 2002, with the purpose of isolating Palestine and evading confrontations, yet, the UN and the International Court of Justice have declared it illegal, however, its construction continues, and nowadays it goes along 80% of Palestine's territory.

Moreover, the United States has supported Israel, and of that, it recognizes its capital in Jerusalem, an event that has promoted manifestations, more warfare and disagreements from Palestinians over Israel and what they have been considering part of their sovereignty. Nevertheless, Israel's Prime Minister, Naftali Bennett, considers this as an opportunity to gain

legal dominion over the West Bank, and for once and for all decrease the disputes over such territory.

3.2. THE CASE

On September 28, 2018, the State of Palestine sued the United States of America in the International Court of Justice due to a situation involving the territory of Jerusalem and a U.S. embassy that had been relocated there previously. Initiating all this controversy as explained before based on President Donald Trump's statements in a speech in December 2017, in which he said that he recognized Jerusalem as the capital of Israel.

The case starts by responding to some controversies about the jurisdiction and enough competence of the ICJ (which had already been unofficially mentioned by some American lawyers and representatives), citing the Optional Protocol on Compulsory Jurisdiction for the Settlement of Disputes to the Vienna Convention on Diplomatic Relations, referring to the first article which speaks of the need for States to resort to the International Court of Justice if a dispute arises concerning the Vienna Convention on Diplomatic Relations,

Article 1: Disputes arising out of the interpretation or application of the Convention shall lie within the compulsory jurisdiction of the International Court of Justice and may accordingly be brought before the Court by an application made by any party to the dispute being a Party to the present Protocol (Optional Protocol, 1963).

Affirming that both States are parties (the United States and Palestine) to this Optional Protocol, specifically, the United States became part of the Protocol and Convention on 12 November 1972, and the State of Palestine became part of the Vienna Convention on 2 April 2014 and the Protocol on 22 March 2018. In addition, the article is considered a compromissory clause⁷ of the Vienna Convention.

⁷ A clause stating that any dispute related to the interpretation or application of any treaty or convention can be referred to the court specified in the clause (in this case the ICJ).



Palestine also based its claim on Security Council Resolution 181 regarding the special status of the city of Jerusalem and the Vienna Convention on Diplomatic Relations (mentioned above), asserting that due to the process of establishing a diplomatic mission in a state, it was not possible to establish a diplomatic mission in the Holy city of Jerusalem.

Nevertheless, in early October of the same year, the United States withdrew from the Optional Protocol to the VCDR (Vienna Convention on Diplomatic Relations), although this does not mean that it would not be used in the case because it was a party to it at the time of the claim.

Then, on November 5, 2018, the United States of America after greater analysis of the claim, made a statement that the court is out of jurisdiction to take up the case, requesting that the case be removed from the General List of the ICJ. It then stated that it would not assign an agent to the case on the basis that it should not be considered by the ICJ⁸.

After the claim and statements made by both parties, the International Court of Justice on November 15, 2018, published an order stating that the case would be considered even if one of the sides did not consider the competence, specifying that the first pleadings were based on the ICJ's competence to be part of the case, in addition to the admissibility of the case. The date for the delivery of the pleadings was given at the end of 2019, but they were not made public until now.

Annotation: At present, no more relevant data about the case has been released to the public and until now this case is still part of the list of pending cases (still unresolved), by the ICJ.

⁸ Even if there is no agent in charge, the defenders of the U.S. party will be considered and taken into account.



3.3. POSITIONS.

3.3.3. State of Palestine

The demand made by Palestine as stated previously was based on two main reasons: the Security Council resolution 181 (1947) specifies in the third part the status of the city of Jerusalem, referring more specifically to the special status because according to the resolution the city would be administered by the United Nations and would not belong to either of the two states (Palestine and Israel): “The City of Jerusalem shall be established as a *corpus separatum*⁹ under a special international regime and shall be administered by the United Nations” (Security Council, 1947), Affirming in turn that even though there were subsequent situations such as the division of East and West Jerusalem, one for each country (which occurred in 1949) or the partial forced occupation of the territory by Israel (which occurred in 1967), the United Nations has always followed a firm position to comply with the special status formulated in the resolution, validating it until today.

And the second reason is the violation of the Vienna Convention on Diplomatic Relations because the diplomatic mission must be performed in the receiving state (in this case, Israel), in other words, on its territory, therefore it is impossible to comply with the convention by establishing an embassy in a territory with special status that is outside Israel's political and territorial margin.

However, it goes beyond simply these two mentions, because what is being sought is a declaration by the ICJ of a clear violation of both the Convention and the resolution, as well as a request that the United States of America withdraw its diplomatic mission from the holy city of Jerusalem. In addition, Palestine requested the Court to order the United States of America to take all necessary measures to comply with its obligations, to refrain from taking any future

⁹ Latin term meaning “separate entity”.



action in violation of its duties and to provide assurances and guarantees of non-repetition of its unlawful conduct.

Concerning the status of the State, Palestine also refers to Article 35 of the ICJ Statute which talks about the use of the Court: “1. The Court shall be open to the states parties to the present Statute.” (ICJ Statute, 1945), Being one of the strongest points to declare that Palestine can make use of it because it is part of the Statute.

3.3.4. The United States of America

As mentioned before, the United States based its position on the possible lack of competence of the ICJ to take up the case. Justifying this on the status condition of Palestine, because what is referred to from the Palestinian side are instruments intended for member parties to those treaties and conventions, but in the specific case of Palestine it is not one hundred percent part of the United Nations, as explained in resolution 67/19 of 2012:

2. Decides to accord Palestine non-member observer State status in the United Nations, without prejudice to the acquired rights, privileges, and role of the Palestine Liberation Organization in the United Nations as the representative of the Palestinian people, in accordance with the relevant resolutions and practice (A/RES/67/19, 2012).

Considering Palestine as an observer state¹⁰, this could be a reason to invalidate the application of the case in the ICJ since not being part of the United Nations but part of the ICJ Statute, Palestine had to have its validity determined by the General Assembly (which was not done) before making this case in the court, based on Article 93 (2) of the UN Charter:

A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case

¹⁰ This consideration is only for the United Nations, not for the United States, which was against the decision to make it an observer.



by the General Assembly upon the recommendation of the Security Council (UN Charter, 1945).

As for the Convention, the US position strongly postulates that Palestine's affirmation about the host state is simply an interpretation of the Convention because it may not be the case that the territory in which the diplomatic mission to another state takes place is necessarily that of the host state (for example, in the case of the Vatican City State, not all diplomatic missions are located precisely in its territory, with a significant part of them in Rome, Italy).

The last point that has also been made by the United States is that considering the Monetary gold Principle, the case cannot be taken into examination, because this same principle indicates that no judgement can be made on any claim involving the legal interests of third parties without their consent. Making the example of the situation in Israel and the Palestinian claim that Jerusalem is not Israeli territory, part of a case in which this principle can be applied.

3.4. LEGAL ASPECTS.

Following the positions and explanation of the case, there are some legal aspects that have been involved in it.

United Nations Security Council

In December 2017, after the announcement of the will of relocating the United States Embassy from Tel Aviv to Jerusalem, the UNSC had an extraordinary meeting with the purpose of creating a resolution to avoid that situation from happening. Nevertheless, the United States vetoed the resolution with the purpose of protecting Israel's sovereignty, preventing the UN from urging the U.S of retiring its decision.



On the other hand, when the case was brought up to the Court, Palestine filed a declaration mentioning the UNSC resolution 9 (1946), accepting the jurisdiction of the Court regarding the case, under article 1 of the **Optional Protocol Concerning the Compulsory Settlement of Disputes**

(Check useful link #1)

United Nations General Assembly

After the veto within the Security Council, the UNGA proceeded to create another resolution to prevent diplomatic missions in the historic city of Jerusalem. With 128 votes in favor, and 9 against, the Assembly adopted the “Status of Jerusalem” resolution, and as mentioned by the UN:

This declares “null and void” any actions intended to alter Jerusalem’s character, status, or demographic composition. Calling on all States to refrain from establishing embassies in the Holy City, it also demanded that they comply with all relevant Security Council resolutions and work to reverse the “negative trends” imperiling a two-State resolution of the Israeli-Palestinian conflict. (UNGA, 2017)

Vienna Convention on Diplomatic Relations

This convention is the one that most concerns the case and the Court as well, likewise, article 2 mentions: “The establishment of diplomatic relations between States, and of permanent diplomatic missions, takes place by mutual consent”. (art. 2, VCDR), stating that the case of the United States vs. Palestine must be discussed within the court, as the relocation of the U.S embassy is a violation of diplomatic relations between Israel, Palestine, and the U.S.

(Check useful link #2)



The United Nations Charter

As an international treaty, it became an instrument for international law, which in this case can be used during deliberation, also, how it is stated by the UN: “The UN Charter codifies the major principles of international relations, from sovereign equality of States to the prohibition of the use of force in international relations” (UN, n.d). Likewise, as the International Court of Justice is a principal Organ of the United Nations, the present Charter may be of many conveniences.

(Check “useful link #3”)

Statute of the International Court of Justice

This is annexed to the UN Charter, it provides the functions of the ICJ and, as the court is the main judicial organ of the UN, the judges may consider the Statute to stand in a position regarding the jurisdiction stated in it, as well as using it as a legal instrument that will provide truthfulness.

(“Useful link #3 also provides the pdf)

3.5. QARMAS.

- What benefits does the United States have with the location of the embassy within Jerusalem?
- What international repercussions affect the international community regarding the relocation?
- What are the legal proceedings that can improve the relocation of the embassy?



- If the embassy was to be relocated in Tel Aviv, how would the United States and Israel be affected? (Positively and/or negatively)
- What are the relevant treaties in application to resolve the case?

4. TOPIC 2: Questions of jurisdictional immunities of the State and measures of constraint against State-owned property (Germany v. Italy)

4.1. BACKGROUND AND HISTORICAL CONTEXT.

During the Second World War, the Third Reich was a police state that punished and arbitrarily arrested those with a different ideology. Furthermore, it became to be recognized for committing war crimes, such as massacres, forced labor, mass rape, the extermination of Jews, and so on.

The holocaust is one of the main proceedings that is internationally recognized, as “Nazi Germany’s deliberate, organized, state-sponsored persecution and machinelike murder of approximately six million European Jews and at least five million prisoners of war, Romany, Jehovah’s Witnesses, homosexuals, and other victims” (NW2M, n.d). Likewise, forced labor arose, especially in German territory, due to the work within the concentration camps.

After WWII was completed, civil claims were brought up in Italian Courts, with the purpose of looking for the reparation of injuries caused by the violation of the International Humanitarian Law. Due to this, on December 23, 2008, Germany established proceedings against the Italian Republic, demanding the International Court of Justice that “Italy had failed to respect the jurisdictional immunity¹¹ which Germany enjoys under international law” (ICJ, n.d).

¹¹ “A tool that protects the sovereignty and independence of States by preventing them or their agents from being prosecuted before foreign courts” (Guide Humanitarian Law, n.d)



Likewise, Germany stated Italy’s violation of immunities, as it was carrying on procedures of restriction in Villa Vigoni, (German State property located in Italy).

Total number of forced laborers in each sector of the German economy at the end of May in each year from 1941 to 1944

(in millions)

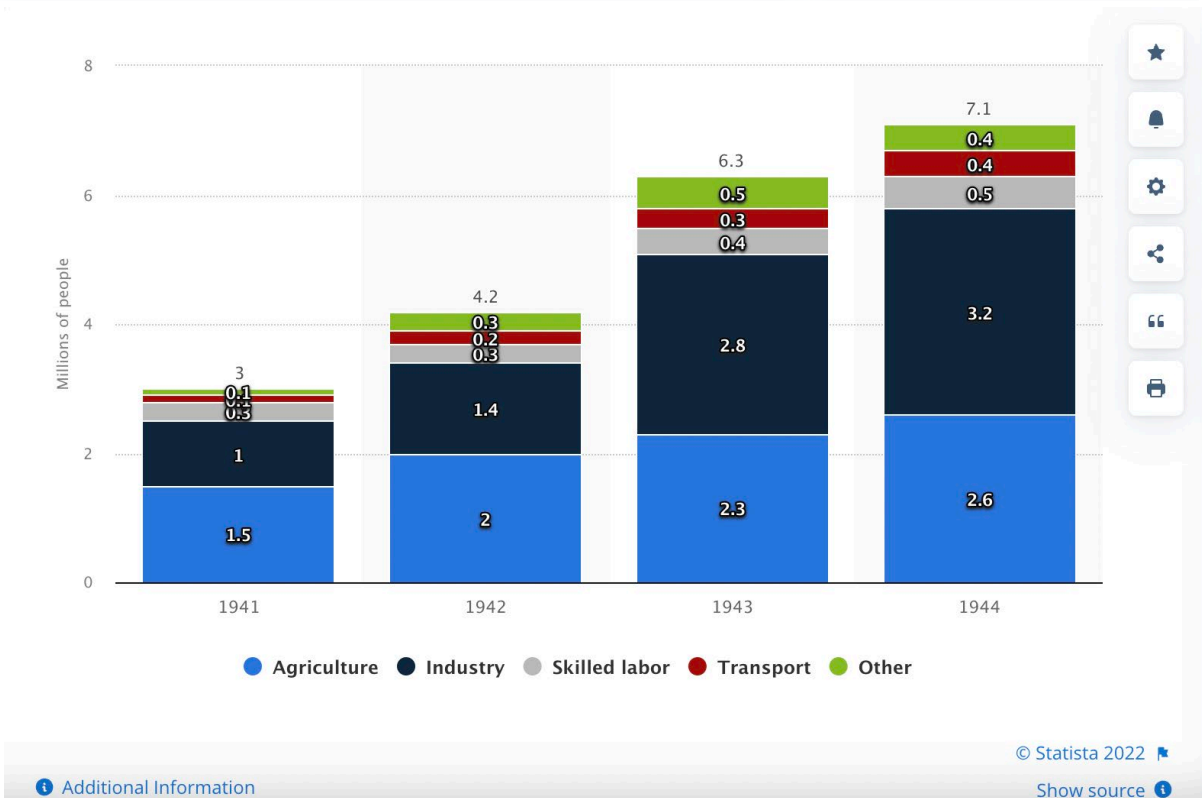


Figure 2 Source: <https://www.statista.com/statistics/1290513/forced-laborers-german-economy-sector-wwii/>

Likewise, in the case’s Judgment on February 3rd, 2012, the ICJ detained that the Italian Republic breached international obligations, as it denied Germany’s immunity: “The International Court of Justice explained that, under customary international law as it presently stood, a State was not deprived of immunity by reason of the fact that it was accused of serious violations of international human rights law or the international law of armed conflict” (ICJ, n.d).



4.2. THE CASE

On April 29, 2022, the Federal Republic of Germany sued the Republic of Italy in the International Court of Justice due to a situation involving certain indemnities for the Second World War that are still considered in Italian courts, knowing also that this same controversy had already been resolved years ago in a sentence dictated in 2012 that gave legal immunity to Germany based on the context.

The case begins by specifying that Judgment No. 238/2014 of the Italian Constitutional Court (which speaks about the inapplicability of the judgment regarding war crimes and crimes against humanity) is a violation of the legal immunities already budgeted since the 2012 case, causing that due to this judgment more than 25 new cases were made in Italian courts against Berlin.

In addition, the action was initiated employing Article 36, paragraph 1 of the Court's Statute, read in conjunction with Article 1 of the European Convention for the Peaceful Settlement of Disputes of 29 April 1957, which stipulates: “The High Contracting Parties shall submit to the judgment of the International Court of Justice all international legal disputes which may arise between them including, in particular, those concerning: b) any question of international law” (European Convention, 1957). Having been ratified by Italy on 29 January 1960 and by Germany on 18 April 1961 (after these dates neither state made any reservations or relevant changes).

At the same time, in the same April lawsuit, Germany also requested the application of provisional measures (a method that seeks to resolve the situation in the short term) to the case, but at the beginning of May (on 6 May through press release 2022/18) this same State specified in another decision of the case that it was withdrawing its request for the indication of provisional measures.



Then, in an order on 10 June of the current year (2022), an agreement between the parties was confirmed which stipulated 12 months in force for both parties for the conduct of the initial pleadings, bearing in mind the following dates: 12 June 2023 for the Memorial¹² of the Federal Republic of Germany and 12 June 2024 for the Counter-Memorial of the Italian Republic.

Annotation: At present, no more relevant data about the case has been released to the public and until now this case is still part of the list of pending cases (still unresolved), by the ICJ.

3.3. POSITIONS.

3.3.3. Federal Republic of Germany

One of the main points on which the application is based as referred to above was the 2012 judgment, which affirmed a ruling in favor of what Germany was seeking because the Court found that the situation of the national courts was linked to the violation of Germany's legal immunities, as the operative clause of the judgment declares:

(3) By fourteen votes to one,

Finds that the Italian Republic has violated its obligation to respect the immunity which the Federal Republic of Germany enjoys under international law by declaring enforceable in Italy decisions of Greek courts based on violations of international humanitarian law committed in Greece by the German Reich. (Judgement, 2012).

Furthermore, in the previous case, various reasons were made known by both sides between the memorials and counter-memorials. For example, the 1961 Settlement Treaty is an important aspect because what the countries involved in the case had agreed on was a payment of 40 million German marks, as explained in the German memorial

¹² A document presented to a legislative body, or to the executive, by one or more parties, containing a petition or a representation of facts



The only viable solution to overcome all differences seemed to make a single lump sum payment the amount of which could be determined without any detailed examination of the factual and legal foundations of each controversial claim by way of compromise. Balancing all the circumstances to be taken into account for such a compromise, the two governments eventually agreed upon an amount of 40 million German marks. (Memorial of Germany, 2009).

Turning all cases of compensation and claims against the German state by Italian courts into an unviable situation.

3.3.4. Republic of Italy

For many legal analysts, the biggest mistake of the Italian state, in this case, has been the 2014 judgment. However, that one may also be a central element of the interpretation of the previous judgment because the court pointed out that the order obliges Italian courts to comply with the ICJ judgment of 3 February 2012, and therefore denies its jurisdiction to consider crimes against humanity committed by foreign countries on Italian soil without any other legal recourse, against the defendants. This makes the order something that is against international humanitarian law and in turn, the judgment of the case a legal way out of the current dilemma.

Additionally, referring to the counterclaim of the previous case, a situation with the compensation that was not mentioned by Germany is that the 40 million did not necessarily apply to all the profiles of people whose rights may have been violated at that time, leaving out several people, as explained in the Observations of Italy (which were made after the counter-memorial)

Third, through the Agreements and in the Agreements themselves, Germany made it clear that these did not exhaust the range of reparations which could be provided to Italian victims, by explicitly recognizing that other avenues remained available (or would become available) under German legislation. Moreover, the Agreements themselves did not cover any claims, but only limited categories. (Observations, 2010).



In this same context, a new measure was taken in the 2000s by the German state, one using a foundation named Remembrance, Responsibility and Future, based on the compensation of those affected on the same dates as the cases that could not be taken, making this situation contradictory.

4.4. LEGAL ASPECTS.

International Humanitarian Law

The International Humanitarian Law (IHL) is a set of rules that look out to neutralize the effects of armed conflicts. It aims to protect those who are part of hostilities and can also be known as the “Law of war”. The International Committee of the Red Cross (ICRC) represents the IHL, as it oversees promoting the laws of warfare victims.

European Convention for the Peaceful Settlement of Disputes of 29 April 1957

As the name of the Treaty mentions, its purpose is to improve the union of the members, preserve human rights and provide a peaceful settlement of disputes between States. Regarding the topic of Germany vs. Italy, this can be a virtuous source for both States.

(Check “useful link #1)

Statute Of The ICJ

Many of the States that seem involved in any case of the Court, take into consideration its Statute, in order to understand and relate their situations with international Law. In this case, article 19 mentions: “The members of the Court, when engaged in the business of the Court, shall enjoy diplomatic privileges and immunities.” With this said. Germany has used this article in its favor, which was a privilege in the first case during 2008.



United Nations Convention on Jurisdictional Immunities of States and Their Property

Created in December 2004, this treaty has the purpose of clarifying jurisdictional immunities of States. It also explains the difference of acts in *acta de iure imperii* and *acta de jure gestionis* (check the glossary). Nevertheless, it has not entered into force, as it only has 28 signatory states, and it needs minimum 30 to become a binding treaty.

(Check “useful link #2)

Annotation: The UN Charter is valid for both topics, however, as it is explained in the first topic, there is no need to in the second topic.

4.5. QARMAS

- What are the relevant treaties in application to resolve the case?
- What international repercussions affect the international community regarding the relocation?
- What are the legal procedures that can enforce the previous judgment?
- How has Germany been affected by the nation's compensation claims? (positively and/or negatively)
- What are the advantages and disadvantages that legal immunities bring to the international community?

5. USEFUL LINKS

First Topic

1. <https://www.icj-cij.org/en/other-texts/resolution-9>



2. https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf
3. <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>
4. <https://www.youtube.com/watch?v=sR3AquxgcWE>

Second Topic

1. <https://rm.coe.int/1680064586>
2. https://treaties.un.org/doc/source/recenttexts/english_3_13.pdf
3. <https://www.nam.ac.uk/explore/second-world-war>
4. <https://encyclopedia.ushmm.org/content/en/article/law-and-justice-in-the-third-reich>
5. https://www.icrc.org/en/doc/assets/files/other/what_is_ihl.pdf

6. GLOSSARY

- **Admissibility:** permissible evidence legally admissible in court (Webster, n.d)
- **Competence:** a court with the authority to resolve the case that has been brought up to it.
- **Customary law:** Law that is established but not constituted, judged by social custom.
- **Jurisdiction:** A way of using the internal laws of a country or organization to exercise the power of government, guaranteeing their enforcement.
- **Jurisprudence:** A source of law made up of past acts from which legal rules have been created or modified. It is the means of transcending fundamental errors in a legal system.
- **Genocide:** Systematic extermination of a specific population on racial, political, or religious motivations.
- **Nullum crimen, nullum poena sin lege:** There is no lawless crime.
- **Confessio Est Regina a Probatio:** The confession is the queen of evidence.
- **Dura Lex Sed Lex:** The law is hard, but it is the law.
- **Necessitas Caret Lege:** Necessity has no law.
- **Nemo Consetur Ignorare Legem:** Ignorance of the law does not absolve from its enforcement.
- **Res Iudicata Pro Veritae Habetur:** Adjudicated facts are deemed to be true.



- **Testis Unus, Testis Nullus:** Unique witness, null witness.
- **Nomus Basileus:** The law is king.
- **Jus cogens:** “refers to certain fundamental, overriding principles of international law” (LII, n.d)
- **Acta iure imperii:** act made by a foreign State in the exercise of public power.
- **Acta de jure gestionis:** commercial acts to which the state is not immune but is exposed to the jurisdiction of the territorial sovereign.

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