**Chapter Six**

**The Sovereign State as a Forum**

**Topics**

6.1 Diplomatic Protection

6.2 Foreign Sovereign Immunities Act (FSIA) Special Cases

6.3 Jurisdictional Immunities

6.4 State Responsibility

6.5 Vienna Convention on Diplomatic Relations (Commercial Activity Exception)

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**6.1 Diplomatic Protection**

-Draft Articles on Diplomatic Protection

[Draft articles on Diplomatic Protection (2006) (un.org)](https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_8_2006.pdf)

-Special Report

[Diplomatic protection: First report on diplomatic protection, by Mr. John R. Dugard, Special Rapporteur (un.org)](https://legal.un.org/ilc/documentation/english/a_cn4_506.pdf)

**6.2 Foreign Sovereign Immunities Act (FSIA) Special Cases**

-FSIA’s Commercial Activity exception expanded to include human trafficking

[ASIL\_Insights\_2021\_V26\_I10.pdf](https://www.asil.org/sites/default/files/ASIL_Insights_2021_V26_I10.pdf). The underlying judicial opinion is *Rodriguez v. Pan American Health Organization,* 29 F.4th 706 (D.C. Cir. 2022).

-FSIA claim regarding the return of stolen World War II artifacts

[Federal Republic of Germany v. Philipp - Harvard Law Review](https://harvardlawreview.org/2021/11/federal-republic-of-germany-v-philipp/)

**6.3 Jurisdictional Immunities**

-ICJ judgment 2012 (Germany and Italy)

[143-20120203-JUD-01-00-EN.pdf (icj-cij.org)](https://www.icj-cij.org/public/files/case-related/143/143-20120203-JUD-01-00-EN.pdf)

**6.4 State Responsibility**

-2001 Draft Articles on State Responsibility

[Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries - 2001 (un.org)](https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf)

**6.5 Vienna Convention on Diplomatic Relations (VCDR) Commercial Activity Exception**

-VCDR’s Commercial Activity exception expanded to include human trafficking

[ASIL\_Insights\_2021\_V26\_I10.pdf](https://www.asil.org/sites/default/files/ASIL_Insights_2021_V26_I10.pdf). The underlying opinion is *Basfar v. Wong*, [2022] UKSC 20.