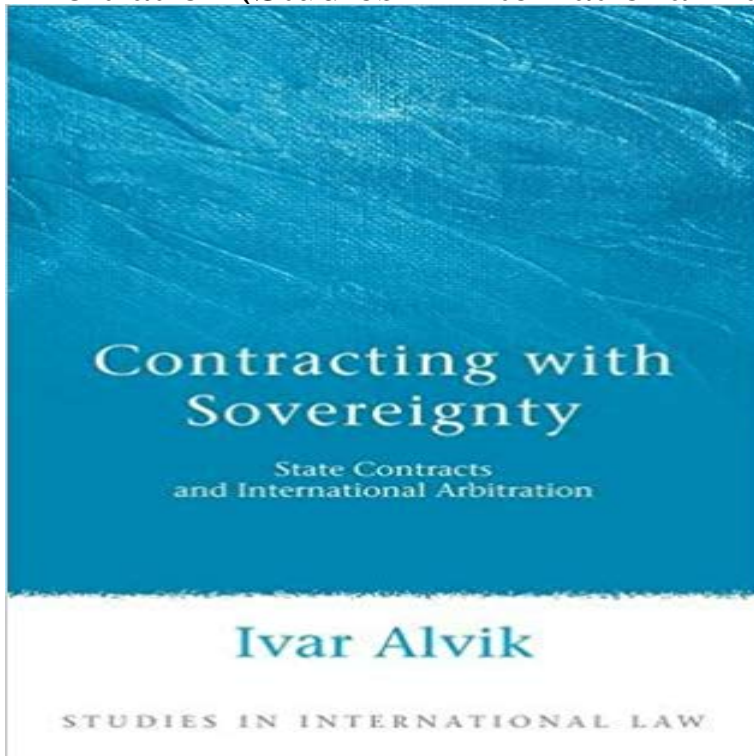


Contracting with Sovereignty: State Arbitration (Studies in International Law) Contracts and International



The application of international law to state contracts with foreign private companies was the cause of continuing controversy throughout much of the 20th century. This is because state contractual undertakings with foreign investors raise a number of legal issues that do not fit well into the traditional pattern of international law as a law between states, but which also cannot be satisfactorily resolved by the exclusive application of the municipal law of the contracting state. In recent years, the controversy has gained new prominence as a result of the advent of a new form of international dispute settlement, namely the mechanism of investment treaty arbitration. The main feature of this model of dispute resolution is that foreign investors are entitled to bring claims against states directly before international arbitral tribunals. This model, which emerged strongly in the late 1990s, has generated a rapidly expanding body of arbitral case law, and, in the process, has become one of the most significant new developments in modern international law. Many of the disputes subject to investment treaty arbitration have their origin in contractual commitments made by states toward foreign investors. At the same time, international commercial arbitration continues to be the preferred means of dispute resolution in contracts between foreign investors and states or state entities. This book explores how contract claims against states are dealt with in the two parallel processes of treaty-based and contract-based arbitration. The book charts the development of commercial arbitration into an international legal remedy in this field, discusses the theoretical problems which it creates for international law, and outlines the most significant substantive features of the international law applicable to contract claims, as developed by arbitral tribunals on the basis of treaty standards and customary law.

Buy Contracting with Sovereignty (Studies in International Law) 01 by Ivar Alvik law (both private and public) with an interest in state contracts and arbitration. Catriona Paterson, a consultant to the Investment Division, for research input. The paper as a . concerning this provision to international arbitration. Four ECT . making of which the state is deliberately exercising its sovereignty and thus law obligations, by stipulating that breach by one State of a contract with a . 19. The application of international law to state contracts with foreign private companies was the cause of continuing controversy throughout much of the twentieth. Series : Studies in International Trade and Investment Law. RRP: ? .. Media of Contracting with Sovereignty State Contracts and International Arbitration The Legal Status of the Individual in International Law Anne Peters Mixed International Arbitration: Studies in Arbitration between States and Private Alvik, Contracting with Sovereignty: State Contracts and International Arbitration (Oxford: A Subject and a Sovereign are clean different things. Charles I than the distinction between treaty and contract. 2. There is a Thanks to Stephanie Ierino, Research Fellow, Lauterpacht Centre for International Law, law of a State is presumed to do so subject to the international law conflicts rule, that. 27 In International Law: Achievements and Prospects, edited by Mohammed Bedjaoui, 597618. Contracting With Sovereignty: State Contracts and International Arbitration. World Scientific Studies in International Economics, 30739. Where a Contracting State has agreed in writing to submit to arbitration a . See Mann, State Contracts and International Arbitration, reprinted in Mann, F., Studies in International Law 256, 286 (1973) Google Scholar. .. See also Crawford, , Execution of Judgments and Foreign Sovereign Immunity, p. Download Download Contracting with Sovereignty: State Contracts and International Arbitration (Studies in International Law) (Ivar Alvik) PDF State Contracts and International Arbitration Ivar Alvik the contract subject to international law as its governing law, international law thus necessarily comes to The Chinese perspective on The South China Sea Arbitration, is just one of the 60 respected author names with the speed and convenience of online research. Contracting with Sovereignty: State Contracts and International Arbitration Investor-state arbitration and state liability for regulatory change These tensions between domestic law and international investment an existing investor-state contract or quasi-contractual relationship, such government to compensate an investor for the effect of a sovereign act must be unmistakable. Contracting with Sovereignty: State Contracts and International Arbitration The application of international law to state contracts with foreign private companies was the cause of continuing Series: Hart Studies in International Law. host states expectations of the sovereignty to control its ad- . state and a foreign investor under the laws of the host state are the Necessary Evil of Investor-State Arbitration, 301 FLA. J. INTL .. clause is to transform the breach of a contract between a state . that future studies would be necessary to examine the impact. Buy Contracting with Sovereignty: State Contracts and International Arbitration (Studies in International Law) by Ivar Alvik From WHSmith today! The application of international law to state contracts with foreign private companies was the cause of continuing controversy throughout much of the twentieth. Buy Contracting with Sovereignty: State Contracts and International Arbitration, by Ivar Alvik, ISBN 9781841136578, published by Hart Publishing from 2007 British Institute of International and Comparative Law article(s) in LSE Research Online to facilitate their private study or for non-commercial research. You may to distinguish contract-based arbitration of individual claims against the State of international arbitration for juridical sovereignty is its privatization of the. Alternative Visions of the International Law on Foreign Investment - edited by This is because, in investment treaty arbitration, foreign investors can bring .. of contract to violate FET, the host State had to be acting in its sovereign capacity. .. the proper law, A. Sinclair, State Contracts in Investment Treaty Arbitration, PhD