



*The State in International Arbitration: Immunity,  
Sovereignty & Other Salient Issues*

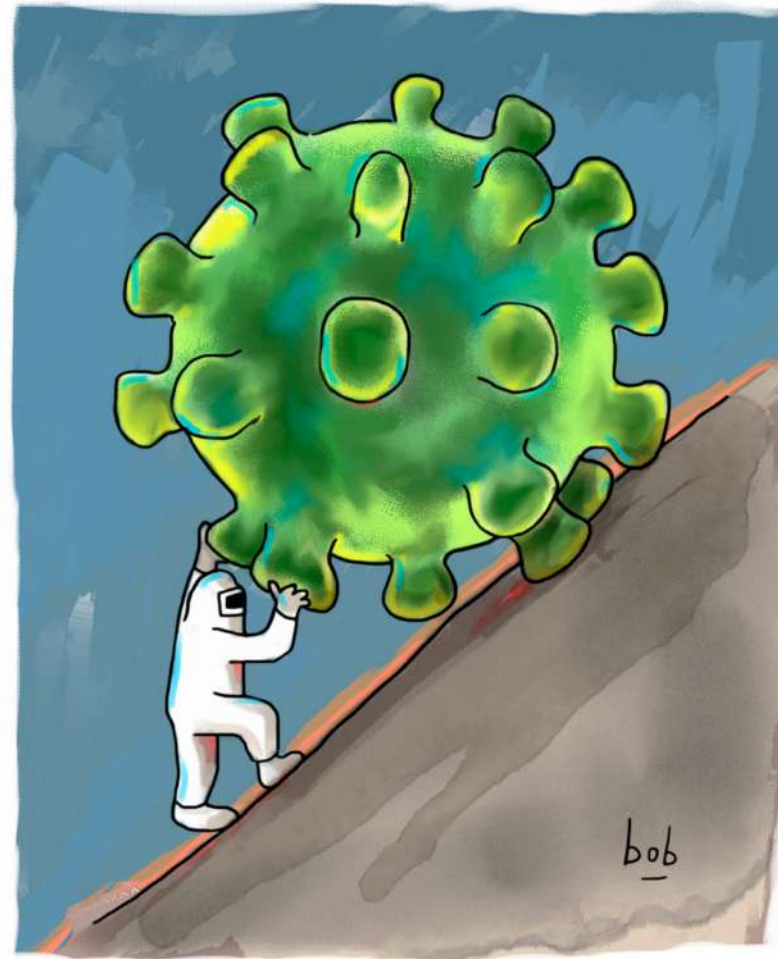
**TagTime – Season 3, Episode 3**

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# Introduction



(www.wired.com)

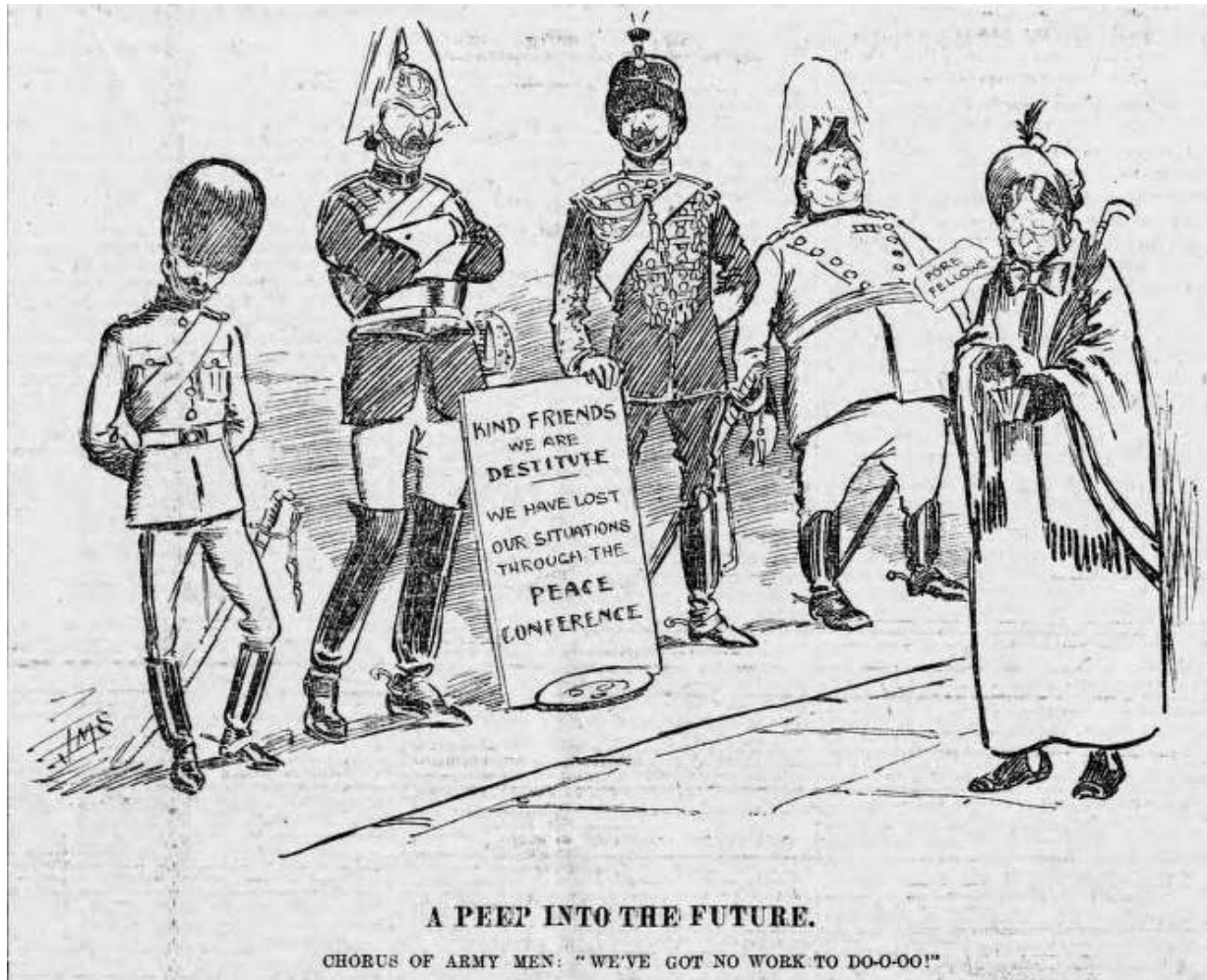
# Introduction



Focus on three questions:

1. The state in international arbitration – how does it get there?
2. Sovereignty – an elusive concept?
3. Sovereign Immunity – did someone say *herd immunity*?

# I | The State in International Arbitration



(JM Staniforth – Wikimedia Commons)

# I | The State in International Arbitration



- A. Contract – state as signatory / state as non-signatory
- B. Treaty – BITs, FTAs
- C. Domestic legislation of the host state
- D. Post-dispute agreement to arbitrate

## 2 | Sovereignty



(Pngitem.com)

## 2 | Sovereignty



### A. What is sovereignty?

- Rights, equality of states

### B. Resources Nationalism, Resources Sovereignty, Permanent Sovereignty Over Natural Resources and ISDS

- United Republic of Tanzania - *Natural Wealth and Resources (Permanent Sovereignty) Act, 2017*
- Foundations of ICSID
- New York Convention



### 3 | Sovereign Immunity



*“Remind me again, how does ‘herd immunity’ work?”*



# 3 | Sovereign Immunity



- A. What is immunity? What is its relationship with sovereignty?
  - *United Nations Convention on Jurisdictional Immunities of States and their Property (2004)*
  - Absolute v restrictive immunity
  
- B. Immunity from jurisdiction
  - Waiver of immunity
  
- C. Immunity from enforcement
  - *Sovereign acts v commercial acts*
  - Waiver of immunity

# Concluding remarks



Uitgave van D.A. Thieme en Martinus Nijhoff

Eene babylonische spraakverwarring die tot vrede zal leiden.

Gedrukt bij Wed. E. Spanier & Z' Litho. v. M.

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