

ARTICLES

THE LEGAL AND PRACTICAL CONSTRAINTS OF USING COMMERCIAL ARBITRATION TO HANDLE INVESTMENT DISPUTES

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ABSTRACT

This article deals mainly with investor-state arbitration, particularly its form and how disputes are handled by commercial arbitration institutions or through the commercial arbitration model. From the legal as well as practical perspective, the author tries to find whether there is any constraint. The legal issues starting from treaties, consent, the nature of dispute, and jurisdiction are well-discussed in the first four parts of this article, while practical issues, which are divided into procedure and enforcement, can be found in part VI. The author finally concludes that constraints do not exist theoretically, but may appear in a practical way, however with possible solutions to overcome such constrains.

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