

Kleinheisterkamp on Dallah v Pakistan

Jan Kleinheisterkamp, Senior Lecturer in Law at the London School of Economics, has written an article dealing with the much commented “Dallah v. Pakistan” case. The article has been published in *The Modern Law Review* 75 (2012), pp. 639-654. The abstract reads as follows:

This note analyses the reasoning of the English and French courts in Dallah Real Estate and Tourism Holding Co v Ministry of Religious Affairs, Government of Pakistan, in which an arbitral tribunal had accepted jurisdiction over the Government of Pakistan on the basis of an arbitration agreement concluded by a trust that was created, controlled, and then extinguished by the Government. It highlights the English courts’ clarifications on the degree to which arbitral awards should benefit from the presumption of validity at the stage of enforcement and discusses how the cultural background of the English and French judges – and of the arbitrators – drove them to come to contradictory results. Moreover, it argues that both judges and arbitrators, owing to the way the parties framed their arguments, probably missed the proper solution of the case.