

October 2020 Issue of International and Comparative Law Quarterly

The October 2020 issue of *International and Comparative Law Quarterly* was recently published. It features two articles on private international law:

S Donnelly, “Conflicting Forum-Selection Agreements in Treaty and Contract” (2020) 69 *International and Comparative Law Quarterly* 759 - 787.

When an investor submits a claim to arbitration under a treaty that falls within the scope of an existing, contractual forum-selection clause between it and the host State, which prevails: the agreement to arbitrate under the treaty or the contractual clause? This is a vexed and commonly arising question. This article argues that by placing it in the context of both private and public international law and reasoning from first principles it is possible to arrive at a coherent, reliable and satisfactory approach. The true question is whether the contractual clause is a waiver of the investor’s right to recourse to an investment tribunal.

TC Hartley, “Recent Developments under the Brussels I Regulation” (2020) 69 *International and Comparative Law Quarterly* 779 - 790.

This article considers recent CJEU case law on the Brussels I Regulation. Two aspects of Article 7(1) (which applies to matters relating to a contract) are considered: the first is whether the contract must be between the parties to the case; the second is whether membership of an association should be regarded as constituting implied consent to be bound by decisions of the association so that jurisdiction to enforce them may be taken under Article 7(1). The article also discusses recent case law on who counts as a ‘consumer’ in terms of Article 17.