

SUMMARY

States and the state entities they establish are important participants in international economic relations. Despite the fact that states have long been widely involved in international trade and thus also in international commercial arbitration, problems arising from this continue to persist.

The subject of this doctoral dissertation is the issue of the state's participation in international commercial arbitration. Its aim is to determine the characteristics of international commercial arbitration with the participation of a state and whether the state's participation impacts proceedings in terms of procedure, conflict of laws and substantive law and, if so, the extent of such impact.

The main hypothesis of this dissertation is that the state's participation in international commercial arbitration does have an impact on arbitration proceedings, in terms of their procedure as well as conflict of laws and applicable substantive law, and, therefore, international commercial arbitration involving a state differs from proceedings solely involving private entities in several significant aspects.

In this doctoral dissertation, I analyse whether the state's participation in international commercial arbitration impacts the law which will apply to the assessment of the legal relationship giving rise to the claim, in particular whether norms of both domestic and international public law will apply. Additionally, I also examine the key legal aspects of the state's consent to arbitration, including defences commonly raised by states, such as lack of capacity to conclude an arbitration agreement or other defences concerning the arbitrability of the dispute in question or jurisdictional immunity. I also attempt to answer the question of whether the state may consent to arbitration through the actions of a state entity, even if such entity has separate legal personality. This dissertation concludes with

an analysis of procedural issues which arise where a state participates in arbitration.

The research question outlined above is, to a large extent, innovative. While academic literature has considered and extensively described the legal issues arising from the participation of states in international investment arbitration, relatively few publications have been devoted specifically to the issue of states' participation in international commercial arbitration.