Contents

References 54

Threading the Sovereign's Needle 1 A Philosophical Deconstruction of an Investor-State Tribunal's Authority to Award Interim Relief in Relation to Criminal Proceedings Alexander G. Leventhal Abstract 1 Keywords 1 Introduction 2 Foundations 4 a International Law Origins 5 b The Prima Facie Jurisdiction and Admissibility Condition 8 c The Merits Condition 12 Π Protected Rights 17 a No Right to Exclusivity 18 b The Right to Non-Aggravation of the Dispute and Preservation of the Status Quo 19 c The Right to Procedural Integrity 25 III Requirements 28 a Necessity 29 b Urgency 39 c Proportionality 41 Effect 46 a The Binding Effect of Interim Relief 46 b The Respondent State's Recourse against an Interim Measures Order The Consequences of Non-Compliance 49 a Enforcement before a State Court 50 b Enforcement before an Arbitral Tribunal 52