



The United Nations Convention on Jurisdictional Immunities of States and Their Property: A Commentary (Oxford Commentaries on International Law)

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State immunity, the idea that a state, including its individual organs, officials and other emanations, may not be proceeded against in the courts of another state in certain instances, has long been and remains a source of international controversy. Although customary international law no longer recognizes the absolute immunity of states from foreign judicial process, the evolution of the contemporary notion of restrictive state immunity over the past fifty years has been an uncoordinated and contested process, leading to disputes between states. The adoption, in 2004, of the United Nations Convention on Jurisdictional Immunities of States and Their Property has significantly contributed to reaching consensus among states on this fundamental question of international law.

This book provides article-by-article commentary on the text of the Convention, complemented by a small number of cross-cutting chapters highlighting general issues beyond the scope of any single provision, such as the theoretical underpinnings of state immunity, the distinction between immunity from suit and immunity from execution, the process leading to the adoption of the Convention, and the general understanding that the Convention does not extend to criminal matters. It presents a systematic analysis of the Convention, taking into account its drafting history, relevant state practice (including the considerable number of national statutes and judicial decisions on state immunity), and any international judicial or arbitral decisions on point.

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Editorial Review

Review

The Commentary edited by O'Keefe and Tams represents a useful tool in offering a quick response to the queries that an interpretation of the provisions might raise. The propos that The Commentary aims to clarify and not complicate the issues is maintained and the book constitutes a valuable contribution for scholars and practitioners. Natalino Ronzitti, Italian Yearbook of International Law

About the Author

Roger O'Keefe is a Senior Lecturer in Law and the Deputy Director of the Lauterpacht Centre for International Law at the University of Cambridge, as well as a Fellow and College Lecturer in Law at Magdalene College, Cambridge. He is the author of *The Protection of Cultural Property in Armed Conflict* (CUP, 2006) as well as of several articles on the immunities of states.

Christian J. Tams is Professor of International Law at the University of Glasgow (U.K.). He is a qualified lawyer in Germany (admitted 2005) and holds LL.M. and Ph.D. degrees from the University of Cambridge. His research in international law focuses on investment protection, the role of international courts and tribunals, and the law of State responsibility. In addition to his academic work, he has advised states in proceedings before the International Court of Justice (ICJ) and the International Tribunal for the Law of the Sea (ITLOS). He is a member of the German Court of Arbitration for Sports and of the ILA Committee on the Use of Force, and has held visiting appointments at universities in China, France and Lithuania. He is an editor of, inter alia, *The Convention on the Jurisdictional Immunities of States and Their Property: A Commentary* and *The Development of International Law by the International Court of Justice*.

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