

HISTORY OF THE IMMUNITY DOCTRINE IN THE INTERNATIONAL PRIVATE AND BUSINESS LAW



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Immunity at a Glance

States Mutual Relationship

- The existence of international relations
- Meeting the goals between States
- Rapid communication and IT world era

The Need of Protection

- State immunity doctrine
- Personal immunity and property immunity
- Practices and Treaties
 Governing Such Protection



The Main Problematic Issue

- From Absolute Immunity
 Doctrine Full protection on the basis of state sovereignty
- To Modern Immunity
 Concept (under the treaties)
 - restrictive immunity
- The Differ Implementation and Interpretation of Modern Immunity Concept
 - between the Civil Law & Common Law States and Developing & Developed States



Some Historical Remarks

19th Century 14th Century

Ancient India Era

There have been rules or norms regulate the relationship between kings or their kingdoms. Appear the wellknown term of "ambassador". They were given special protection and certain privileges, even not by law but by religious protection because of they came from religious leaders.

In europe, the sending of a m b a s s a d o r regulated by customary international law.

The relationship became formal, not in the matter of international relations but only in the matter of religious activities. Practiced by Vatikan who sent its representative (Pope representative) around the world.

UN Conferrence of Diplomatic Privileges and Relations established Vienna Convention on Diplomatic Relations (2 March-14 April 1961)

1961

When Vienna Congress held in 1815, the present kings agreed to codified international customary law regarding international relations in written form of regulation. Protocol Aix-La-Chapelle (November 21st, 1818) become the first international treaty about diplomatic relations.

Way (research) forward

- Finding original construction and philosophy behind the immunity concept
- The adjustment of immunity on the business disputes involving state interests in ancient era
- An historical approach and analysis on the development of immunity since its beginning



