Jurisdictions of States

Your name

Affiliation

Q1. Every year more than four eighty thousand people die due to smoking in the United States. This high rate of deaths has forced the government to enforce strict rules in the state. FDA is playing an important role in imposing the laws of the court related to manufacturing, packaging, selling or distribution of the cigarettes. The case defined in the case study states that due to the usage of cigarettes manufactured by U.S multinational Dromedary Tobacco Company has caused lung cancer in more than twenty thousand people of Cancervania which brought a class action suit in the court of United States. According to the export laws stated by the United States and FDA the court of Virginia is not obligated to entertain the case demanded by Cancervania.

The law of Virginia clearly states that no cigarette should be packaged, manufactured or sold without the proper health warning issues. For the export of cigarettes, FDA and Virginia court laws say that the packaging and manufacturing of the cigarettes should strictly follow the laws of manufacturing stated by the foreign state. As Cancervania had no laws regarding the manufacturing or packaging of the cigarettes, hence Dromedary Tobacco Company has not violated any laws, and the court of Virginia is not obligated to entertain the case of Cancervania.

Q2. ICSID stands for International Center for the Settlement of Investment Disputes. It's a world's largest institution for the settlement of international investment dispute. In this case study state C and state D both notified ICSID that they consider all types of rules and regulation for investment disputes as arbitrable. Hence, both the states became the members of ICSID. The government of state D changed and refused to fulfill any agreements, and the new government of state D also refused to ICSID disputes relating to taxes as being arbitrable (Schreuer, 2009).

According to the laws or rules stated by ICSID that it can only resolve tax cases of those states who are the member of ICSID. As state D government was changed and the agreement of ICSID was with the old government hence, ICSID could not help state C. Even though ICSID asked for the agreement to the investments disputes as arbitrable, but the new government refused to sign it. On the other hand, state C can sue state D in international court because a treaty or agreement was rejected by the state D.

References

Schreuer, C. H. (2009). *The ICSID Convention: a commentary*. Cambridge University Press.