

Writing #2

Law



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March An exclusive choice of court agreement in the treaty is an agreement between two or more parties concerning legal matters that may arise or exist already to ensure that they are solved. Nothing among the two parties and or states should be affected. They should remain immune and able to access their privileges. This agreement also means that the parties may decide what court among their states is to handle their disputes as their legal court and to make rulings. Upon decision, this has to be documented to avoid refuting judgments by other courts. The rights in both nations are not to be tampered with.

The judgment in one country has to be recognized in the other. Italy for example in this case would have to recognize rulings from the court in the United States. This is because the court agreed upon and documented cannot be refuted unless there are grounds to show that it was not valid or lawful in either two states. The solving of disputes having been rendered to a particular state and court in writing shows that the other must recognize their rulings, foreign or not.

A court may refuse to recognize or enforce a judgment if the agreement does not fall under the state of law of the country. This would mean that it is null and void. It would also be the case if the judgment was obtained through fraud. It would also be refuted if the defendant was not informed prior in order to create defense. If the judgment is not consistent with other rulings concerning the same parties, then it is refutable.

References

Exclusive Choice of Court Agreements: Draft Hague Convention: Working Document. Place of publication not identified: publisher not identified, 2005.
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Nielsen, Peter A. " Exclusive Choice of Court Agreements and Parallel Proceedings." *A Commitment to Private International Law: Essays in Honour of Hans Van Loon: Mélanges En Lhonneur De Hans Van Loon.* (2013): 409-420.