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Construction Disputes as Treaty Claims: A Claim by Another Name – *Leon Firios and
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This article considers how and when a contractor engaged in an international construction project may pursue claims directly against the project’s host state under an international investment treaty. Investment-treaty arbitration may be attractive when the contractual dispute-resolution mechanisms are frustrated or unavailable, or for broader strategic reasons. The approach to treaty arbitration is not a matter of last resort but rather a path that is well-trodden, and may well lead to recovery. The article concludes with a practical guide, in the form of a flowchart, about the availability of treaty claims in construction disputes. 469

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