

**Vladislav Djanic, 'Beyond Dispute Resolution: Historical Private-Public Arbitration as Governance'**

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**PROPOSITIONS**

1. Private-public arbitration has had a long-standing, consistent, and wide-spread historical presence.

2. Despite their established tradition, historical disputes arbitrated directly between private and public entities have hitherto received little scholarly attention, whereas the anecdotal analyses of a few singular historical private-public arbitrations that do exist are manifestly insufficient for telling over-arching narratives about the history of the discipline.

3. In the absence of a systematic overview of the history of the discipline, in contemporary scholarship private-public arbitration is presumed to have predominantly been, until relatively recently, little more than a private mechanism for settling disputes between the two directly concerned parties.

4. Relatedly, in contemporary scholarship the governance role of present-day private-public arbitration, including most notably in treaty-based investor-state arbitration, is equally presumed to be a radical innovation that significantly departs from previous practice.

5. In contrast to such presumptions and on the basis of what is believed to be the most comprehensive exploration to date of the historical practice of private-public arbitration, this thesis reveals that its role in governance has been a relatively persistent yet key feature of historical private-public arbitration.

6. The governance role of historical private-public arbitration was complex and multifaceted; *inter alia*, it included the following main modalities: (i) influencing the cost of governance, (ii) directing public entity conduct and (iii) contributing to the development of the normative architecture governing private-public relations.

7. The findings of this thesis thus point to a need for reassessing the novelty narrative that has almost invariably accompanied the scholarly discussions about the governance role of treaty-based investor-state arbitration, as well as for a further exploration of whether, and to which extent, governance is also at the present taking place through contract-based private-public arbitration.