

Consent In International Arbitration Oxford International Arbitration

The Oxford Handbook of International Arbitration CONSENT IN INTERNATIONAL ARBITRATION 2ND ED. Treaty Interpretation in Investment Arbitration Oxford International Arbitration Series Interest in International Arbitration Emergency Arbitration The Evolution of International Arbitration Multiple Party Actions in International Arbitration A Guide to General Principles of Law in International Investment Arbitration Third Parties in International Commercial Arbitration Damages in International Arbitration Under Complex Long-term Contracts Damages in International Arbitration under Complex Long-term Contracts International Investment Arbitration Tribunal Secretaries in International Arbitration Consent in International Arbitration Damages in International Arbitration Under Complex Long-Term Contracts Corruption in International Investment Arbitration Procedural Issues in International Investment Arbitration Choice of Venue in International Arbitration International Arbitration Thomas Schultz ANDREA MARCO. STEINGRUBER J. Romesh Weeramantry Matthew Secomb Cameron Sim Alec Stone Sweet Patrick Dumberry Stavros L. Brekoulakis Herfried W[§] ss Herfried W[§] ss Campbell McLachlan J. Ole Jensen Andrea M. Steingruber Herfried W[§] ss Aloysius P. Llamzon Jeffery Commission Michael Ostrove Carnegie Endowment for International Peace

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this handbook brings together many of the key scholars and leading practitioners in international arbitration to present and examine cutting edge knowledge in the field innovative in its breadth of coverage chapter topics range from the practicalities of how arbitration works to big picture discussions of the actors involved and the values that underpin it the book includes critical analysis of some of international arbitrations most controversial aspects whilst providing a nuanced account overall that allows readers to draw their own informed conclusions the book is divided into six parts after an introduction discussing the formation of knowledge in the field part i provides an overview of the key legal notions needed to understand how international arbitration technically works such as the relation between arbitration and law the power of arbitral tribunals to make decisions the appointment of arbitrators and the role of public policy part ii focuses on key actors in international arbitration such as arbitrators parties choosing arbitrators and civil society part iii examines the central values at stake in the field including efficiency legal certainty and constitutional ideals part iv discusses intellectual paradigms structuring the thinking in and about international arbitration such as the idea of autonomous transnational legal orders and conflicts of law part v presents the empirical evidence we currently have about the operations and effects of both commercial and investment arbitration finally part vi provides different disciplinary perspectives on international arbitration including historical sociological literary economic and psychological accounts

this systematic and comprehensive analysis of the interpretation of treaties in investment arbitration presents a wealth of material and a thorough assessment of the practice of foreign investment arbitral tribunals

interest plays a vital and increasing role in international arbitration proceedings with almost every case having an element of interest involved however until now the topic has received very little attention meaning that arbitrators have had very little concrete foundation on which to judge decisions on interest awards this book is the first authoritative guidance to address this providing a uniform approach to the awarding of interest in international arbitration interest in international arbitration aligns arbitrators decisions with standard commercial practice offering a practical and logical approach to how interest should be awarded it sets out traditional approaches that arbitrators have followed in the past such as using conflict of law to apply a statutory rate from a given law or awarding instead a subjectively reasonable rate and examines how these inconsistent approaches have resulted in a variety of awards and decisions the author uses this analysis as a basis for a uniform approach to the issue granting compound interest at appropriate rates unless constrained by truly mandatory law the author sets out the calculation method explores the benefits and limitations and presents a thorough argument for the movement toward a uniform approach to interest awards

emergency arbitration provides clear and authoritative guidance on the practice and theory of this increasingly utilised procedure by examining the leading emergency arbitration rules the book identifies a common procedural framework for the commencement conduct and decision making process in an emergency arbitration this framework is developed through the articulation of the fifteen principles of emergency arbitration these are aimed at giving parties greater control and certainty in bringing and defending applications for emergency measures the book combines a practical approach including the use of flowcharts and tables with in depth analysis of important issues arising in emergency arbitration

the development of international arbitration as an autonomous legal order comprises one of the most remarkable stories of institution building at the global level over the past century today transnational firms and states settle their most important commercial and investment disputes not in courts but in arbitral centres a tightly networked set of organizations that compete with one another for docket resources and influence in this book alec stone sweet and florian grisel show that international arbitration has undergone a self sustaining process of institutional evolution that has steadily enhanced arbitral authority this judicialization process was sustained by the explosion of trade and investment which generated a steady stream of high stakes disputes and the efforts of elite arbitrators and the major centres to construct arbitration as a viable substitute for litigation in domestic courts for their part state officials as legislators and treaty makers and national judges as enforcers of arbitral awards have not just adapted to the expansion of arbitration they have heavily invested in it extending the arbitral order's reach and effectiveness arbitration's very success has nonetheless raised serious questions about its legitimacy as a mode of transnational governance the book provides a clear causal theory of judicialization original data collection and analysis and a broad relatively non technical overview of the evolution of the arbitral order each chapter compares international commercial and investor state arbitration across clearly specified measures of judicialization and governance topics include the evolution of procedures the development of precedent and the demand for appeal balancing in the public interest legitimacy debates and proposals for systemic reform this book is a timely assessment of how arbitration has risen to become a key component of international economic law and why its future is far from settled

this book provides the actors involved in investor state arbitration with a set of comprehensive guidelines to better understand the nature meaning and function of general principles of law in the field of international investment law

this volume addresses the role and the interests of third parties in international arbitration through a clear overview and in depth critical commentary the book explores existing case law and its related academic literature as well as offering an insight into more practical concerns

damages are a topic of central importance in international arbitration being very often the principal concern of the parties and an indication of the performance of their counsel they are also one of the

most complex topics this book addresses the many competing factors that contribute to their nature and amount while they are compensatory they may be subject to counterclaims and set offs affected by failures to mitigate or inflated by considerations such as interest and costs

this is a detailed analysis of the legal and financial matters arising from the formulation of claims to the award of damages and loss of income in the case of breach of long term complex contracts in international arbitration it tackles the challenges of structuring claims and awarding damages with focused examination of the but for method

arbitration of international investment disputes is one of the fastest growing areas of international dispute resolution this book surveys the substantive principles which are being applied to disputes by international investment tribunals

tribunal secretaries in international arbitration adopts a transnational approach to systematically answer questions about tribunal secretaries often discussed but thus far unresolved with useful analysis and practical guidelines it is an essential tool for all practitioners and academics involved in international arbitration

examining the notion nature and extent of consent in both commercial arbitration and investment arbitration this book provides practitioners and academics with a thorough case related analysis of an issue which raises many questions whilst considering the evolution of arbitration and its consensual nature enlargement of the parties freedom to consent to arbitration and development from commercial arbitration to investment arbitration it addresses important theoretical questions to offer practical solutions these include how consent to arbitrate is expressed and when mutual consent to arbitration is reached which law shall govern the arbitration agreement or more particularly consent as an element of the substantive validity of it and conversely according to which law will a possible lack of consent be judged how consent should be interpreted which relationship exists between consent as part of the substantive validity of an arbitration agreement and its formal validity which if any are the implied terms when consenting to arbitration how consent to arbitrate influences procedural aspects counterclaims joinder consolidation and which solutions adopted by treaties national laws or arbitration rules are or would be the most respectful of parties consent in this respect what in investment arbitration is the relationship between consent and most favoured nation clauses or the influence of umbrella clauses the book includes original arguments and puts forward new suggestions with regard to the changeable consensual character of arbitration it also provides a particular focus on problems that frequently arise in practice of international arbitration for example issues related to complex multiparty arbitration and to jurisdictional questions in investment arbitration

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this text presents a study on corruption in international investment arbitration the book considers the limited effectiveness of efforts to combat transnational corruption in international law and the emergence of international investment arbitration as a singular means for effective control of corruption within the international legal order the case law on corruption by investment tribunals is studied exhaustively jurisprudential trends are identified and reforms aimed at enhancing the effectiveness and fairness of investment arbitration as a mechanism to combat corruption are proposed

procedural issues are an area of increasing complexity and concern in modern investment arbitration and one in which very little guidance currently exists indeed there are a number of important points of departure from the procedural rules commonly adopted in the context of international commercial arbitration this book address this gap examining the most prevalent and controversial procedural issues that arise in investment arbitrations conducted under the icsid uncitral and other arbitral rules this book takes the reader through an investment arbitration in chronological order identifying each key procedural issue in turn and providing details of the relevant precedents it charts the process of an arbitration from applicable law and first sessions right through to post hearing applications and costs

the first comparative book exploring the relative merits of arbitral seats worldwide this work is both a tool for strategic choice of venue and a companion for practitioners in unfamiliar jurisdictions expert analysis of the history and development of arbitration is coupled with guidance on the practical realities of all major venues

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