

Redfern And Hunter On International Arbitration

International Arbitration: Law and Practice (Second Edition) provides a comprehensive coverage of the basic principles and legal doctrines, and the practice, of international arbitration. It contains a systematic and concise treatment of all aspects of the arbitral process, including international arbitration agreements, international arbitral proceedings and international arbitral awards. The book addresses both international commercial arbitration and the related fields of investment and state-to-state arbitration, and is essential reading for any student of international arbitration and any practitioner seeking a complete introduction to the field.

Accolades for Gary B. Born and's International Commercial Arbitration (2009 and 2nd ed. 2014), recipient of the American Society of International Law and's 2010 Certificate of Merit: and "An unparalleled book on the law, practice and theory of international commercial arbitration and... indispensable for both practitioners and academics." Professor Jack L. Goldsmith III, Harvard Law School and "Stunningly comprehensive, accessible, and bristling with insights: the definitive text on international arbitration." Professor Harold Hongju Koh, Yale Law School and "A monumental work of legal scholarship." Professor Campbell McLachlan, Victoria University of Wellington and "An extraordinary combination of both practical experience and academic analysis." Professor Dr. Daniel Girsberger, University of Lucerne

"Arbitration and mediation in international business was first published in 1996 and was one of the first comprehensive studies on the practice of international business dispute resolution, covering both international commercial arbitration and the so-called 'alternative' techniques such as mediation. The book also provided an empirical analysis of how both arbitration and mediation are conducted in a crossborder context, along with a normative guide to the relative costs and benefits of these two methods. This second edition is not just an updated version of the first edition but a new book in itself: Benefitting from the contributions of two co-authors, the work has been enhanced by discussions of innovative tools for making settlement negotiations more effective, and by the in-depth analysis of practical techniques to integrate mediation and arbitration in international business. Also, a comprehensive new empirical survey was conducted in order to capture new trends in this rapidly developing field. The result is a 'must have' resource for anyone having to deal with potential conflict in international business relationships." --Publisher's website.

International courts and tribunals make decisions which shape international law. Yet what grants them the legitimacy to make these decisions in the first place? This book proposes a theory of international public law that argues that these international courts democratically derive their legitimacy from the people and citizens.

This book provides a clear understanding of the nuts and bolts of valuation approaches for business investments, including market, income and asset-based methods. It reviews tools that arbitrators may employ to reach their final compensation assessment on a principled basis. The book and's many practical recommendations explore the decision making processes entailed in three central aspects of the arbitrator and's role: and • advance planning to enhance understanding of expert valuation evidence; and • identification of and "apples-to-oranges" miscomparisons; and and • recognition of the true comparability between the business at issue and other examples offered in the expert evidence. The presentation focuses not only on the legal standards applicable to the valuation (full or adequate compensation, reparations, restitution, actual loss, fair market value, fair or reasonably equivalent value, lost profits, etc.), but also on the informed judgment and reasonableness that must enter into the process of weighing the facts of each case and determining its aggregate significance. The book considers common valuation methods like discounted cash flows, adjusted present values, capitalized cash flows, adjusted book values and comparable sales and transactions. Additionally, it addresses means for arbitrators to assess expert valuation evidence in complex business investment disputes. andquot;Best book 2008 of the OGEMID awards!andquot;

This leading commentary on international commercial arbitration, now in its sixth edition, is an essential guide for arbitrators, lawyers, and students. Based on the authors' extensive experience as counsel and arbitrators, it provides an updated explanation of all elements of the law and practice of arbitration. This text provides an authoritative guide to the international arbitral process, from the drafting of the arbitration agreement to the enforcement of arbitral awards. The sixth edition has been updated to incorporate reference to the latest significant developments in the field such as the new LCIA, ICC and UNCITRAL Rules and new IBA Guidelines. There will also be an increased reference to international arbitral authority and practice from beyond Europe (China, India, and the US). Following the chronology of an arbitration, the book covers applicable laws, arbitration agreements, the establishment and powers of a tribunal, the conduct of proceedings and the role of domestic courts. In addition, it provides an in-depth examination of the award itself, and comments on the special considerations applying to arbitrations brought under investment treaties. It draws on examples of the rules and practice of arbitration at the International Chamber of Commerce, the London Court of International Arbitration, the American Arbitration Association, the International Centre for Settlement of Investment Disputes and the United Nations Commission on International Trade Law. New to this edition Updated to incorporate reference to all of the latest significant developments in the field Contains substantive coverage of the new LCIA, ICC and UNCITRAL Rules and new IBA Guidelines Provides increased reference to international arbitral authority and practice from beyond Europe including China, India and the US

The Leading Arbitrators' Guide to International Arbitration Third Edition offers thoughtful advice and insights into the world of international arbitration from some of the most prominent and experienced international arbitrators in the world. The contributors are arbitrators from Australia, Belgium, Canada, Chile, Denmark, England, France, Germany, Italy, The Netherlands, Italy, Spain, Sweden, Switzerland and the USA. The contributors offer insights and advice on the way in which international arbitrations are carried out from the point of view of arbitrators reading pleadings and memorials and listening to witnesses and hearing arguments. The authors' discussions are intended to be thoughtful, insightful and useful - and perhaps, occasionally, iconoclastic. As a result, there may be instances in which the authors disagree with one another on certain points. This is to be expected for there are often many routes that can be taken to achieve a result. The book will be useful not only to persons who may serve as arbitrators in international arbitral proceedings but also to those who may, in their position as advocates, wish to persuade persons -- including, perhaps, the authors.

Providing a wide focus on financial techniques and sector coverage on an international scale, this book gives a thorough treatment of the basic principles which affect the structuring and documentation of project financings. It studies structural, legal and contractual differences between the different sectors using project financing techniques.

A clear and accessible introduction to one of the fastest growing and most highly debated spheres of international law.

This is the first work to provide clear guidance on the increasingly utilized procedure of emergency arbitration. Setting out the procedural

frameworks common to the leading emergency arbitration rules and establishing fifteen common principles, it provides greater control and certainty in bringing and defending applications for emergency measures.

V.3: " ... provides a detailed discussion of the issues arising from international arbitration awards. It includes chapters covering the form and contents of awards; the correction, interpretation and supplementation of awards; the annulment and confirmation of awards; the recognition and enforcement of arbitral awards; and issues of preclusion, *lis pendens* and *stare decisis*."--Descripción del editor.

This book provides an ideal introduction to the fundamentals of international investment law and dispute settlement for students or practitioners. It combines a systematic analytical study of the texts and principles underlying investment law with a jurisprudential analysis of the case law arising in international tribunals.

Investor-State Arbitration describes the increasing importance of international investment and the necessary development of a new field of international law that defines the obligations of host states and creates procedures for resolving disputes. The authors examine the international treaties that allow investors to proceed with the arbitration of their claims, describe the most-commonly employed arbitration rules, and set forth the most important elements of investor-State arbitration procedure - including tribunal composition, jurisdiction, evidence, award, and challenge of annulment. The authors trace the evolution and rapid development of the field of international investment, including the formation of the International Center for the Settlement of Investment Disputes (ICSID), and the more than 2,000 bilateral investment treaties, most of which were entered into in the last twenty years. The authors explain how this development has led to far greater certainty for foreign investors in dealing with their host countries, as well as how it has incentivized growth in international trade and commerce.

Provides a review of the process of international commercial arbitration from beginning to end - from the drafting of the arbitration agreement to the enforcement of the arbitral tribunal's award. The book demonstrates how the flexibility of international commercial arbitration can be used efficiently and how such arbitrations should be conducted in order to be cost effective. It advises on suitable places of arbitration, review developments in international trade law and analyzes the achievements and opportunities of the UNCITRAL Model Law.

Academic Paper from the year 2018 in the subject Law - Miscellaneous, grade: A, , course: MASTER OF LAWS IN OIL AND GAS, language: English, abstract: Generally, in simple terms, it is agreed that disputes subjected to neutral parties for determination must come to an end. It is also the position of the law that a dispute between parties, once determined by a competent neutral party, shall not resurface before another neutral party between the same disputing parties and on the same issues or cause of action as the case may be except where an appeal or application to the same court level or higher court is allowed by law. The law calls this *res judicata*. In International Arbitration the principle is not any different except that it is developed to fit the transnational nature of disputes.

International Arbitration and the COVID-19 Revolution Edited by Maxi Scherer, Niuscha Bassiri & Mohamed S. Abdel Wahab The impact of the COVID-19 pandemic on all major economic sectors and industries has triggered profound and systemic changes in international arbitration. Moreover, the fact that entire proceedings are now being conducted remotely constitutes so significant a deviation from the norm as to warrant the designation 'revolution'. This timely book is the first to describe and analyse how the COVID-19 crisis has redefined arbitral practice, with critical appraisal from well-known practitioners of the pandemic's effects on substantive and procedural aspects from the commencement of proceedings until the enforcement of the award. With practical guidance from a variety of perspectives – legal, practical, and sector-specific – on the conduct of international arbitration during the COVID-19 pandemic and beyond, the chapters present leading practitioners' insights into the unprecedented and multifaceted issues that arise. They provide expert tips and challenges in such practical matters as the following: preventing and resolving disputes of particular types – construction, energy, aviation, technology, media and telecommunication, finance and insurance; arbitrator appointments; issues of planning, preparation and sample procedural orders; witness preparation and cross-examination; e-signature of arbitral awards; setting aside and enforcement proceedings; and third-party funding. Also included are an empirical survey of users' views and an overview of how the COVID-19 revolution has affected the arbitration rules of leading arbitral seats. With this timely and practical book, arbitration practitioners and scholars will gain up-to-date knowledge of sector-specific challenges brought about by the COVID-19 pandemic and approach arbitration proceedings with an understanding of the most important legal and practical considerations during the crisis and beyond.

Text of the treatise Law and Practice of International Commercial Arbitration, Fifth Edition, by Nigel Blackaby, Constantine Partasides, Alan Redfern and Martin Hunter, which covers the process of international commercial arbitration from the drafting of the arbitration agreement to the enforcement of the arbitration tribunal award, including a review of developments in international trade law and the effect of the Model Law on International Commercial Arbitration adopted by the United Nations Commission on International Trade Law (UNCITRAL). Westlaw UK Help - About Books.

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.

International Commercial Arbitration in New York focuses on the distinctive aspects of international arbitration in New

York. Serving as an essential strategic guide, this book allows practitioners to represent clients more effectively in cases where New York is implicated as either the place of arbitration or evidence or assets are located in New York. Each chapter elucidates a vital topic, including the existing New York legal landscape, drafting considerations for clauses designating New York as the place of arbitration, and material and advice on selecting arbitrators. The book also covers a series of topics at the intersection of arbitral process and the New York courts, including jurisdiction, enforcing arbitration agreements, and obtaining preliminary relief and discovery. Class action arbitration, challenging and enforcing arbitral awards, and biographical materials on New York-based international arbitrators is also included, making this a comprehensive, valuable resource for practitioners.

Arbitration is the normal and preferred mode for resolving international commercial disputes. It presents an essential advantage over national courts by offering neutrality of adjudication, but is currently only available where both parties have consented to it. This innovative book proposes a fundamental rethink of this assumption and argues that arbitration should become the default mode of resolution in international commercial disputes.

This leading commentary on international commercial arbitration, now in its sixth edition, is an essential guide for arbitrators and lawyers worldwide. Based on the authors' extensive experience as counsel and arbitrators, it provides an updated explanation of all elements of the law and practice of arbitration. This pack includes the hardback and an ebook version. This text provides an authoritative guide to the international arbitral process, from the drafting of the arbitration agreement to the enforcement of arbitral awards. The sixth edition has been updated to incorporate reference to the latest significant developments in the field such as the new LCIA, ICC and UNCITRAL Rules and new IBA Guidelines. There will also be an increased reference to international arbitral authority and practice from beyond Europe (China, India, and the US). Following the chronology of an arbitration, the book covers applicable laws, arbitration agreements, the establishment and powers of a tribunal, the conduct of proceedings and the role of domestic courts. In addition, it provides an in-depth examination of the award itself, and comments on the special considerations applying to arbitrations brought under investment treaties. It draws on examples of the rules and practice of arbitration at the International Chamber of Commerce, the London Court of International Arbitration, the American Arbitration Association, the International Centre for Settlement of Investment Disputes and the United Nations Commission on International Trade Law. For help with accessing the digital option of your pack please contact (for eBooks): lawebooks@oup.com and for the LawReader app: lawreader@oup.com

International Arbitration Law Library Volume 59 The eastward shift in international dispute resolution has already involved initiatives not only to improve support for international commercial arbitration (ICA) and investor-state dispute settlement (ISDS) but also to develop alternatives such as international commercial courts and mediation. Focusing on these initiatives and their accompanying case law and trends in the Asia-Pacific region, this invaluable book challenges existing procedures and frameworks for cross-border dispute resolution in both commercial and treaty arbitration. Specially assembled for this project, an outstanding team of experienced and insightful arbitrators and scholars describes pertinent developments including: ICA and ISDS in the context of China's Belt and Road Initiative; the Singapore Convention on Mediation; the shift to virtual hearings and other challenges from the COVID-19 pandemic; mistrust of the application of the rule of law in certain East Asian jurisdictions; growing public concern over ISDS arbitration; tensions between confidentiality and transparency; and potential regional harmonisation of the public policy exception to arbitral enforcement. The contributors chart evolving practices and high-profile cases to make informed observations about where changes are needed, as well as educated guesses about the chances of reforms being successful and the consequences if they are not. The main jurisdictions covered are China, Hong Kong, Japan, Malaysia, India, Australia and Singapore. The first in-depth study of recent trends in dispute resolution practice related to business in the Asia-Pacific region, the book's practical analysis of new resources for dealing with the increasing competition among countries to become credible regional dispute resolution hubs will prove to be of great value to specialists in the international business law sector. Lawyers will be enabled to make informed decisions on which venue and dispute resolution methods are the most suitable for any specific dispute in the region, and policymakers will confidently assess emerging trends in international dispute resolution policy development and treaty-making.

Attribution in International Law and Arbitration clarifies and critically discusses the international rules of attribution of conduct, particularly regarding their application to states under international investment law. It examines the key question of how and to what extent breaches of State obligations, particularly in respect of States' commitments to foreign investors under international investment agreements (IIAs) and bilateral investment treaties (BITs), can be attributed. Of special interest within this context is the responsibility of States when the alleged breach has been committed by separate legal entities, rather than the state itself. Under domestic law, entities such as state-owned enterprises (SOEs) are considered legally distinct, however the State may still be considered responsible for their actions under international law. The book addresses the relevant issues systematically, beginning with direct reference to the Draft Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA) on attribution, finalized by the International Law Commission (ILC) in 2001. It then elaborates on the specifics of international investment law, based on a detailed examination of practice and case law, whilst giving due consideration to the academic debate. The result is a full, innovative take on one of the most difficult questions in investment arbitration.

It often seems today that no dispute is barred from resolution by arbitration. Even the fundamental question of whether a dispute falls under the exclusive jurisdiction of a judicial body may itself be arbitrable. Arbitrability is thus an elusive concept; yet a systematic study of it, as this book shows, yields innumerable guidelines and insights that are of substantial value to arbitral practice. Although the book takes the form of a collection of essays, it is designed as a comprehensive commentary on practical issues that emerge from the idea of arbitrability. Fifteen leading academics and

practitioners from Europe and the United States each explore different facets of arbitrability always with a perspective open to international developments and comparative evaluation of standards. The presentation falls into two parts: in the first the focus is on the general features of arbitrability, its rationale and the laws applicable to it. In the second, arbitrability is specifically examined in the context of administrative, criminal, corporate, IP, financial, commercial, and criminal law. This book has its origins in an International Conference on Arbitrability held at Athens in September 2005. Seven papers presented there are here reviewed and updated, and nine others are added. The subject of the book and—arbitrability and— is one that is much talked about, but seldom if ever given the in-depth treatment presented here. Arbitrators and other practitioners in the field will welcome the way the analysis moves logically from theory to practice regarding every issue, and academics will recognize a definitive treatment of arbitrability as understood and applied in the settlement of disputes today.

International arbitration has developed into a global system of adjudication, dealing with disputes arising from a variety of legal relationships: between states, between private commercial actors, and between private and public entities. It operates to a large extent according to its own rules and dynamics - a transnational justice system rather independent of domestic and international law. In response to its growing importance and use by disputing parties, international arbitration has become increasingly institutionalized, professionalized, and judicialized. At the same time, it has gained significance beyond specific disputes and indeed contributes to the shaping of law. Arbitrators have therefore become not only adjudicators, but transnational lawmakers. This has raised concerns over the legitimacy of international arbitration. Practising Virtue looks at international arbitration from the 'inside', with an emphasis on its transnational character. Instead of concentrating on the national and international law governing international arbitration, it focuses on those who practice international arbitration, in order to understand how it actually works, what its sources of authority are, and what demands of legitimacy it must meet. Putting those who practice arbitration into the centre of the system of international arbitration allows us to appreciate the way in which they contribute to the development of the law they apply. This book invites eminent arbitrators to reflect on the actual practice of international arbitration, and its contribution to the transnational justice system.

This title provides the reader with immediate access to understanding the world of international arbitration. Arbitration has become the dispute resolution method of choice in international transactions. This book explains how and why arbitration works. It provides the legal and regulatory framework for international arbitration, as well as practical strategies to follow and pitfalls to avoid. It is short and readable, but comprehensive in its coverage of the basic requirements, including changes in arbitration laws, rules, and guidelines. In the book, the author includes insights from numerous international arbitrators and counsel, who tell firsthand about their own experiences of arbitration and their views of the best arbitration practices. Throughout the book, the principles of arbitration are supported and explained by the practice, providing a concrete approach to an important means of resolving disputes.

This classic work provides students with a clear and authoritative explanation of the law and practice of international arbitration. Now in its fifth edition, this is an invaluable resource providing practical insight and guidance based on the authors' extensive experience as counsel and arbitrators.

Law and Practice of International Commercial Arbitration.

Arbitration is the most common mechanism for disputes' settlement in developing countries. Following the move to free market economies, arbitration will play an increasingly fundamental role in order to protect foreign investors in the Middle East and North African Region (MENA). This book examines the pulse and dynamics of international investment arbitration and the new era of mediation in state contracts in the region. The author explores the harmonization of international arbitration and the sensitive issue of *le Contrat Administratif* in Middle East civil law countries. The volume also discusses the pivotal role of international organizations such as UNCTAD and ICSID in codifying fair and prompt mechanisms for dispute settlement. Using Latin American countries as a prime example of how international legislative instruments serve international investment law principles and comparing Latin American experiences where appropriate, the book demonstrates how lessons can be learned in respect of alternative dispute resolution, international commercial arbitration and investor-states arbitration. It provides suggestions and recommendations for the future and includes useful appendices detailing recent worldwide trends, regional and international instruments in the arbitration world.

International Arbitration: Law and Practice (Third Edition) provides comprehensive and authoritative coverage of the basic principles and legal doctrines, and the practice, of international arbitration. The book contains a systematic, but concise, treatment of all aspects of the arbitral process, including international arbitration agreements, international arbitral proceedings and international arbitral awards. The Third Edition guides both students and practitioners through the entire arbitral process, beginning with drafting, enforcing and interpreting international arbitration agreements, to selecting arbitrators and conducting arbitral proceedings, to recognizing, enforcing and seeking to annul arbitral awards. The book is written in clear, accessible language, suited for both law students and non-specialist practitioners, as well as more experienced readers. This highly regarded work addresses both international commercial arbitration and the related fields of investment and state-to-state arbitration and is essential reading for any student of international arbitration and any practitioner seeking a complete introduction to the field. The Third Edition has been comprehensively updated to include recent legislative amendments, judicial decisions and arbitral awards. Among other things, the book provides detailed treatment of the New York Convention, the UNCITRAL Model Law on International Commercial Arbitration, all leading institutional arbitration rules (including ICC, SIAC, LCIA, AAA and others), the ICSID Convention and ICSID Arbitration Rules, and judicial decisions from leading jurisdictions. The Third Edition is integrated with the author's classic International Commercial Arbitration and with the online Born International Arbitration Lectures, enabling students, teachers and practitioners to explore particular topics in more detail. About the Author: Gary B. Born is the world's leading authority on international arbitration and litigation. He has practiced extensively in both fields in Europe, the United States, Asia and elsewhere. He is the author of International Commercial Arbitration (Kluwer Law International 3rd ed. 2021), International Arbitration and Forum Selection Agreements: Drafting and Enforcing (Kluwer Law International 6th ed. 2021), International Commercial Arbitration: Cases and Materials (Aspen 3rd ed. 2021) and International Civil Litigation in United States Courts (Aspen 6th ed. 2018).

The Oxford ILDC online database, an online collection of domestic court decisions which apply international law, has been providing scholars with insights for many years. This ILDC Casebook is the perfect companion, introducing key court decisions with brief introductory and connecting texts. An ideal text for practitioners, judges, government officials, as well as for students on international law courses, the ILDC Casebook explains the theories and doctrines underlying the use by domestic courts of international law, and illustrates the key importance of domestic courts in the development of international law.

International investment law and arbitration is a rapidly evolving field, and can be difficult for students to acquire a firm understanding of, given the considerable number of published awards and legal writings. The first edition of this text, cited by courts in Singapore and Colombia, overcame this challenge by interweaving extracts from these arbitral decisions, treaties and scholarly works with concise, up-to-date and reliable commentary. Now fully updated and with a new chapter on arbitrators, the second edition retains this practical structure along with the carefully curated end-of-chapter questions and readings. The authors consider the new chapter an essential revision to the text, and a discussion which is indispensable to understanding the present calls for reform of investment arbitration. The coverage of the book has also been expanded, with the inclusion of over sixty new awards and judicial decisions, comprising both recent and well-established jurisprudence. This textbook will appeal to graduates studying international investment law and international arbitration, as well as being of interest to practitioners in this area.

Reviewing the legal context within which international commercial arbitration operates, this text has been updated to reflect recent developments in international law.

Previous edition, 1st, published in 2004.

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