

## Investment And Commercial Arbitration Similarities And Divergences

Investment and Commercial Arbitration Cambridge Compendium of International Commercial and Investment Arbitration The Enforceability of the Interim Measures Granted by an Emergency Arbitrator in International Commercial Arbitration International Commercial Arbitration: Commentary and Materials The fundamentals of international commercial arbitration The Interpretative Practice of International Investment Arbitral Tribunals Set-off Defences in International Commercial Arbitration Law and Practice of International Arbitration in the CIS Region Comparison of International Arbitration Rules – 4th Edition Notes and Cases on Commercial Arbitration Under Philippine Law Business Resilience and Business Innovation for Sustainability Commercial Arbitration in the Caribbean Economics of Commercial Arbitration and Dispute Resolution Commercial Arbitration for the 1990s Theory and Practice of Multiparty Commercial Arbitration: With Special Reference to the UNCITRAL Framework Dispute Resolution and Lawyers How User Friendly are the Laws for International Commercial Arbitration The Journal of World Investment & Trade Proceedings of the American Society of International Law at Its ...annual Meeting A Report on Commercial Arbitration in England Christina Knahr Stefan Kröll Junmin Zhang Gary Born Niek Peters Claudia Salgado Levy Christiana Fountoulakis Kaj Hober Simpson Thacher & Bartlett LLP Arthur P. Autea Abdalmuttaleb M. A. Musleh Al-Sartawi Maurice J. Stoppi Orley Ashenfelter Richard James Medalie Isaak Dore Leonard L. Riskin American Society of International Law Samuel Rosenbaum

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Business Innovation for Sustainability Commercial Arbitration in the Caribbean Economics of Commercial Arbitration and Dispute Resolution Commercial Arbitration for the 1990s Theory and Practice of Multiparty Commercial Arbitration:With Special Reference to the UNCITRAL Framework Dispute Resolution and Lawyers How User Friendly are the Laws for International Commercial Arbitration The Journal of World Investment & Trade Proceedings of the American Society of International Law at Its ...annual Meeting A Report on Commercial Arbitration in England *Christina Knahr Stefan Kröll Junmin Zhang Gary Born Niek Peters Claudia Salgado Levy Christiana Fountoulakis Kaj Hober Simpson Thacher & Bartlett LLP Arthur P. Autea Abdalmuttaleb M. A. Musleh Al-Sartawi Maurice J. Stoppi Orley Ashenfelter Richard James Medalie Isaak Dore Leonard L. Riskin American Society of International Law Samuel Rosenbaum*

this book contains the contributions to the vienna arbitration forum on investment and commercial arbitration similarities and divergences which took place at the university of vienna law school in november 2008 the conference focused on topical issues in international investment arbitration and in commercial arbitration featuring speakers from academia as well as legal practices the vienna arbitration forum addressed controversial topics and explored similarities and divergences table of contents include consolidation of proceedings in international investment arbitration consolidation of proceedings in international commercial arbitration the limits of party autonomy in investment arbitration limits of party autonomy in international commercial arbitration the annulment of icsid international centre for settlement of investment disputes awards annulment of arbitral awards in international commercial arbitration independence impartiality and duty of disclosure in investment arbitration judicial approaches to arbitrator independence and impartiality in international commercial arbitration

the compendium like an encyclopedia contains entries for most of the foundational principles and concepts underlying arbitration each entry takes a holistic view of international arbitration as they tackle core concepts from both a commercial and an investment arbitration perspective focusing on the fundamental issues underlying the various topics rather than on the solutions adopted in any particular jurisdiction thus making the compendium a truly cross border transnational resource this innovative approach will allow readers to identify the commonalities as well as the differences between commercial and investment arbitration whether and where cross fertilization has taken place and what consequences it can have this approach allows the compendium to be a tool in promoting the creation of a culture of international arbitration that

considers commercial arbitration and investment arbitration as part of a whole but with certain distinct features particular to each

this timely book offers a comprehensive study of the emergency arbitrator mechanism that provides interim measures in international commercial arbitration before the constitution of an arbitral tribunal focusing on the enforceability of the interim measures granted based on the traditional legal doctrines of private international law international dispute resolution and arbitration law this book is featured mainly in comparative studies six leading arbitral institutions are chosen to conduct systematic research on applying the emergency arbitration rules to establish a general and common procedural framework for emergency arbitration in discussion normative and comparative law analyses investigate the status quo of available legal instruments used to recognize and enforce interim measures in emergency arbitration by examining international conventions and three representative chosen jurisdictions i e singapore mainland china and the usa following these two levels of comparison it highlights and examines the potential doctrinal and practical barriers that may impact the enforceability of interim measures rendered by an emergency arbitrator finally it proposes various approaches that could be used to improve the enforceability controversy and it offers innovative suggestions for further research this book is of particular relevance and interest to students researchers and practitioners in dispute resolution and arbitration law as well as policymakers legislators and arbitral institutions considering further reform in international arbitration

international commercial arbitration contains detailed commentary case analyses and practice pointers full annotations and footnotes provide invaluable research assistance while clearly written analyses identify and discuss critical issues representative international arbitral awards and national court decisions are excerpted and detailed reference is made to leading institutional rules detailed appendices an easy to use table of contents and an extensive index to aid research and provide ready access to key materials co publication with kluwer law international north american sales rights only published under the transnational publishers imprint for class adoption a student edition is available for 85 00 978 1 5710 5175 2 please contact the brill sales department to arrange an order

written from a comparative perspective with an eye for international conventions and instruments this book deals with the particulars of international commercial arbitration in an easily accessible manner it amongst others considers the characteristics of international commercial arbitration advantages and perceived disadvantages of international

commercial arbitration pros and cons of ad hoc and institutional arbitration laws applicable in international commercial arbitration essentials of the arbitration agreement and questions of arbitrability the establishment and composition of the tribunal the duty to disclose conflicts of interests and the challenge of arbitrators the end of the arbitrators mandate and their replacement the organisation of the arbitration powers duties and liability of arbitrators the jurisdiction of arbitrators the course of the arbitration proceedings from the request for arbitration to the award including questions of evidence and document production the form and contents of awards recognition enforcement and annulment of awards everything is presented practically and analytically amongst others drawing on case law different and the experience of the author where indicated national arbitration acts as well as various pre drafted arbitration rules are compared and differences are highlighted for those who want to get acquainted with international commercial arbitration or seek guidance with regard to a specific question that may arise in the course of an international commercial arbitration this book provides a convenient work

legal interpretation is crucial to striking the right balance between what a norm is or should be and its meaning as applied in a concrete case given the complex hybrid nature of investor state arbitration the act of interpretation acquires particular significance this far reaching work explores how investment arbitral tribunals accomplish their task of interpreting the different rules of law within the international investment framework and how they address the interpretative problems they face in its wide ranging coverage of the interpretative practice of international investment arbitral tribunals the author provides the following in depth analysis of how investment arbitral tribunals interpret multiple sources of law including treaties customary international law general principles national laws contracts and transnational law critical evaluation of the interpretative methods used by tribunals highlighting their strengths in protecting foreign investments and their limitations in promoting a cohesive investment law regime and exploration of the self imposed interpretative limitations of arbitral tribunals encompassing their reliance on de facto precedents their duty to ensure the enforceability of awards and their awareness of the risk of annulment for misinterpretation of the law extensive review of relevant arbitral awards jurisprudence and case studies illustrates how tribunals navigate legal sources the author also examines possible reasons for tribunals interpretative flexibility and indicates the limitations to their interpretative exercise with its insights into how tribunals interpretative choices influence the consistency legitimacy and predictability of the investment arbitration system this book will help legal practitioners and scholars to understand the complexities and challenges faced by investment arbitral tribunals thus enabling an anticipation of the scope and limits of arbitral interpretative reasoning it

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offers a major contribution to the ongoing debate on the development of a cohesive and predictable international investment law framework by revealing how interpretation shapes legal outcomes

the book deals with set off in international arbitration proceedings in these proceedings set off is frequently the tool relied upon to resist a claim at the same time the legal intricacies make it hard to use the first part of the book provides a survey of set off including its definition significance and functions the second part offers a thorough comparative analysis of selected european laws of set off and reveals the dramatic differences between them the third and last part of the book deals with the problematic consequences of these differences and shows the limits and the inadequacy of the traditional choice of law doctrines while demonstrating how to overcome the practical hurdles of the present situation the third part also offers normative alternatives that should provide significant help in the adjudication of commercial disputes this title is included in bloomsbury professional s international arbitration online service

the former soviet republics of the commonwealth of independent states cis generate a significant and growing amount of work for the major western and cis regional international arbitral institutions this book a country by country analysis of regulation and practice of international arbitration in ten cis jurisdictions offers the first comprehensive review of commercial arbitration in the region it also analyses notable developments in the use of arbitration mechanisms contained in bilateral and multilateral investment treaties affecting the region the book provides not only a detailed analysis of the law but also insight from local practitioners into the culture of arbitration and how the law is applied in each jurisdiction jurisdictions covered include armenia azerbaijan belarus kazakhstan moldova russia tajikistan turkmenistan ukraine and uzbekistan in addition to detailed discussion of the particular features of arbitral practice in each jurisdiction contributions cover the following issues and topics arbitrability of disputes and public policy arbitral procedure recognition and enforcement of commercial and investor state arbitration awards implementation of the uncitral model law and other instruments affecting arbitral practice and procedure statistics from key arbitration institutions adherence to the icsid new york and key regional conventions relevant to arbitration relevant regulations cases as well as applicable bilateral investment treaties law and practice related to investor state arbitration and role of the court of the eurasian economic union an informative introductory chapter provides detailed discussion and analysis of historic and current trends affecting arbitration practice among the cis countries including the role

of regional conventions relatively unknown in the west as a comprehensive overview of international arbitration in this burgeoning region this book has no peers it is sure to be highly valued and used by lawyers arbitrators and academics concerned with alternative dispute resolution as well as by arbitration institutions companies states and individuals engaged in arbitration

comparison of international arbitration rules prepared by the international arbitration practice group of simpson thacher bartlett provides a detailed and up to date chart comparing the specific provisions of the leading sets of international rules those of the icc aaa icdr lcia scc icsid uncitral and cpr the comparison is designed to assist parties in selecting arbitration rules and drafting specific arbitration provisions for their international commercial contracts assist counsel in developing arguments on procedural issues that arise in the international arbitration proceedings assist arbitration institutions and commentators in analyzing formulating and promulgating appropriate arbitration rules and assist countries and international organizations in developing appropriate national or model arbitration laws and rules the comparison is therefore of great practical utility to international arbitration users practitioners institutions academics and legislators alike

this book is timely as it explores the double edged nature of disruptive technologies in providing both challenges and opportunities for businesses in the age of digital transformation business resilience has two major forms related to timescales both kinds of resilience are identified as key for delivering sustainable development the opposite is also found to be true both are needed to deliver either and to let businesses survive and grow sustainability is increasingly a strategic issue for firms seeking sustainable competitive advantage it has been driven by stakeholder legislative and cost changes including natural resource constraints frizzo barker et al 2020 business resilience has also been of interest recently due to the unpredictable effects of globalization and economic turbulence and in response to changing social limitations on and expectations of companies the topic of sustainable development has become ubiquitous in the last 30 years henderson and lureau 2023 yet how to achieve such a goal or whether it is even possible remains a major unknown this book attempts to provide a platform for researchers and practitioners to discuss sustainability in light of the eruption of disruptive technologies legislations regulations and stakeholder demands this book s purpose is twofold it aims to explore artificial intelligence and digital transformation implications for achieving business resilience and business innovation second it aims to cover unique and variety of interdisciplinary topics in the challenges and opportunities of disruptive

technologies and how these advanced technologies can be implemented to contribute toward sustainable development goals and sustainability consequently to address the aims of the book it seeks exploratory empirical interpretive and theoretical research built on either primary or secondary data the approaches suggested are not exhaustive and can be extended upon by the researchers in addition the book contributes toward the un s sustainable development goals

legal systems in the caribbean still reflect those of the original european host countries however current commercial practice pays no respect to historic boundaries inevitably disputes will arise the use of arbitration as a method of settling commercial disputes in the caribbean is gaining ground arbitration as an alternative to our over stressed court system has the potential to result in the speedy economic and equitable settlement of commercial disputes

edited by leading scholars this set of previously published papers critically examines theoretical foundations as well as empirical and experimental evidence on arbitration behaviour with emphasis upon international commercial dispute resolution in both developed and developing economies this collection will be valued by legal professionals economists and other interested scholars

companion volume to the author s arbitration and conciliation under the uncitral rules

the fourth edition of this coursebook is updated with the latest in scholarly practitioner and judicial thinking in all major areas of adr this includes information management in negotiation the revised model standards of conduct for mediators and three recent u s supreme court arbitration cases including the landmark hall street associates v mattel the arbitration chapter also includes a new section on arbitration confidentiality

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