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Arbitration- Money Laundering, Corruption and Fraud

Edited by Kristine Karsten
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Arbitration Money Laundering Corruption And Fraud

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Arbitration Money Laundering Corruption And Fraud:

Arbitration Kristine Karsten, Andrew Berkeley, 2003 This collection of papers results from the proceedings of the 2002 Annual General Meeting of the ICC Institute of World Business Law Intro

Corruption and Fraud in Investment Arbitration Adilbek Tussupov, 2022-01-12 This book offers an exciting overview of how the investor state dispute settlement mechanism currently deals with allegations and or evidence of fraud and corruption It provides a detailed analysis of the legal framework under which arbitral tribunals usually operate in investment disputes involving allegations of illegality Readers will find step by step examinations of the corruption and fraud arguments employed by arbitral tribunals in ten landmark ISDS cases followed by a chapter summarizing the status quo on the topic The final part of the book discusses the identified challenges of addressing illegality issues in investment arbitration and potential solutions including the creation of a multilateral investment court

Proving Bribery, Fraud and Money Laundering in International Arbitration Kathrin Betz, 2017-08-31 Analyses pertinent issues of applicable criminal law and evidence for alleged criminal conduct in international investment and commercial arbitration

The Vienna Rules Franz T. Schwarz, Christian W. Konrad, 2009-01-01 This book examines the new Vienna Rules and the Austrian Arbitration Act that both came into effect on 1 July 2006 as the result of a major reform It is devoted to two principles First it recognizes that no two international arbitrations are the same Arbitration thrives and is today the predominant method of transnational dispute resolution because it meets the demands of international business for flexibility and efficacy Arbitration will continue to succeed if it retains those properties allowing for the adoption of procedures that are customized to satisfy the commercial prerogatives of the individual case This book seeks to provide its readers with a general framework and specific instruments to negotiate that process

Corruption in International Investment Arbitration Aloysius P. Llamzon, 2014 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

Comparative Law of International Arbitration Jean-François Poudret, Sébastien Besson, 2007 Guides practitioners through the international arbitration process from beginning to end This work covers each step of arbitral procedure from the conclusion of the arbitration agreement to the enforcement of the arbitral award from a comparative standpoint helping practitioners decide which jurisdiction s rules they wish to be bound by

Corruption and Illegality in Asian Investment Arbitration Nobumichi Teramura, Luke Nottage, Bruno Jetin, 2024-04-19 This open access book explores Asian approaches towards investment arbitration a transnational procedure to resolve disputes between a foreign investor and a host state setting it in

the wider political economy and within domestic law contexts It considers the extent to which significant states in Asia are or could become rule makers rather than rule takers regarding corruption and serious illegality in investor state arbitration Corruption and illegality in international investment are widely condemned in any society but there remains a lack of consensus on the consequences especially in investment arbitration A core issue addressed is whether a foreign investor violating a host state s law should be awarded protection of its investment as per its contract with the host state and or the applicable investment or trade agreement between the home state and the host state Some suggest such protection would be unnecessary as the investor committed a crime in the host state while others attempt to establish an equilibrium between the investor and the host state Others claim to protect investment invoking the sanctity of promises made The book starts with a deep dive into economic and legal issues in corruption and investment arbitration and then explores the situation and issues in major countries in the region in detail It is a useful reference point for lawyers economists investors and government officials who are seeking comprehensive and up to date information on anti bribery rules in Asian investment treaties It is of particular interest to students and researchers in economics finance and law who are undertaking new research relating to the multifaceted impacts of corruption

Dealing with Bribery and Corruption in International Commercial Arbitration Emmanuel Obiora Igboke, 2023-01-10 International Arbitration Law Library Volume 65 International commercial arbitration is by no means free from bribery and corruption Although a plethora of legal scholarship clearly affirms this contention a thorough study on the particularly important question of the authority and duty of international commercial arbitrators to investigate a suspicion or indication of bribery or corruption sua sponte that is on their own initiative has been surprisingly lacking This important book fills this gap inter alia by locating sua sponte authority in the position of arbitral tribunals in establishing the facts of a case and ascertaining and applying the applicable normative standards In addition to providing a comprehensive examination of how the issue of bribery and corruption is dealt with in contemporary international commercial arbitration the book also highlights the role of arbitrators in global efforts to combat transnational commercial bribery and corruption Among others the following critical issues are thoroughly investigated arbitrability of issues of public interests intermediary contracts role of arbitrators in the fact finding process party autonomy versus overriding mandatory rules iura novit curia in international commercial arbitration in the context of bribery and corruption notion of transnational or truly international public policy arbitrators duty to act as guardians of international commerce investigative tools available to arbitrators dealing with manifestly recalcitrant parties possible consequences of violating the obligation to sua sponte investigate and the view from developing countries The analysis leans primarily on Swiss law as Switzerland is one of the most important jurisdictions in international commercial arbitration Switzerland has also been involved in some of the most famous and controversial arbitration cases wherein bribery and corruption became an issue However the study also includes a comparative analysis of the relevant laws jurisprudence and doctrine of other major

arbitration venues particularly England France and Germany Not only in the light it sheds on how and whether international commercial arbitrators have hitherto justified the trust States have placed in them regarding the protection of the public interests but also in the practical solutions it offers arbitrators faced with issues of bribery and corruption this deeply researched book equips arbitration practitioners and arbitration institutions with a hitherto lacking in depth analysis on the question of sua sponte investigation It also provides invaluable insights on how this issue might affect the future legitimacy and expansion of this dispute settlement mechanism Outside the field of arbitration the book also provides jurists legal scholars in house counsel for companies doing transnational business and public officials with highly enlightening perspectives on the interaction between international commercial arbitration and public interests

Arbitration Thomas Schultz, Thomas D. Grant, 2021 ndice Prologue 1 Where does arbitration come from 2 How does arbitration work 3 From financial crises to doping disputes I will see you in arbitration 4 Arbitration and the law 5 The geopolitics of arbitration against governments 6 Where is arbitration going References Further Reading Index

The Oxford Handbook of International Arbitration Thomas Schultz, Federico Ortino, Jason Mitchenson, 2020 The Oxford Handbook of International Arbitration A team of leading experts from across academia and practice provide an authoritative account of international arbitration Discussion ranges from the practicalities of how arbitration technically works to big picture analysis of the forces that underpin it Incorporates insights from a range of disciplines beyond law including history sociology literature and economics Book jacket

The Cambridge Companion to International Arbitration C. L. Lim, 2021-10-21 A convenient single volume introduction to international arbitration written by experts including discussion of the latest developments

Arbitration as Balanced Administration of Justice Massimo Benedettelli, Andrea Carlevaris, Antonio Crivellaro, Maria Beatrice Deli, 2024-08-05 Arbitration is adjudication and like any form of adjudication it must ensure justice to parties Justice requires that in settling disputes arbitrators constantly balance the opposing interests of the parties and the different legal systems relevant to the resolution of the dispute from time to time at hand This book addresses such issues by looking at the different stages of arbitration from the selection of the arbitral seat to the definition of jurisdictional limits from the choice of applicable law to the revision of arbitral awards The book collects essays by colleagues and friends of Piero Bernardini a leading practitioner of international arbitration who was a champion in achieving balance in the administration of justice through arbitration

Stockholm Arbitration Yearbook 2022 Axel Calissendorff, Patrik Schöldström, 2023-01-10 Stockholm Arbitration Yearbook 2022 Volume 4 Each year Stockholm is the arbitration seat of choice for numerous parties endeavouring to resolve international disputes It is the second most used venue for investment disputes and it is often the venue for disputes arising from the Energy Charter Treaty ECT This annual publication launched under the auspices of the Stockholm Centre for Commercial Law is designed to meet the information needs of arbitration practitioners and parties from all over the world The present edition s topics include the impact of EU law on dispute resolution in international

investment and trade agreements execution of arbitral award against sovereign wealth fund assets recent Nordic case law related to post M expert decisions corruption and arbitration and investment protection under the ECT in relation to an underwater gas pipeline project The Yearbook provides both perspective and detailed analyses that will be welcomed by arbitration practitioners counsel and judges deciding arbitration cases It will also provide valuable insights for arbitration academics in house counsel at multinational companies and arbitral institutions worldwide

The Transnationalization of Anti-Corruption Law Régis Bismuth, Jan Dunin-Wasowicz, Philip M. Nichols, 2021-05-27 The last twenty years have witnessed an astonishing transformation the fight against corruption has grown from a handful of local undertakings into a truly global effort Law occupies a central role in that effort and this timely book assesses the challenges faced in using law as it too morphs from a handful of local rules into a global regime The book presents the perspectives of a global array of scholars of policy makers and of practitioners Topics range from critical theoretical understandings of the global regime as a whole to regional and local experiences in implementing and influencing the regime including specific legal techniques such as deferred prosecution agreements addressing corruption issues in dispute resolution whistleblower protection civil and administrative prosecutions as well as blocking statutes The book also includes discussions of the future shape of the global regime the emergence of transnational compliance standards and discussions by leaders of international organizations that take a leading role in the transnationalization of anti corruption law The Transnationalization of Anti Corruption Law deals with the most salient aspects of the global anti corruption regime It is written by people who contribute to the structure of the regime who practice within the regime and who study the regime It is written for anyone interested in corruption or corruption control in general anyone with a general interest in jurisprudence or in international law and especially anyone who is interested in critical thinking and analysis of how law can control corruption in a global context

Search for Truth in Arbitration: Is Finding the Truth What Dispute Resolution Is About - ASA Special Series No. 35 Marcus Wirth, Christina Rouvinez, Joachim Knoll, 2011-08-01 This volume of the ASA Special Series contains the written version of the presentations given at the ASA 2009 Annual Conference on The Search for Truth in Arbitration Is finding the Truth what Dispute Resolution is about This volume explores the role and the relevance of truth in dispute resolution and specifically in commercial arbitration the different notions of truth in different legal cultures the users view in that respect and the consequences of these different perspectives and approaches for the practice of international arbitration Part one provides the philosophical background to the subsequent discussions of some practical issues from the perspective of the users of arbitration services as well as of the providers of these services arbitrators and counsel Next two practical issues that have for a long time been a hot topic in commercial arbitration practice cross examination and document production are explored from different perspectives Finally formalism in arbitral proceedings is discussed is formalism good or evil It has been concluded that formal requirements should never be handled in a way that would hinder a tribunal or a court from

accomplishing the main task with which it was entrusted either by the parties or by the State applying the substantive law to the issues before them and finding a just and fair solution to the parties dispute The presentations published in this volume of the ASA Special Series will contribute to the discussion of the ever intriguing question Is Finding the Truth what Dispute Resolution is about **The Routledge Handbook of Anti-Corruption Research and Practice** Joseph

Pozsgai-Alvarez,Roxana Bratu,2025-06-30 The Routledge Handbook of Anti Corruption Research and Practice takes a multidisciplinary and multidimensional approach to provide a comprehensive exploration of the processes conditions and activities that hold the potential to control corruption Building on existing knowledge gathered from a variety of social science sources it strives to provide analytical emancipation of and coherence to anti corruption studies Anti corruption transcends the traditional boundaries of state actors involving individual and organizational business actors civil society groups members of the media accounting and legal professions as well as sports associations and other non traditional actors This handbook adopts a holistic approach to reflect the rich nature of the manifestations of anti corruption past and present and the possible shapes it may still take in the future This handbook is a key reference for scholars students and practitioners engaged in the study and practice of anti corruption corruption democracy public administration comparative politics as well as more broadly to the wider social sciences Chapter 2 and Chapter 46 of this book is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4.0 license

Competence-Competence in the Face of Illegality in Contracts and Arbitration Agreements Richard H. Kreindler,2013-08-30 Competence competence and corruption have for different reasons been mainstays of international dispute resolution thought and practice for the longest time In the last few years their intersection has become increasingly important and problematic These lectures seek to define the problem and to provide acceptable solutions where possible They attempt to derive support from both a stringent dogmatic approach and pragmatic attention to real life expectations and conduct More so than in other areas of private international law the intersection between the powers of the arbitrator and the illegality of the subject matter or the parties conduct poses a particular challenge That challenge is to postulate proper solutions under the law including principles of transnational or international law to conduct which can take on a multiplicity of appearances owing to conflicting cultural understandings of what is and is not legal in commercial life The statement that bribery and corruption offend transnational or international public policy does not relieve the arbitrator from the burden of scrutinizing that statement doctrinally and exploring its consequences in a period of ever increasing globalization of economic activity and investment **Evolution in Investment Treaty Law and Arbitration** Chester

Brown,Kate Miles,2011-11-17 International investment law is in a state of evolution With the advent of investor State arbitration in the latter part of the twentieth century and its exponential growth over the last decade new levels of complexity uncertainty and substantive expansion are emerging States continue to enter into investment treaties and the number of

investor State arbitration claims continues to rise At the same time the various participants in investment treaty arbitration are faced with increasingly difficult issues concerning the fundamental character of the investment treaty regime the role of the actors in international investment law the new significance of procedure in the settlement of disputes and the emergence of cross cutting issues Bringing together established scholars and practitioners as well as members of a new generation of international investment lawyers this volume examines these developments and provides a balanced assessment of the challenges being faced in the field

International Arbitration in Practice Alicja Zielińska-Eisen, Verónica Sandler Obregón, Courtney Lotfi, 2025-03-18 International Arbitration in Practice is an indispensable and highly pragmatic book that systematically addresses the concepts underpinning international arbitration and the measures counsel arbitrator and institution may apply during proceedings It has been carefully curated to include insights and best practices based on real world experience and covers the increasing complexity of international commercial and investment arbitration by adeptly addressing arbitrations involving multiple parties or contracts those spanning multiple jurisdictions and areas of law and when and how to utilize new trends such as virtual advocacy What s in this book Providing in depth guidance throughout all phases of international arbitration a carefully selected group of established and emerging practitioners impart their knowledge in user friendly chapters covering the key elements of practice These chapters are presented in four sections counsel s role which includes chapters on written and oral advocacy document production the use of evidence means of shaping an arbitration and how to work with and lead a team the tribunal s role which includes chapters on responding to the nomination arbitrators duties the hearing weighing evidence drafting orders and awards and correction and clarification the institution s role which includes chapters on distinctions between institutional and ad hoc arbitrations the secretariat s role appointing arbitrators advances on costs and scrutiny of arbitral awards and how arbitration is funded which includes chapters on calculating costs third party funding and attorney s fees How this will help you Practitioners and users alike will benefit from the practical presentation of all stages of international arbitration and will be able to approach any case with a full understanding of the potential procedure strategies and tactics to be employed thanks to the authors thorough consideration of the real world practicalities Editors Courtney Lotfi Alicja Zielinska Eisen and Ver nica Sandler Obreg n

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