



Arbitration And The Hague Court

Asaf Siniver



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The International Court of Justice,

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Siniver, 2024-06-05 Asaf Siniver provides a systematic and comparative analysis of the role of international arbitration in the settlement of interstate territorial disputes He engages with International Relations IR and International Law IL scholarships to locate the unique characteristics of arbitration as a legal method of dispute settlement distinct from the other legal method of adjudication judicial settlement and diplomatic methods such as negotiation and mediation A novel framework examines both political and legal dimensions to analyse i under what conditions states are more likely to pursue a legal settlement of their territorial dispute via arbitration as opposed to the more popular diplomatic method of mediation and ii what explains compliance with or defiance of international law in such cases In so doing the author sets to reclaim the sui generis nature of arbitration as a unique legal political method which enables the disputants to maintain the considerable flexibility and autonomy often found in mediation whilst providing the same final and legally binding solution that adjudication offers Exploring a wide range of primary sources including interviews archival research and official documents and employing qualitative research methods Siniver applies the analytical framework to four contemporary cases of international arbitration the arbitration over the Rann of Kutch between India and Pakistan 1966-68 the Beagle Channel

arbitration between Chile and Argentina 1971 77 the Taba arbitration between Egypt and Israel 1986 88 and the South China Sea arbitration between The Philippines and China 2013 16 **International Courts for the Twenty-First Century** Mark W. Janis, 2023-11-27 This book edited by Mark W Janis examines the evolution and future prospects of international courts as we advance into the twenty first century It reflects on past achievements of international tribunals throughout the twentieth century and explores how they can be refashioned to meet contemporary legal and political needs The collection of essays by various legal scholars covers a wide range of topics including classical universal institutions regional international courts and specialized international tribunals The book also aligns with the United Nations Decade of International Law aiming to contribute to the progressive development of international adjudication It is intended for legal scholars practitioners and policy makers interested in international law and the development of global judicial processes

International Arbitration and International Commercial Law Eric E. Bergsten, 2011-01-01 Over the last half century as UNCITRAL official professor arbitrator and father of the Willem C Vis Arbitration Moot Eric Bergsten has been at the forefront of progress in international commercial arbitration Now on the occasion of his eightieth birthday the international arbitration and sales law community has gathered to honour him with this substantial collection of new essays on the many facets of the field to which he continues to bring his intellect integrity inquisitive nature eye for detail precision and commitment to public service Celebrating the long standing and sustained contribution Eric Bergsten has made in international commercial law international arbitration and legal education more than fifty colleagues among them quite a few of the best known arbitrators and arbitration academics in the world present 45 pieces that individually both engaging and incisive collectively present a thorough and far reaching account of the state of the field today with contributions covering international sales law commercial law commercial arbitration and investment arbitration In addition nine essays on issues in legal education mirror the great importance of the renowned Willem C Vis International Commercial Arbitration Moot Eric s Vienna project which has offered a life changing experience for so many young lawyers from all over the world **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 **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 **The Origin of the Hague Arbitral Courts** Denys Peter Myers, 1914

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Challenges and Recusals of Judges and Arbitrators in International Courts and Tribunals Chiara Giorgetti, 2015-07-14 Challenges and Recusals of Judges and Arbitrators in International Courts and Tribunals examines one of the fundamental control mechanisms of international dispute resolution In doing so the book assesses procedures standards and outcomes of challenges and recusals in some of the main international courts and tribunals including the ICJ ICSID the PCA the WTO the Iran US Claims Tribunal the ICC and international criminal courts The book analyzes specific grounds for challenges and how they are applied while also presenting personal perspectives on challenges and recusals from the point of view of arbitrators and counsel The book also examines regional differences in challenges and recusals This unique approach allows a comparative view on both procedural and substantive issues and also provides a clear and in depth study of specific forums

Arbitration in the Netherlands, in Particular NAI Arbitration Carmen Schleijsen, Gerard J. Meijer, Carla Klaassen, Thomas de Boer, 2025-04-30 Arbitration in the Netherlands in particular NAI arbitration offers both Dutch speaking and non Dutch speaking interested parties much information on Dutch arbitration law and practice and in particular on arbitration at the Netherlands Arbitration Institute NAI The publication is in line with the NAI Arbitration Rules revised in 2024 as well as recent HR case law on the meaning of

a mediation clause **The Role of the International Court of Justice As the Principal Judicial Organ of the United Nations** Mohamed Sameh M. Amr, 2003-01-01 This volume provides both the student and practitioner of international law and relations with a comprehensive evaluation of important but hitherto neglected aspects of the work of the World Court It concludes with practical suggestions on how to develop the Court's role **The Venezuelan Arbitration Before the**

Hague Tribunal, 1903 Permanent Court of Arbitration, 1905 **Conflict Resolution in the Twenty-first Century** Jacob Bercovitch, Richard Dean Wells Jackson, 2009-09-08 In the past arbitration direct bargaining the use of intermediaries and deference to international institutions were relatively successful tools for managing interstate conflict In the face of terrorism intrastate wars and the multitude of other threats in the post Cold War era however the conflict resolution tool kit must include preventive diplomacy humanitarian intervention regional task sharing and truth commissions Here Jacob Bercovitch and Richard Jackson two internationally recognized experts systematically examine each one of these conflict resolution tools and describe how it works and in what conflict situations it is most likely to be effective Conflict Resolution in the Twenty first Century is not only an essential introduction for students and scholars it is a must have guide for the men and women entrusted with creating stability and security in our changing world Cover illustration iStockphoto com

Decision-making in International Construction Arbitration Haytham Besaiso, 2023-10-03 This book contributes to the empirical understanding of how arbitrators make their decisions on the substance of commercial disputes arising from international construction projects It is based on in depth interviews with 28 international construction arbitrators and on the analysis of dozens of international construction arbitration awards The combined experience of those who participated in the author's research amounted to hundreds of international construction arbitrations 300 cases in addition to several hundred international commercial arbitrations It presents the results of the first and largest research to be undertaken in this area and it will be useful to arbitration practitioners and scholars and to the wider audience of dispute resolution students practitioners and theorists In turn the book examines to what extent international arbitrators apply the law as the substantive norm providing an explanation for that and then offers insights into whether arbitrators in fact lean towards commercial and transnational norms to construe the parties contract before discussing to what extent international arbitrators take into account fairness considerations to reach their decisions on the merits of the parties claims The book also examines to what extent international arbitrators apply mandatory rules of foreign law Lastly it provides insight into the effect of arbitrators background characteristics on their decisions Written for arbitration practitioners arbitrators and legal counsel and scholars the book will be useful for both experienced arbitrators and those starting their arbitration career or studying for their arbitration qualification It will also be useful for project professionals involved in contract management and dispute resolution *Consent in International Arbitration* Andrea M. Steingruber, 2012-03-15 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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