

Arbitration And The Law 19881989

Mauro Rubino-Sammartano

Arbitration And The Law 19881989:

Arbitration Law of Czech Republic: Practice and Procedure Alexander J. Belohlávek, 2013-03-01 A comprehensive review of the arbitration law and practice in the Czech Republic including discussion of arbitration practice and procedure an examination of the jurisdiction of the arbitral tribunal the appointment of arbitrators including the challenge and replacement of arbitrators an analysis of the various types of awards including a discussion on deliberations agreements settlements and the costs of arbitration a discussion on the amendment and challenge of awards including the liability of arbitrators and a review of the enforcement of domestic and foreign arbitration awards **1988-1989** John Paxton, 2021-06-21 No detailed description available for 1988 1989 Manifestations of Coherence and Investor-State Arbitration Charalampos Giannakopoulos, 2023-01-19 Coherence is highly valued in law It is especially sought after in investor state dispute settlement where charges of incoherence in arbitral awards have long been raised by states and scholars Yet coherence is a largely underexplored notion in international law Often it is treated as a mere ideal to strive towards or simply as a different way to describe the legal consistency of judicial outcomes This book takes a different approach It sees coherence as an independent concept having two dimensions a substantive and a methodological one Both are critically important for legal reasoning by international courts and tribunals including by investor state tribunals and the book illustrates through several case studies some of the ways this conclusion is borne out in practice A fuller understanding of coherence in international law has implications for our understanding of the concept of law the practice of legal reasoning and judicial professional ethics The International Minimum Standard and Fair and Equitable Treatment Martins Paparinskis, 2013-01-31 Investment protection treaties generally include in one form or another the obligation to treat investments fairly and equitably This book examines the relationship between this obligation and the minimum standard that can be found in customary international law tracing the history of both concepts their differences and similarities

Dealing with Bribery and Corruption in International Commercial Arbitration Emmanuel Obiora
Igbokwe,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 quardians 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 Ulrich's International Periodicals Directory, 1988-1989 R R Bowker Publishing, R. R. Bowker, 1988 Arbitration Law of Canada J. Brian Casey, 2012-06-01 Arbitration Law of Canada provides the busy lawyer and arbitrator with a handy day to day reference work This is a comprehensive treatise on the law and practice of arbitration in Canada The text covers all aspects of commercial arbitration when to choose arbitration how to draft an effective arbitration clause how to choose an arbitrator the legal and practical aspects of arbitrating in Canada under both the UNCITRAL Model Law as well as domestic legislation and enforcing awards in Canada regardless of the jurisdiction in which they were made The book covers arbitration law in all the Canadian Provinces It is not only a definitive legal text but has been designed and organized to be a handy reference text for arbitration practitioners. The second edition includes a revised and expanded index a complete index of cases and a number of additional practice notes The chapters dealing with court involvement in arbitration challenges and recognition of awards have been extensively revised to take into account the numerous court decisions released since the last edition International Investment Law and Legal Theory [rq Kammerhofer, 2021-05-06 A theoretical analysis of the structure of expropriation in investment law investigating the and America Faiza Ismail, 2022-08-30 Among international financial centres IFCs London is known as the Western hub of Islamic Finance on account of its well developed legal infrastructure However Brexit has threatened London's status and

consequently the financial services industry is moving to Dublin to continue operating in the Euro region Similarly Islamic finance IF service providers in the UK are also looking to Dublin for expansion of this niche area in euro member states This is the first book to be written about Islamic finance operations in the Eurozone The book offers an in depth description of International Financial Centres and the growth of Islamic Finance compares the growth of Islamic finance in London Dubai and Kuala Lumpur outlines the implications of Brexit for financial service providers in London in general and Islamic investors in particular and also presents a case study of Ireland to establish the latter as the most appropriate country to promote IF in the Eurozone The time is particularly right for a book exploring the potential of Ireland to emerge as a Eurozone hub of Islamic finance as a result of Britain's exit from Europe The book will cater to the needs of readers studying IF in the disciplines of economics business law and religion A secondary market includes practitioners such as policymakers lawyers fund managers accountants regulators and international investors who will be interested in exploring the benefits that the UK and Ireland have to offer the Islamic finance industry Arbitration Law and Practice in Central and Eastern Europe Christoph Liebscher, Alice A. Fremuth-Wolf, 2006 The focus of Arbitration Law and Practice in Central and Eastern Europe is to provide an understanding of the involvement of state authority in arbitrations and offer practical ideas on arbitration procedures for countries in this region Adopting a questionnaire format devised by the editors issues are investigated from both the arbitrator's and the counsel's perspectives and important tactical issues are discussed It is inevitable however that the reader may occasionally be disappointed to find an unanswered question The editors authors and contributors ask for patience as the reader tries to find specific answers to questions which would not have been posed ten years ago Case law is generally sparse in these countries legal reforms are recent and therefore the legal writing is limited and does not cover the entire array of questions that may arise The book is an indispensable reference and guide for arbitrators and party representatives who are engaged in arbitrations in the region Publisher's website Arbitration and the Law, 1988-1989 - the AAA General Counsel's Annual Report American Arbitration Association, 1989 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 **International Arbitration Law and Practice, Third Edition** Mauro Rubino-Sammartano, 2014-01-01 This third edition of International Arbitration Law and Practice has been largely enriched by covering international commercial arbitrations investment treaty arbitrations arbitrations between public bodies between states and individuals the UNCITRAL model law and Iran US Tribunal proceedings as well as commodity arbitration online arbitration and sports arbitral proceedings International Arbitration Law and Practice 3rd edition elaborates new concepts such as a definition of international arbitration based on procedural law different from transnational law and a doctrine the

tronc commun doctrine to identify the applicable substantive law on disputes between parties belonging to different countries It further suggests that a law of international arbitration has arisen from the various conventions and laws Besides dealing with all the aspects of arbitration on a topic by topic basis the writer presents a third generation arbitration which builds on analysis of major obstacles to a smooth running arbitration International Arbitration Law and Practice 3rd edition is a work that anyone involved in arbitral proceedings will find to be absolutely indispensable Yearbook International Tribunal for the Law of the Sea / Annuaire Tribunal international du droit de la mer, Volume 15 (2011) International Tribunal for the Law, 2022-08-15 Yearbook Annuaire 2011 The International Tribunal for the Law of the Sea is an independent judicial body established by the United Nations Convention on the Law of the Sea to adjudicate disputes arising out of the interpretation and application of the Convention The Tribunal is open to States Parties to the Convention It is also open to entities other than States Parties States and international organizations non parties to the Convention and natural or juridical persons in cases provided for in the Convention or other agreements conferring jurisdiction on the Tribunal The Yearbook Annuaire will give lawyers scholars students as well as the general public access to information about the jurisdiction procedure and organization of the Tribunal and also about its composition and activities in 2011 The Yearbook is prepared by the Registry of the Tribunal Until 2007 it was published in two separate volumes English Yearbook and French Annuaire Since 2008 the Yearbook Annuaire is published as a bilingual volume Yearbook Annuaire 2011 Le Tribunal international du droit de la mer est un organe judiciaire ind pendant cr par la Convention des Nations Unies sur le droit de la mer pour conna tre des diff rends auxquels pourraient donner lieu l'interpr tation et l'application de la Convention Le Tribunal est ouvert aux Etats Parties la Convention Il est galement ouvert des entit s autres que les Etats Parties Etats et organisations internationales non parties la Convention et personnes physiques et morales dans les cas pr vus par la Convention ou par d autres accords conf rant comp tence au Tribunal Le Yearbook Annuaire met la disposition des juristes des universitaires des tudiants ainsi que du public dans son ensemble les informations essentielles concernant la comp tence la proc dure et l organisation du Tribunal ainsi que la composition et les activit s de celui ci au cours de l ann e 2011 L Annuaire est r dig par le Greffe du Tribunal Jusqu l ann e 2007 il tait publi sous la forme de deux volumes s par s en anglais Yearbook et en fran ais Annuaire Depuis 2008 le Yearbook Annuaire est publi sous la forme d un volume bilingue Twilight Issues in **International Arbitration** George Bermann, 2023-03-09 There are many issues of arbitral practice that remain largely unaddressed or very poorly addressed in the sources to which tribunals and counsel conventionally turn for procedural guidance the arbitration agreement the lex arbitri and rules of procedure This book brings together the most frequently recurring of such twilight issues so called because all participants in the arbitral process when facing them find themselves in the dark showing in each case where it is best for arbitrators counsel and parties to look for solutions offering logic certainty and predictability The issues ably covered by the author include among others the following Is a non signatory

bound by or entitled to invoke an arbitration agreement When may res judicata or collateral estoppel subject Should a tribunal issue an anti suit injunction When may a tribunal treat as mandatory a law other than the chosen one On what basis may a witness invoke testimonial privilege When may a tribunal sanction counsel for what it considers misconduct By what standards is a determination of corruption to be made How should a tribunal determine the interest rate applicable to an award On what basis are costs to be allocated Examining in turn the guidance that may be provided by normative sources national law and if so which one simple exercise of good judgment or international standards derived from soft law arbitral jurisprudence international law and scholarly and professional commentary the analysis clearly shows how when conventional sources of legal guidance are unavailing decisions on important matters of arbitral practice and procedure are best made The book will prove of major relevance and value to any and all stakeholders in the international arbitral process whether commercial or investor state A Guide to the ICC Rules of Arbitration Yves Derains, Eric A. Schwartz, 2005-01-01 The ICC Rules of Arbitration constitute one of the world's oldest and most widely used sets of rules for the resolution of international commercial disputes In 1998 shortly after the entry into force of the current version of the Rules the First Edition of this book appeared and quickly became an indispensable resource for all those involved or interested in ICC arbitrations including arbitrators counsel and parties In this updated and revised edition the authors two of the world s leading experts on ICC arbitration have revised the Guide in order to take stock not only of the evolution in ICC practice over the last seven years but of new arbitral and judicial decisions bearing on the interpretation and application of the Rules and of developments in international arbitration practice generally The Guide's notable features include article by article commentary on the ICC Rules enriched by the authorsand personal involvement in their drafting and years of experience as arbitrators counsel and former Secretaries General of the ICC International Court of Arbitration ample and greatly expanded references in respect of the Rulesand individual provisions to relevant national court judgments and arbitral awards together with extensive bibliographical sources andup to date statistics on ICC arbitration and copies of all ICC rules on dispute resolution mechanisms in addition to arbitration A truly comprehensive reference work on ICC arbitration practice the Second Edition of the Guide will be of immeasurable value to corporate counsel international lawyers and business people as well as to all those interested in the international arbitration process Globalization of contractual law Frederico Eduardo Zenedin Glitz, 2014-12-01 This book adopts the proposition that it is possible to the customs to be sources of contractual obligations To support that premise it was necessary to seek jurisprudential arbitration and litigation and comparative basis Even more due to contract law internationalization customary international sources should be subject of domestic treatment as they provide contractual obligations as well as they work as contractual interpretation tool However one can t neglect the need to control the customary content In detailed terms then we can say that the role reserved for the custom as contractual law rules source has always been residual in Brazilian law Accompanying the modern European experience doctrine and

Brazilian legislation emphasize the secondary when not merely interpretive role of the contractual custom In turn Brazilian case law wasn t able to give general treatment to contractual custom Moreover the process of reducing distances and cultural social and economic approximation usually called globalization influenced the contracts through the incorporation of a number of solutions brought from the international trade practice Although they might be justified by the age old principle of freedom somehow these international uses insinuate themselves into Brazil to the point of requiring that the Brazilian Courts themselves to give them treatment and shelter On one side if you deny the existence of a creative normative role in contractual custom by another albeit indirect is recognized not only their existence but the possibility of foreign origin This paradoxical treatment reflects to some extent another consequence the Brazilian contract law is in the process of internationalization Here then a new confrontation is announced a broad creative freedom a tributary of the so called Lex mercatoria and the foreign act incorporation control public policy Unlike before however no simplistic answer would be feasible particularly because of the complexity of contemporary and regulatory Brazilian contract law Formalism and the Sources of International Law Jean d'Aspremont, 2011-09-15 As a result of the growing prominence of international organizations and non binding instruments there is increasing controversy as to how to delineate the boundaries of international law This book advocates a return to a more formal way of determining what is and isn t international law and suggests ways in which this formalism can be modernized **Competition Policy in OECD Countries, 1988-1989** Organisation for Economic Co-operation and Development, 1991 **Principles of International Investment Law Rudolf** Dolzer, Ursula Kriebaum, Christoph Schreuer, 2022 This book provides an ideal introduction to the fundamentals of international investment law and dispute settlement for students scholars and 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

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