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The Oxford Handbook of International Arbitration International Investment Arbitration Consent in International Arbitration Ethics in International Arbitration **The Culture of International Arbitration** Procedural Issues in International Investment Arbitration *The Function of Equity in International Law* **Treaty Interpretation in Investment Arbitration Procedural Law in International Arbitration Redfern and Hunter on International Arbitration** *Corruption in International Investment Arbitration* **Redfern and Hunter on International Arbitration** Treaty Interpretation in Investment Arbitration **Transnational Legality The Evolution of International Arbitration** *International Arbitration: Law and Practice in Switzerland Damages in International Arbitration under Complex Long-term Contracts* **International Commercial Arbitration in New York Tribunal Secretaries in International Arbitration** Choice of Venue in International Arbitration Practising Virtue **International Arbitration in the Energy Sector International Arbitration** International Arbitration and Global Governance **International Investment Arbitration** *Attorney-client Privilege in International Arbitration* Evolution and Adaptation **Interest in International Arbitration Arbitration of International Business Disputes A Guide to General Principles of Law in International Investment Arbitration** International Commercial Arbitration The UNCITRAL Arbitration Rules **Arbitration Costs International Arbitration: Law and Practice The Idea of Arbitration Jurisdiction, Admissibility and Choice of Law in International Arbitration** Arbitration of International Mining Disputes **Consent in International Arbitration** Redfern and Hunter on International Arbitration *The Oxford Handbook of International Investment Law*

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Although international arbitration has emerged as a credible means of resolution of transnational disputes involving parties from diverse cultures, the effects of culture on the accuracy, efficiency, fairness, and legitimacy of international arbitration is a surprisingly neglected topic within the existing literature. The Culture of International Arbitration fills that gap by providing an in-depth study of the role of culture in modern day arbitral proceedings. It contains a detailed analysis of how cultural miscommunication affects the accuracy, efficiency, fairness, and legitimacy in both commercial and investment arbitration when the arbitrators and the parties, their counsel and witnesses come from diverse legal traditions and cultures. The book provides a comprehensive definition of culture, and methodically documents and examines the epistemology of determining facts in various legal traditions and how the mixing of traditions influences the outcome. By so doing, the book demonstrates the acute need for increasing cultural diversity among arbitrators and counsel while securing appropriate levels of cultural competence. To provide an accurate picture, Kidane conducted interviews with leading international jurists from diverse legal traditions with first-hand experience of the complicating effects of culture in legal proceedings. Given the insights and information on the rules and expectations of the various legal traditions and their convergence in modern day international arbitration practice, this book challenges assumptions and can offer a unique and useful perspective to all practitioners, academics, policy makers, students of international arbitration. The first comparative book exploring the relative merits of arbitral seats worldwide, this work is

both a tool for strategic choice of venue, and a companion for practitioners in unfamiliar jurisdictions. Expert analysis of the history and development of arbitration is coupled with guidance on the practical realities of all major venues. For the first time, a monograph thoroughly analyses the controversial and sensitive topic of secretaries to arbitral tribunals. Tribunal secretaries support arbitrators at all stages of the arbitration and provide valuable assistance; yet, thus far, they have remained largely in the shadows. This book provides vital discussion on how tribunal secretaries should be appointed, what specific tasks they may be endowed with, and what the consequences of an impermissible use are. Comprehensive analysis of case law, arbitration legislation, institutional rules and guidelines, and supporting literature guides the reader towards a profound understanding of the benefits and pitfalls surrounding the tribunal secretary's position. Tribunal Secretaries in International Arbitration adopts a transnational approach to systematically answer questions often discussed but thus far unresolved. Structured in three parts, the book develops the conceptual foundations, discusses the practical implementation, and outlines limits of the permissible use of tribunal secretaries. The busy practitioner is furnished with easy-to-use templates and guidelines for practical and seamless implementation in international arbitrations. These include a seven-step formal appointment process, ready-to-use material for correspondence with the parties, and a Traffic Light Scale of Permissible Tribunal Secretary Tasks for the consultation of arbitrators, secretaries and parties alike. Shining a spotlight on the tribunal secretary, this monograph is an invaluable contribution to the further institutionalisation of a role of ever-increasing importance in the coming years. With useful analysis and practical guidelines, it is an essential tool for all practitioners and academics involved in international arbitration. 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 is the first comprehensive study of 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. Divided into three parts, part I focus on the phenomenon of corruption in foreign investment and attempts at its control through international law. Part II analyses the available case law in international investment arbitration dealing with corruption. Llamzon identifies nine distinct trends emerging from the case law and provides a table summarizing the key areas of corruption decision-making and each relevant tribunal's approach, which is an invaluable tool for practitioners engaging in 'live' issues of corruption within arbitral proceedings. Part III reflects on the implications of these trends for both the 'supply' and 'demand' sides of corruption in international law, and proposes a integrative framework of decision for corruption issues in international investment

arbitration. 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. What is it about international arbitration that makes it so open to evolution and adaptation? What are the main pressure points today and the unmet needs of stakeholders? What are the opportunities for expansion to new sectors and new audiences? What are the drivers for change, the obstacles and the risks? And equally important, what are the core principles that should never be lost? These were the topics of the Twenty-Fourth ICCA Congress, held in Sydney, Australia, in April 2018, the proceedings of which are collected in this volume. The volume highlights arbitration as a 'living organism' that has adapted in the past to various challenges, and that today – under attack from various quarters – might need to demonstrate its adaptability again. Accordingly, the contributions address the evolving needs of users, the impact of the rapidly changing face of technology, the expectations of the public, and the convergence and divergence of different aspects of legal traditions and cultures. Topical issues of interest for practitioners, academics, and students of arbitration include the following: legitimacy and authority of arbitrators, institutions and professional organizations to act as lawmakers; investment treaty reform, with particular reference to the definition of 'investment,' the evolution of substantive treaty standards, and sustainable development obligations; commercial arbitration reform, including issues of public and private interest, the development of common law, and cost, delay and transparency concerns; revisiting party autonomy in choosing decision-makers, including through institutional appointments or investment courts; equality of arms, the economics of access, and the role of costs and third-party funding; public-private disputes and special issues that arise when State entities arbitrate; public participation and transparency, and their effect on both ISDS and commercial arbitration; revisiting conventional wisdom in organizing arbitral proceedings; lessons to be learned from other dispute resolution frameworks; technology as friend and enemy, including new tools, new threats, and cybersecurity; arbitration of disputes in conflict and post-conflict zones; inter-generational blame and praise in investment arbitration; and the emergence of sovereign wealth funds as arbitration participants. A special section on 'New Frontiers in Arbitration' offers enlightening perspectives on new types of claims and new types of stakeholders likely to affect the future of international arbitration, including the potential for climate change disputes and enlarged participation. Reviewing the legal context within which international commercial arbitration operates, this text has been updated to reflect recent developments in international law. Procedural issues are an area of increasing complexity and concern in modern investment arbitration, and one in which very little guidance currently exists. Indeed, there are a number of important points of departure from the procedural rules commonly adopted in the context of international commercial arbitration. Procedural Issues in International Investment Arbitration is the first text of its kind to address this gap, examining the most prevalent and controversial procedural issues that arise in investment arbitrations conducted under the ICSID, UNCITRAL, and other arbitral rules. Written by international arbitration experts, the book takes the reader through an investment arbitration in chronological order, identifying each key procedural issue in turn and providing details of the relevant precedents. It charts the process of an arbitration from applicable law and first sessions right through to post-hearing applications and costs. Fully cross-referenced and tabled, Procedural Issues in International Investment Arbitration is an invaluable and practical guide to issues of increasing importance and relevance in ICSID and other arbitrations today. Disputes in the energy and

natural resources sector are at the heart of international arbitration. With more arbitrations arising in the international energy sector than in any other sector, it is not surprising that the highest valued awards in the history of arbitration come from energy-related arbitrations. Energy disputes often involve complex and controversial issues relating to security, sovereignty, and public welfare. International Arbitration in the Energy Sector puts international energy disputes into a global context, providing broad coverage of different forms and systems of dispute resolution across both renewable and non-renewable sectors. With contributions from leading practitioners, arbitrators, academics, and industry experts from across the globe, the eighteen chapters in the book enable readers to compare the approaches to, and learnings from, energy arbitrations across various legal systems and geographic regions. After outlining the international energy arbitration legal framework, the text delves into a detailed analysis of the problems which regularly arise in practice. These include, among other things, commercial disputes in Part I (e.g. over the upstream oil sector and long-term gas supply contracts), investor-state disputes in Part II (e.g. under the Energy Charter Treaty), and public international law disputes in Part III (e.g. concerning international boundaries and the distribution of natural resources). Alongside recent developments in the international energy sector, attention is given to climate and sustainable development disputes, which raise important questions about enforcing sustainability objectives on individuals, corporations, and states. Backed by analyses of arbitral awards, national court and international tribunal decisions, treaties, and other international legal instruments, as well as current events and news in the energy industry, this text offers a unique contribution to international energy literature and provides insightful commentary on the prevalent issues in the field. It is essential reading for any practitioner or researcher in the energy and natural resources sector. Arbitration of International Business Disputes 2nd edition is a fully revised and updated anthology of essays by Rusty Park, a leading scholar in international arbitration and a sought-after arbitrator for both commercial and investment treaty cases. This collection focuses on controversial questions in arbitration of trade, financial, and investment disputes. The essays address some of the most interesting topics in cross-border business dispute resolution, many of which have endured over several decades and remain subject to radically different views. Examples include the proper role of judicial review, the allocation of jurisdictional tasks, evolution of arbitration's statutory and treaty framework, free trade and bilateral investment agreements, and the balance between fixed rules and arbitral discretion. The book is structured around three themes: arbitration's legal framework; the conduct of arbitral proceedings; and a comparison of arbitration in specific fields such as finance, intellectual property, and taxation. In each of these areas, analysis includes the tensions between fairness and efficiency, and the accurate application of substantive law as well as the implications of mandatory procedural norms. Augmented by more than a dozen new contributions and a revised introduction, this 2nd edition retains all of its earlier practical and scholarly relevance, and includes a Foreword by V. V. (Johnny) Veeder QC. Considers the vitality of the international arbitral process through an updated examination of three salient problems. International mining disputes represent a significant and growing area of disputes over natural resources, yet the unique risks inherent in the mining industry set them apart, both in the nature of the disputes and the approach taken to resolve them. International arbitration has emerged as the mechanism of choice for the resolution of such disputes. This has given rise to a wealth of arbitral decisions from which certain principles specific to the mining sector are developing. This book is the first of its kind to bring together thorough analysis of arbitral decisions and insightful commentary on both dispute resolution and the business of mining, in order to provide a comprehensive guide to arbitration in the mining sector. Part I introduces the different parties involved in international mining projects; Part II explains the main risks and challenges involved in mining projects and how they result in different types of disputes; Part III provides practical advice for parties and counsel involved in international mining disputes, including in-depth analysis of the confidentiality issues that so often arise in connection with international mining disputes and the conditions and strategies for the settlement of these disputes; and Part IV examines the substantive principles applicable to international commercial and investor-State mining

disputes. Redfern and Hunter on International Arbitration is an established treatise on the law and practice of international arbitration, the pre-eminent method for the peaceful resolution of disputes in international trade, investment, and commerce. This book serves as an introduction, following the chronology of an arbitration from the drafting of the arbitration agreement right through to the enforcement of the arbitral award. Written by an author team with extensive experience as counsel and abitrators, the book has been read and cited by international lawyers, arbitrators, and judges, and has become a key learning text for teachers, students, and potential arbitrators in colleges and universities across the world. The seventh edition has been significantly revised to incorporate the latest significant developments in the field, includling changes in investor state dispute resolution, leading court decisions on arbitration matters in a wider number of jurisdictions, changes in the 'soft law' of leading international arbitral institutions and of the International Bar Association, and the impact of the COVID-19 pandemic on the practice of international arbitration. This shorter, paperback edition does not include the appendices. This is a detailed analysis of the legal and financial matters arising from the formulation of claims to the award of damages and loss of income, in the case of breach of long-term complex contracts in international arbitration. It tackles the challenges of structuring claims and awarding damages, with focused examination of the but-for method. 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 editionUpdated 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 Reaching past the secrecy so often met in arbitration, the second edition of this commentary explains clearly and fully the workings of the UNCITRAL Rules of Arbitral Procedure recommended for use in 1976 by the United Nations. This new edition fully takes account of the revised Rules adopted in 2010 while maintaining coverage of the original Rules where these remain relevant. The differences between the old and the new Rules are clearly indicated and explained. Pulling together difficult to obtain sources from the Iran-United States Claims Tribunal, arbitrations under Chapter 11 of the North American Free Trade Agreement, and ad hoc arbitrations, it illuminates the shape the UNCITRAL Rules take in practice. The authors cogently critique that practice in the light of the negotiating history of the rules and solutions adopted by the other major private rules of arbitral procedure. To aid the specialist in the field, the practice of these various tribunals is extensively extracted and reproduced. Rich both in its analysis and sources, this text is indispensable for those working in or studying international arbitration. Covering the various forms of expressing consent, this book also looks at the differences between consent under State legislation and through treaties. It combines scholarly analysis with a detailed discussion of relevant cases, laws, and rules, and focuses on problems that frequently arise in practice. Providing a theoretical examination of the concept of arbitration, this book explores the place of

arbitration in the legal process and examines the ethical challenges to arbitral authority and its moral hazards. This book expounds the theory of international arbitration law. It explains in easily accessible terms all the fundamentals of arbitration, from separability of the arbitration agreement to competence-competence over procedural autonomy, finality of the award, and many other concepts. It does so with a focus on international arbitration law and jurisprudence in Switzerland, a global leader in the field. With a broader reach than a commentary of Chapter 12 of the Swiss Private International Law Act, the discussion contains numerous references to comparative law and its developments in addition to an extensive review of the practice of international tribunals. Written by two well-known specialists - Professor Kaufmann-Kohler being one of the leading arbitrators worldwide and Professor Rigozzi one of the foremost experts in sports arbitration - the work reflects many years of experience in managing arbitral proceedings involving commercial, investment, and sports disputes. This expertise is the basis for the solutions proposed to resolve the many practical issues that may arise in the course of an arbitration. It also informs the discussion of the arbitration rules addressed in the book, from the ICC Arbitration Rules to the Swiss Rules of International Arbitration, the CAS Code, and the UNCITRAL Rules. While the book covers commercial and sports arbitrations primarily, it also applies to investment arbitrations conducted under rules other than the ICSID framework. The Oxford Handbooks series is a major new initiative in academic publishing. Each volume offers an authoritative and state-of-the-art survey of current thinking and research in a particular subject area. Specially commissioned essays from leading international figures in the discipline give critical examinations of the progress and direction of debates. Oxford Handbooks provide scholars and graduate students with compelling new perspectives upon a wide range of subjects in the humanities and social sciences. The Oxford Handbook of International Investment Law aims to provide the first truly exhaustive account of the current state and future development of this important and topical field of international law. The Handbook is divided into three main parts. Part One deals with fundamental conceptual issues, Part Two deals with the main substantive areas of law, and Part Three deals with the major procedural issues arising out of the settlement of international investment disputes. The book has a policy-oriented introduction, setting the more technical chapters that follow in their policy environment within which contemporary norms for international foreign investment law are evolving. The Handbook concludes with a chapter written by the editors to highlight the major conclusions of the collection, to identify trends in the existing law, and to look forward to the future development of this field. International law can be created by other means than treaties between states. This book investigates the philosophical questions posed by the treatment of international arbitration as law, such as those relating to sovereignty and territoriality, and sets out conditions which international arbitration must meet in order to form legitimate law. 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. This systematic and comprehensive analysis of the interpretation of treaties in investment arbitration presents a wealth of material and a thorough assessment of the practice of foreign investment arbitral tribunals. Interest plays a vital and increasing role in international arbitration proceedings, with almost every case having an element of interest involved. However, until now, the topic has received very little attention, meaning that arbitrators have had very little concrete foundation on which to judge decisions on interest awards. This book is the first authoritative guidance to address this, providing a uniform approach to the awarding of interest in international arbitration. Interest in International Arbitration aligns arbitrators' decisions with standard commercial practice, offering a practical and logical approach to how interest should be awarded. It sets out traditional approaches that arbitrators have followed in the past, such as using conflict of law to apply a statutory rate from a given law, or awarding instead a subjectively 'reasonable' rate, and examines how these inconsistent approaches have resulted in a variety of awards and decisions. The author uses this analysis as a basis for a uniform approach to the issue: granting compound interest at appropriate rates unless constrained by truly mandatory law. The author sets out the calculation method, explores the benefits and limitations, and presents a thorough argument for the movement toward a uniform approach to interest awards. International arbitration has become the preferred method for the resolution of international commercial disputes, yet the question still remains: What is the procedural law of international commercial arbitral proceedings and what is its relevance? This book comprehensively analyses therelevant legislative practice of all major arbitration venues in the world, as well as the arbitral practice of a number of arbitral institutions. Practitioners will welcome the book's examination of the fate of awards annulled in their state of origin, 'stateless' awards, the procedural regime ofarbitrations involving sovereign states, and the human rights considerations in international arbitration. 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). Investment treaty arbitration (sometimes called investor-state dispute settlement or ISDS) has become a flashpoint in the backlash against

globalization, with costs becoming an area of core scrutiny. Yet "conventional wisdom" about costs is not necessarily wise. To separate fact from fiction, this book tests claims about investment arbitration and fiscal costs against data so that policy reforms can be informed by scientific evidence. The exercise is critical, as investment treaties grant international arbitrators the power to order states-both rich and poor-to pay potentially millions of dollars to foreign investors when states violate the international law commitments made in the treaties. Meanwhile, the cost to access and defend the arbitration can also climb to millions of dollars. This book uses insights drawn from cognitive psychology and hard data to explore the reality of investment treaty arbitration, identify core demographics and basic information on outcomes, and drill down on the costs of parties' counsel and arbitral tribunals. It offers a nuanced analysis of how and when cost-shifting occurs, parses tribunals' rationalization (or lack thereof) of cost assessments, and models the variables most likely to predict costs, using data to point the way towards evidence-based normative reform. With an intelligent interdisciplinary approach that speaks to ongoing reform at entities like the World Bank's ICSID and UNCITRAL, this book provides the most up-to-date study of investment treaty dispute settlement, offering new insights that will shape the direction of investment treaty and arbitration reform more broadly. This book provides the actors involved in investor-State arbitration with a set of comprehensive guidelines to better understand the nature, meaning, and function of general principles of law in the field of international investment law. This Handbook offers academics and practitioners a one-stop-shop entry into the subject of international arbitration, and the ways in which it is discussed today. 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. "This book is based on a dissertation that was generously supported by the International Max Planck Research School on successful dispute resolution in International law, a research school organized by Heidelberg University and the Max Planck Institute for comparative public law and International law in Heidelberg." About this book: Jurisdiction, Admissibility and Choice of Law in International Arbitration, as the name suggests, discusses the jurisdiction, admissibility and choice of law provisions applied in the arbitration. These three elements play a prominent role in administering arbitration proceedings and are oft-cited in several awards and court decisions, particularly in cases transcending boundaries. In light of the growing demand for international arbitration, there is a need for literature to discuss these elements and analyse how they are applied across various jurisdictions. Although there are books available on each of these factors separately, this book specializes in analysing all these three aspects together. This book is a collection of essays in honour of the distinguished international lawyer

Michael Pryles, who launched a meteoric career as an arbitrator after many years of teaching and writing on conflicts of law and other topics and made a mark on arbitral law and practice that is recognized worldwide. What's in this book: In this book, over forty prominent arbitrators and arbitration scholars offer insightful essays on the above-mentioned thorny matters and examine specific issues and topics such as the following: res judicata; investment arbitration; free trade agreements; party autonomy; application of provisional measures; issue estoppel; evidentiary inferences; interim measures; emergency and default proceedings; the intersection of financing and jurisdiction; consolidation of cases; and non-contractual claims. How this will help you: Remarkable for its roster of highly distinguished contributors, this book is the only in-depth treatment of its subject. By turns thought-provoking and practical, this book is bound to appeal to and be put to use by arbitrators and other lawyers, who handle international cases, to gain insight into the factors involved in affecting arbitral decisions. This book also proves to be of great value to global law firms and companies doing transnational business to confidently maze through the complex arbitral laws around the globe and is of great academic interest. Most literature on international arbitration is practice-oriented, technical, and promotional. It is by arbitrators and largely for arbitrators and their clients. Outside analyses by non-participants are still very rare. This book boldly steps away from this tradition of scholarship to reflect analytically on international arbitration as a form of global governance. It thus contributes to a rapidly growing literature that describes the profound economic, legal, and political transformation in which key governance functions are increasingly exercised by a new constellation that include actors other than national public authorities. The book brings together leading scholars from law and the social sciences to assess and critically reflect on the significance and implications of international arbitration as a new locus of global private authority. The views predictably diverge. Some see the evolution of these private courts positively as a significant element of an emerging transnational private legal system that gradually evolves according to the needs of market actors without much state interference. Others fear that private courts allow transnational actors to circumvent state regulation and create an illegitimate judicial system that is driven by powerful transnational companies at the expense of collective public interests. Still others accept that these contrasting views serve as useful starting points of an analysis but are too simplistic to adequately understand the complex governance structures that international arbitration courts have been developing over the last two decades. In sum, this book offers a wide-ranging and up-to-date analytical overview of arguments in a vigorous nascent interdisciplinary debate about arbitration courts and their exercise of private governance power in the transnational realm. This debate is generating fascinating new insights into such central topics as legitimacy, constitutional order and justice beyond classical nation state institutions. The rise of investment arbitration in the last decade has generated an unprecedented body of arbitral case law. The work of these arbitral tribunals has provided scholars and practitioners with public international law jurisprudence, including materials on treaty interpretation which has not yet been thoroughly analysed. This book evaluates the contribution of investment arbitration treaty interpretation jurisprudence to international law, covering all key aspects of treaty interpretation. Included in the book's coverage are awards which feature in prominent discussions or in applications of treaty interpretation rules. Among the significant portion of arbitral awards analysed, which deal with investment treaties, are ICSID awards, ad hoc investment arbitration awards, NAFTA awards, and Energy Charter Treaty awards. The extensive analysis of investment arbitration awards and decisions has also been used to create a table highlighting both the references to principles of treaty interpretation and instances in which they were rejected. This invaluable insight into the practice of investment tribunals will be of interest to both practitioners and academics alike. Foreword by by Professor Michael Reisman, Yale Law School _ International Commercial Arbitration tracks every phase of the international commercial arbitral process, including designing arbitration agreements, jurisdictional issues, policies with respect to arbitrability, choosing arbitrators, arbitral proceedings, professional ethics of arbitrators and counsel, conflicts of interest, control mechanisms, and enforcement of awards. International arbitration is a remarkably resilient institution, but

many unresolved and largely unacknowledged ethical quandaries lurk below the surface. Globalization of commercial trade has increased the number and diversity of parties, counsel, experts and arbitrators, which has in turn lead to more frequent ethical conflicts just as procedures have become more formal and transparent. The predictable result is that ethical transgressions are increasingly evident and less tolerable. Despite these developments, regulation of various actors in the system arbitrators, lawyers, experts, third-party funders and arbitral institutions remains ambiguous and often ineffectual. Ethics in International Arbitration systematically analyses the causes and effects of these developments as they relate to the professional conduct of arbitrators, counsel, experts, and third-party funders in international commercial and investment arbitration. This work proposes a model for effective ethical self-regulation, meaning regulation of professional conduct at an international level and within existing arbitral procedures and structures. The work draws on historical developments and current trends to propose analytical frameworks for addressing existing problems and reifying the legitimacy of international arbitration into the future. This is an authoritative and full-scale review of the substantive law and principles of investment treaty arbitration. The first edition has been widely referenced and relied upon, and presents the first and deepest analysis of this rapidly-growing field; the second edition accounts for the significant growth in BITs and case law since 2006. This book provides a systematic and comprehensive study of the legal concept of equity as it operates in contemporary international law. A principle with a long pedigree, equity has been present in legal thought and in municipal legal systems since antiquity. Introduced in international legal decisions through claims commissions and arbitral tribunals, equity became progressively part and parcel of the international law mainstream. From international cultural heritage law to the law on climate change, from maritime boundary delimitations to decisions on security for costs in investment arbitration, the relevance of equity is more far-reaching than has previously been acknowledged. In contrast with earlier studies on the topic, this book is informed by a body of judicial and arbitral case law that has never been so substantial and varied. It also draws extensively on the prolific case law of investment tribunals, gaining insights from a valuable source that is typically overlooked in public international law scholarship. As the importance of international law increases, covering continuously new domains, the value of equity increases with it. It is this new equity in the international law of the 21st century that this book explores.