

# Consent In International Arbitration Oxford International Arbitration

The Oxford Handbook of International Arbitration Treaty Interpretation in Investment Arbitration Oxford International Arbitration Series CONSENT IN INTERNATIONAL ARBITRATION 2ND ED. Emergency Arbitration Interest in International Arbitration A Guide to General Principles of Law in International Investment Arbitration Corruption in International Investment Arbitration Frankfurter Abhandlungen zum Kriegsverhtungsrecht International Investment Arbitration Third Parties in International Commercial Arbitration Internationales Zivilprozessrecht The Oxford Handbook of International Investment Law The Evolution of International Arbitration International Contracts and National Economic Regulation: Dispute Resolution Through International Commercial Arbitration Frankfurter Abhandlungen zum Kriegsverhtungsrecht Frankfurter Abhandlungen zum modernen Volkerrecht Wesen und Grenzen der internationalen Schiedsgerichtsbarkeit und Gerichtsbarkeit als Grundlage fr das Vlkerrecht der Zukunft Consent in International Arbitration Tribunal Secretaries in International Arbitration Thomas Schultz J. Romesh Weeramantry ANDREA MARCO. STEINGRUBER Cameron Sim Matthew Secomb Patrick Dumberry Aloysius P. Llamzon Campbell McLachlan Stavros L. Brekoulakis Heinrich Nagel Peter Muchlinski Alec Stone Sweet Mahmood Bagheri Friedrich Giese Annemarie Ascher Andrea M. Steingruber J. Ole Jensen

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this handbook brings together many of the key scholars and leading practitioners in international arbitration to present and examine cutting edge knowledge in the field innovative in its breadth of coverage chapter topics range from the practicalities of how arbitration works

to big picture discussions of the actors involved and the values that underpin it the book includes critical analysis of some of international arbitrations most controversial aspects whilst providing a nuanced account overall that allows readers to draw their own informed conclusions the book is divided into six parts after an introduction discussing the formation of knowledge in the field part i provides an overview of the key legal notions needed to understand how international arbitration technically works such as the relation between arbitration and law the power of arbitral tribunals to make decisions the appointment of arbitrators and the role of public policy part ii focuses on key actors in international arbitration such as arbitrators parties choosing arbitrators and civil society part iii examines the central values at stake in the field including efficiency legal certainty and constitutional ideals part iv discusses intellectual paradigms structuring the thinking in and about international arbitration such as the idea of autonomous transnational legal orders and conflicts of law part v presents the empirical evidence we currently have about the operations and effects of both commercial and investment arbitration finally part vi provides different disciplinary perspectives on international arbitration including historical sociological literary economic and psychological accounts

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

emergency arbitration provides clear and authoritative guidance on the practice and theory of this increasingly utilised procedure by examining the leading emergency arbitration rules the book identifies a common procedural framework for the commencement conduct and decision making process in an emergency arbitration this framework is developed through the articulation of the fifteen principles of emergency arbitration these are aimed at giving parties greater control and certainty in bringing and defending applications for emergency measures the book combines a practical approach including the use of flowcharts and tables with in depth analysis of important issues arising in emergency arbitration

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

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 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

arbitration of international investment disputes is one of the fastest growing areas of international dispute resolution this book surveys the substantive principles which are being applied to disputes by international investment tribunals

this volume addresses the role and the interests of third parties in international arbitration through a clear overview and in depth critical commentary the book explores existing case law and its related academic literature as well as offering an insight into more practical concerns

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

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

the growth of national economic regulation and the process of globalisation increasingly expose international transactions to an array of regulations from different jurisdictions these developments often contribute to widespread international contractual failures when parties claim the incompatibility of their contractual obligations with regulatory laws the author challenges conventional means of dispute resolution and argues for an interdisciplinary approach whereby disciplines such as international economic law conflict of laws contract law and economic regulations are functionally united to resolve international and multifaceted regulatory disputes he identifies the normative foundation of contract law as an important determinant in this process contending that contract law is essentially neutral and underpinned by the concept of corrective justice while economic regulations are mainly prompted by distributive justice applying this corrective distributive justice dichotomy to international contracts the author critically assesses major conflict of laws approaches such as proper law the rome convention and governmental interest analysis which could disregard either public interest or private rights the author taking these theories into account proposes an alternative two dimensional interest analysis approach he tests the viability of this approach with reference to arbitral awards and court decisions in various jurisdictions and concludes that it uniquely fits into the structure of international commercial arbitration in adopting this approach arbitrators would take into account both corrective and distributive justice and to the extent that corrective justice prevails would be able to avert a total failure of the contract

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

tribunal secretaries in international arbitration adopts a transnational approach to systematically answer questions about tribunal secretaries often discussed but thus far unresolved with useful analysis and practical guidelines it is an essential tool for all practitioners and academics involved in international arbitration

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