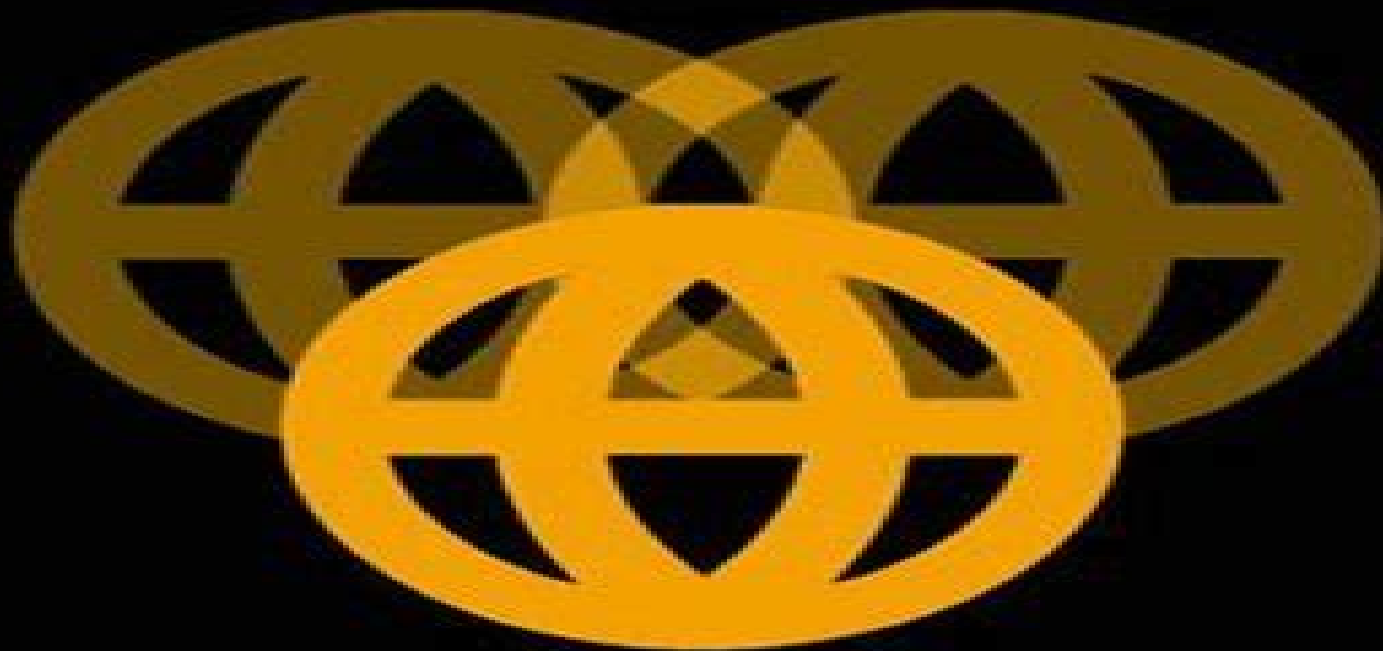




International Centre for Settlement of Investment Disputes

The ICSID Convention: A Commentary

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Foreign State Immunity and Arbitration Dhisadee Chamlongrasdr, 2007 In *State Immunity and Arbitration* the author explores the limits of the concept of State Immunity as it relates to both jurisdiction and execution against state property in

arbitration cases The current scope of state immunity from jurisdiction is examined with reference to legislative and jurisprudential developments in the US and UK where the author finds evidence of a definite shift away from the traditional restrictive theory of state immunity A similar survey of state practice relating to waiver both express and implied of immunity from jurisdiction and the relevant rules of arbitration institutions such as the ICC also illustrate a trend towards shrinking immunity

International Commercial Arbitration Gary B. Born, 2014-10-01 The second edition of Gary Born's International Commercial Arbitration is an authoritative 4 408 page treatise in three volumes providing the most comprehensive commentary and analysis on all aspects of the international commercial arbitration process that is available The first edition of International Commercial Arbitration is widely acknowledged as the preeminent commentary in the field It was awarded the 2011 Certificate of Merit by the American Society of International Law and was voted the International Dispute Resolution Book of the Year by the Oil Gas Mining and Infrastructure Dispute Management list serve in 2010 The first edition has been extensively cited in national court decisions and arbitral awards around the world The treatise comprehensively examines the law and practice of contemporary international commercial arbitration thoroughly explicating all relevant international conventions national arbitration statutes and institutional arbitration rules It focuses on both international instruments particularly the New York Convention and national law provisions in all leading jurisdictions including the UNCITRAL Model Law on International Commercial Arbitration Practitioners academics clients institutions and other users of international commercial arbitration will find clear and authoritative guidance in this work The second edition of International Commercial Arbitration has been extensively revised expanded and updated to include all material legislative judicial and arbitral authorities in the field of international arbitration prior to January 2014 It also includes expanded treatment of annulment recognition of awards counsel ethics arbitrator independence and impartiality and applicable law Overview of volumes Volume I covering International Arbitration Agreements provides a comprehensive discussion of international commercial arbitration agreements It includes chapters dealing with the legal framework for enforcing international arbitration agreements the separability presumption choice of law formation and validity nonarbitrability competence competence and the allocation of jurisdictional competence the effects of arbitration agreements interpretation and non signatory issues Volume II covering International Arbitration Procedures provides a detailed discussion of international arbitral procedures It includes chapters dealing with the legal framework for international arbitral proceedings the selection challenge and replacement of arbitrators the rights and duties of international arbitrators selection of the arbitral seat arbitration procedures disclosure and discovery provisional measures consolidation joinder and intervention choice of substantive law confidentiality and legal representation and standards of professional conduct Volume III dealing with International Arbitral Awards provides a detailed discussion of the issues arising from international arbitration awards It includes chapters covering the form and contents of awards the correction interpretation and supplementation of awards the

annulment and confirmation of awards the recognition and enforcement of arbitral awards and issues of preclusion lis pendens and stare decisis

Cambridge Compendium of International Commercial and Investment Arbitration Stefan Kröll, Andrea K. Bjorklund, Franco Ferrari, 2023-03-02 The Compendium like an encyclopedia contains entries for most of the foundational principles and concepts underlying arbitration Each entry takes a holistic view of international arbitration as they tackle core concepts from both a commercial and an investment arbitration perspective focusing on the fundamental issues underlying the various topics rather than on the solutions adopted in any particular jurisdiction thus making the Compendium a truly cross border transnational resource This innovative approach will allow readers to identify the commonalities as well as the differences between commercial and investment arbitration whether and where cross fertilization has taken place and what consequences it can have This approach allows the Compendium to be a tool in promoting the creation of a culture of international arbitration that considers commercial arbitration and investment arbitration as part of a whole but with certain distinct features particular to each

International Arbitration: Law and Practice Gary B. Born, 2021-06-07 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 *Applicable Law in International Investment Disputes* Taida Begic, 2005 This book gives a comprehensive overview of all relevant aspects of the issue of applicable substantive law in the context of investor State arbitration It is a comparative survey of both the International Center for Settlement of Investment Disputes ICSID and non ICSID arbitral practice The applicable substantive law represents an important issue in investment disputes as it determines the rules of law that should be applied to the merits of the dispute This study demonstrates the need for a discussion on the applicable law before examining the merits of the case as it appears to be non existent in most arbitral awards The author gives an extensive survey of choice of law clauses as found in direct agreements between parties and in multilateral or bilateral investment treaties Furthermore the author analyzes the following issues stabilization clauses in investment agreements the application of the residual rule if parties failed to agree on the applicable law the special position of the Iran US Claims Tribunal and various annulment decisions *Investor-State Arbitration* Christopher F. Dugan, Don Wallace, Noah Rubins, Borzu Sabahi, 2011-11-25 Investor State Arbitration describes the increasing importance of international investment and the necessary development of a new field of international law that defines the obligations of host states and creates procedures for resolving disputes The authors examine the international treaties that allow investors to proceed with the arbitration of their claims describe the most commonly employed arbitration rules and set forth the most important elements of investor State arbitration procedure including tribunal composition jurisdiction evidence award and challenge of annulment The authors trace the evolution and rapid development of the field of international investment including the formation of the International Center for the Settlement of Investment Disputes ICSID and the more than 2 000 bilateral investment treaties most of which were entered into in the last twenty years The authors explain how this development has led to far greater certainty for foreign investors in dealing with their host countries as well as how it has incentivized growth in international trade and commerce **Reshaping the Investor-State Dispute Settlement System** Jean E. Kalicki, Anna Joubin-Bret, 2015-02-04 In Reshaping the Investor State Dispute Settlement System Journeys for the 21st Century editors Jean E Kalicki and Anna Joubin Bret offer for the first time a broad compendium of practical suggestions for reform of the current system of resolving international investment treaty disputes The increase in cases against States and their challenge to public policy measures has generated a strong debate usually framed by complaints about a perceived lack of legitimacy consistency and predictability While some ideas have been proposed for improvement there has never before been a book systematically focusing on constructive paths forward This volume features 38 chapters by almost 50 leading contributors all offering concrete proposals to improve the ISDS system for the 21st century **The Award in International Investment Arbitration** Katia Fach Gómez, Catharine Titi, 2024-08-28 The Award in International Investment Arbitration is a comprehensive study of the international investment award which serves as a unique reference work and an authoritative

one stop resource on the topic for both practitioners and academics The book reviews the award in a holistic manner from award drafting to the procedural principles that govern it from arbitral deliberations and tribunal dynamics to post award challenges from the role of gender in decision making to the impact of tribunal secretaries It puts emphasis on the practitioners needs with a careful selection of hands on topics such as fact finding in complex disputes the role of experts and legal reasoning and persuasion Sensitive to contemporary challenges the book addresses both existing questions that have evolved over time and novel topics that have not yet received sufficient attention such as the impact of technology on award drafting By bringing together the biggest names in the contemporary investment arbitration scene a unique line up of highly qualified arbitrators and experts from academia and international legal practice The Award in International Investment Arbitration offers a singular reservoir of knowledge and experience on the topic drawn from a diverse set of angles and perspectives

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