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9K900H - MIGUEL CINDY

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 book assesses stability guarantees through the lens of the legitimate expectations principle to offer a new perspective on the stability concept in international energy investments. The analysis of the interaction between the concepts of stability and legitimate expectations reveals that there are now more opportunities for energy investors to argue their cases before arbitral tribunals. The book offers detailed analyses of the latest energy investment arbitral awards from Spain, Italy and the Czech Republic, and reflects on the state of the art of the legitimate expectations debate and its relationship with the stability concept. The author argues that, in order to achieve stability, the legitimate expectations principle should be employed as the main investment protection tool when a dispute arises on account of unilateral host state alterations. This timely work will be useful to both scholars and practitioners who are interested in international energy law, investment treaty arbitration, and international investment law.
England is a leading centre for arbitration, both international and domestic, arising out of all manner of contractual disputes and industry sectors. This book comprises contributions from well-known arbitration practitioners and scholars who present, in a straightforward and readable fashion, the rich and varied nature of arbitration in England today. The early chapters describe the development of the arbitral system in England and its traditional leading institutions, the London Court of International Arbitration (LCIA) and the Chartered Institute of Arbitrators (CIArb). They also provide a unique focus on the specialist areas of commodity, maritime, construction and sports arbitration. The remainder of the book deals with the law and practice of arbitration in England and concludes with two additional overview chapters relating to arbitration in Scotland and the Republic of Ireland respectively. Insightful and practical guidance is given in relation to a number of key areas, including: appointing and challenging arbitrators; applicable law and the influence of EU law; the role of the court, including anti-suit and anti-arbitration injunctions and interim relief; arbitration procedure and practice in ad hoc and institutional arbitrations; factual and expert evidence, including privilege and electronic document production; challenges to, and appeals from, awards; recognition and enforcement of awards; and multilateral and bilateral investment treaty arbitration. Anyone whose pursuits or responsibilities require knowledge of arbitration in England - including practitioners, in-house counsel, business persons, academics, and students around the world - will benefit enormously from this thorough study and analysis of contemporary arbitration practice in the jurisdiction.

Based on and includes revisions to : Traité de l'arbitrage commercial international / Ph. Fouchard, E. Gaillard, B. Goldman. 1996--Cf. foreword.
"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. [This book]...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...[This] 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."--
ICCA's Congress Series No. 12, reflecting the contributions of numerous renown arbitration experts to the 2004 ICCA Beijing Conference, commences with an overview of the current international arbitration regime in China and Hong Kong, noting both the progress that has been achieved and the work that remains to be done there. The remainder of the volume comprises two sets of papers on contemporary substantive and procedural issues in international commercial arbitration. The first set contains in-depth reports on the topical subjects of arbitration of foreign investment disputes, the granting of provisional or interim measures with respect to arbitration and the enforceability of awards, supplemented by commentary from the point of view of various specializations and regions. The second, also using the format of reports and commentary, addresses modalities of conciliation and settlement in relation to arbitration, including various non-binding (ADR) processes, issues (drafting step clauses and confidentiality) in integrated dispute resolution systems, which may combine conciliation and arbitration, and the role of arbitrators as settlement facilitators.

The book deals with confidentiality as one of the most controversial issues in interna-

tional commercial arbitration. On the one hand, it is widely recognized that confidentiality is an important advantage of arbitration which contributes to its attractiveness. On the other hand, there is no uniform regulation in national legislations, arbitration rules, and other relevant sources as to the scope or even to the existence of a duty of confidentiality. A uniform approach to confidentiality of international commercial arbitration is possible. The best way to achieve it would be through harmonization of national arbitration laws which should impose a confidentiality obligation subject to certain exceptions. The purpose of maintaining confidentiality would be to protect primarily the parties from undesirable leaks that can be avoided and to protect arbitration as an institution. As to a systematic publication of arbitral awards without identifying the parties' identity, it is desirable and should be the goal.

Analysing the arrest of ships in English and Scots law in the light of the international conventions in the field this book examines the protective, security, and jurisdictional functions of arrest within the three classical domains of private international law: applicable law, jurisdiction, and the recognition and enforcement of foreign judgments.

Settling trust disputes without litigation can save all parties legal costs and maintain confidentiality (reducing the risk of unwelcome publicity). ADR and Trusts has been written to help professional advisers who want to help their clients to avoid litigation. It is a development from the authors' accredited mediation training course for the Society of Trust and Estate Practitioners (STEP). Part A introduces the reader to the different forms of dispute resolution, and examines the differences between arbitration and mediation of trust and fiduciary disputes. The mediation process is explained, including: the role of professional advisors, and the tools and techniques for mediation. The authors examine ways of avoiding disputes, cross-border aspects of Alternative Dispute Resolution (ADR), the psychological factors affecting mediation, the mediator's powers to mediate and settle disputes, and ethical issues in Trust ADR. Islamic and Sharia Trust ADR is also considered, with close study of the developing approaches in Canada and the UK. Part B examines 27 jurisdictions and how trust law and ADR operates in each of them. The jurisdictions covered are: Australia, Bahamas, Barbados, The British Virgin Islands, Canada, Cyprus, England and Wales, Florida, France, Gibraltar, Guernsey, Hong Kong, India, Ireland, Isle of Man, Israel, Italy, Jersey, Liechtenstein, Malaysia, Mauritius, New Zealand, Panama, Scotland, Singapore, Switzerland, and the United Arab Emirates. Each profile addresses: arbitration law and practice, trust law, the mandatory requirements for mediation and the enforcement of ADR awards. Mediators, arbitrators, trust and estate planning practitioners, trust managers and anyone involved in trust disputes should all benefit from reading this book.

Although the 1980 United Nations Convention on Contracts for the International Sale of Goods (CISG) is one of the most successful international conventions to date, it remains the case that those involved in the international sale of goods must refer to a multitude of laws. Indeed the CISG itself does not cover all issues relating to international sales contracts, so it must necessarily be supplemented by domestic law. Global Sales and Contract Law provides a truly comparative analysis of domestic laws in over sixty countries so as to deliver a global view of domestic and international sales law. The book reports on the real practice of sales law, taking into account present day problems. Complex questions on the obligations under a sales contract, the ways in which these are established, as well as the remedies following the breach of obligations, are all discussed. By addressing regional uniform projects, like OHADA, and comparing differences in domestic legal approach where the CISG would not apply, the work goes beyond existing commentaries which tend to focus only on the CISG. The analysis has been based on an unprecedented survey drawn from the world's top fifty companies as well as international traders, lawyers advising international traders, arbitral institutions, arbitrators, and law schools. This work encompasses all aspects of a sale of goods transaction and takes a wide view of sale by including general contract law. The book gives practitioners invaluable insight into judicial trends and possible solutions in different legal systems, whether preparing for litigation or drafting an international contract. Global Sales and Contract Law is the most comprehensive and thorough compilation of legal analysis in the field of the sale of goods and is a reliable source for any practitioner dealing in international commerce.

This Commentary provides rich and detailed analysis both of the provisions of the UNCITRAL Model Law on International Commercial Arbitration (the Model Law), and of its implementation, including a comparative account of the operation of the Model Law in the numerous jurisdictions which have adopted it throughout the world.

This volume provides a practical guide to the Arbitration (Scotland) Act 2010 together with comparative international case studies. It provides a thorough analysis of the Arbitration (Scotland) Act 2010 (which provides a modern statutory framework for domestic and international arbitration in Scotland) and the most important current issues that are arising in the field of international commercial arbitration. It includes a number of highly relevant legal case studies that compare Scottish and international practice.

Introduction to land law and extractives in Africa -- Land law reforms in Africa and their Impact on the extractive industries -- Land access from the perspective of the African mining sector -- Land access from the perspective of the energy sector -- Conclusion : pertinent issues in the African extractive industries.

In the highly regarded SULI series, this provides a comprehensive account of the Scots Law of arbitration following the ground-breaking Arbitration (Scotland) Act 2010. It covers all aspects of the law, not merely domestic, but international arbitration conducted in Scotland. Since one of the features of the 2010 Act is that parties to certain arbitrations can choose to be governed by the pre-Act law, the book also covers this, including the UNCITRAL Model Law on International Commercial Arbitration.Throughout the law is considered in its international context, with frequent reference both to appropriate authorities from other jurisdictions and the more significant rules of arbitral institutions.

This book investigates the tensions between EU law and international commercial arbitration, i.e. tensions between two phenomena at opposite ends of the public to private ordering continuum. It focuses on the Commercial Agents Directive's regime for indemnity and compensation as one of the most frequent source of these tensions. To mitigate the consequential problems, the book proposes and describes a comprehensive framework for a preferable system of reviewing arbitration agreements and arbitral awards. To this end, it explores the prerequisites of this system through comparative legal analysis of the German, Belgian, French and English systems of review, an assessment of the observable aspects of arbitral practice, game theoretical analysis of the arbitral process, and microeconomic analysis of the cross-border market for commercial agency.

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 internatio-

nal 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 _

In the spirit of Pieter Sanders’s classic Quo Vadis Arbitration? (1999), this far-reaching overview of the state of international arbitration thoroughly assesses the current condition and prospects of arbitration and conciliation with practical, insightful solutions to the new and emerging problems confronting arbitration practice today. A distinguished group of internationally renowned arbitrators, academics, and lawmakers elucidate the ubiquitous evolution towards increased technical complexity, the need for multi-focal and multi-cultural approaches, and the tension between desirable simplicity and indispensable precision that have come to characterize current arbitral practice and procedure. Among the topics covered are the following: remote hearings; reliance on digital technology; cost of arbitration in a post--COVID world; extension of the arbitration agreement to non-signatories; tailoring of ADR techniques to suit the needs of micro, small, and medium-sized enterprises; jurisdictions emerging as new arbitration hubs, e.g., Delaware, the Caribbean, Scotland; evolution of a code of conduct for adjudicators in investment disputes; and the reform of bilateral investment treaties. As Sanders’s 1999 book did at the time, the chapters identify specific improvements and refinements to the entire system as it has developed over recent decades. The book will be a go-to resource for the arbitration community worldwide as a stocktaking of current and ongoing trends in international arbitration. It will enthuse the many lawyers, judges, legislators, and businesspeople to whom it is addressed.

V.3: " ... 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 staredecisis."--Descripción del editor.

There has been an exponential rise in the use of ICA for resolving international business disputes, yet international arbitration is a scarcely regulated, specialty industry. International Commercial Arbitration: An Asia Pacific Perspective is the first book to explain ICA topic by topic with an Asia Pacific focus. Written for students and practising lawyers alike, this authoritative book covers the principles of ICA thoroughly and comparatively. For each issue it utilises academic writings from Asia, Europe and elsewhere, and draws on examples of legislation, arbitration procedural rules and case law from the major Asian jurisdictions. Each principle is explained with a simple statement before proceeding to more technical, theoretical or comparative content. Real-world scenarios are employed to demonstrate actual application to practice. International Commercial Arbitration is an invaluable resource that provides unique insight into real arbitral practice specific to the Asia Pacific region, within a global context.

Argentina --Australia --Austria --Bahrain --Bangladesh --Belgium --Bermuda --Brazil --British Virgin Islands --Bulgaria --Cambodia --Canada --Chile --China P.R. --Colombia --- Costa Rica --Croatia --Cyprus --Czech Republic --Denmark --Ecuador --Egypt --England --Finland --France --Germany --Ghana --Greece --Hong Kong S.A.R. --Hungary --India --Indonesia --Inter-American Commercial Arbitration --Ireland --Israel --Italy --Italy - Arbitration in Company Matters --Jamaica --Japan --Kenya --Korea --Latvia --Libya - -Lithuania --Luxembourg --Malaysia --Malta --Mauritius --Mexico --The Netherlands -- New York Convention --New Zealand --Nigeria --Norway --Oman --Pakistan --Peru --Poland --Portugal --Romania --Russian Federation --Saudi Arabia --Scotland --Serbia --Singapore --Slovenia --South Africa --Spain --Sri Lanka --Sweden --Switzerland --Thailand --Tunisia --Turkey --Uganda --Ukraine -- UNCITRAL Model Law on International Commercial Arbitration --UNCITRAL Model Law on International Commercial Conciliation -- UNCITRAL Arbitration Rules --UNCITRAL Conciliation Rules --United Arab Emirates - -USA --Venezuela --Vietnam --Zambia --Zimbabwe.

The Brussels I Regulation, which ensures the free circulation of judgments within the EU, was recently revised; one of the main issues addressed was whether the Regulation affects the efficient resolution of international commercial disputes through arbitration within the Union. This book provides an in depth examination of the interface between the Regulation and international commercial arbitration. The author demonstrates that the consequences of this interface can encourage the use of delaying tactics, hampering the efficient resolution of international disputes.

The Practitioner's Handbook on International Commercial Arbitration provides concise country reports on important jurisdictions for international arbitral proceedings, as well as commentaries on well-known arbitration rules which are frequently incorporated in international legal agreements. Most international commercial contracts now include an arbitration clause as an alternative to resolving disputes in the state courts. This second edition of the Practitioner's Handbook includes newly updated country chapters, expanded international coverage and commentary on the most important arbitration rules worldwide. It is written by world-leading arbitration practitioners and academics and combines a practical approach with in-depth legal research and analysis of important national and international case law. The book is unique in its coverage, providing uniformly designed country reports and thorough commentaries on internationally recognized arbitration rules in just one volume. There are individual chapters for the following countries: Austria, Belgium, China & Hong Kong, England, France, Germany, Italy, Netherlands, Singapore, Sweden, Switzerland, USA. Each country report covers: jurisdiction, the tribunal, arbitration procedure, the award, amendments and challenge to the award, liability of arbitrators and enforcement of national awards; and provides details of national arbitration laws, arbitral institutions in the jurisdiction, model arbitration clauses and a bibliography, including a list of key judicial decisions. The first edition was reviewed as "an outstanding book" and "an extremely useful tool". The work is an indispensable one-stop reference point for lawyers drafting international arbitration clauses or handling arbitration proceedings in different countries.

In 2010, the Arbitration (Scotland) Act 2010 came into force with the aim of modernising Scots law on arbitration. Building on the previous edition, this book reviews the last 10 years: the development of the law in Scotland, the use of the Act and the Rules of Court, and how it all works in prac-

tice.
This illuminating book contributes to knowledge on the impact of Brexit on international commercial arbitration in the EU. Entering the fray at a critical watershed in the EU's history, Chukwudi Ojiegbe turns to the interaction of court litigation and international commercial arbitration, offering crucial insights into the future of EU law in these fields.

The Arbitration Law Handbook collects together in one volume the laws in force in more than twenty countries, with the main procedural rules used in each of those countries. Each section has a short overview identifying relevant treaty obligations, the main arbitral bodies and the principal laws in force. Additionally, there is an international section in which the UNCITRAL Model Law and Arbitration Rules are set out and in which the major international conventions relating to arbitration, such as the New York Convention and table of signatories, are reproduced. The section also includes the ICSID Arbitration Rules (applicable to the settlement of investment disputes), as well as those of WIPO (applicable to the settlement of intellectual property disputes)
Enabling power: Sheriff Courts (Scotland) Act 1971, s. 32. Issued: 11.10.91. Made: 2.10.91. Coming into force: 28.10.91. Territorial extent & classification: S. General. Revoked by SI 1999/929 S. 65 (ISBN 0110590198)
Many construction conflicts and disputes are not limited to particular jurisdictions or cultures, but are increasingly becoming common across the industry worldwide. This book is an invaluable guide to international construction law, written by a team of experts and focusing on the following national systems: Australia, Canada, China, England and Wales, Estonia, Hong Kong, Iraq, Ireland, Italy, Japan, Malaysia, the Netherlands, Oman, Portugal, Quebec, Romania, Scotland, Sweden, Switzerland, and the USA. The book provides a consistent and rigorous analysis of each national system as well as the necessary tools for managing conflict and resolving disputes on construction projects.

A history of modern international commercial arbitration theory and practice from the eighteenth century to the present day. With the coming into force of the Arbitration Act 1996, this topical handbook contains all the materials the arbitrator needs to operate efficiently, including: the full text of the Arbitration Act 1996; the existing legislation that should remain in force when the new Act is in operation; the previous legislation for Alderney, Guernsey, Isle of Man, Ireland and Scotland; the Arbitration Rules from specialist world bodies, such as WIPO and TAS; plus major international documents affecting arbitration, such as the Model Law.