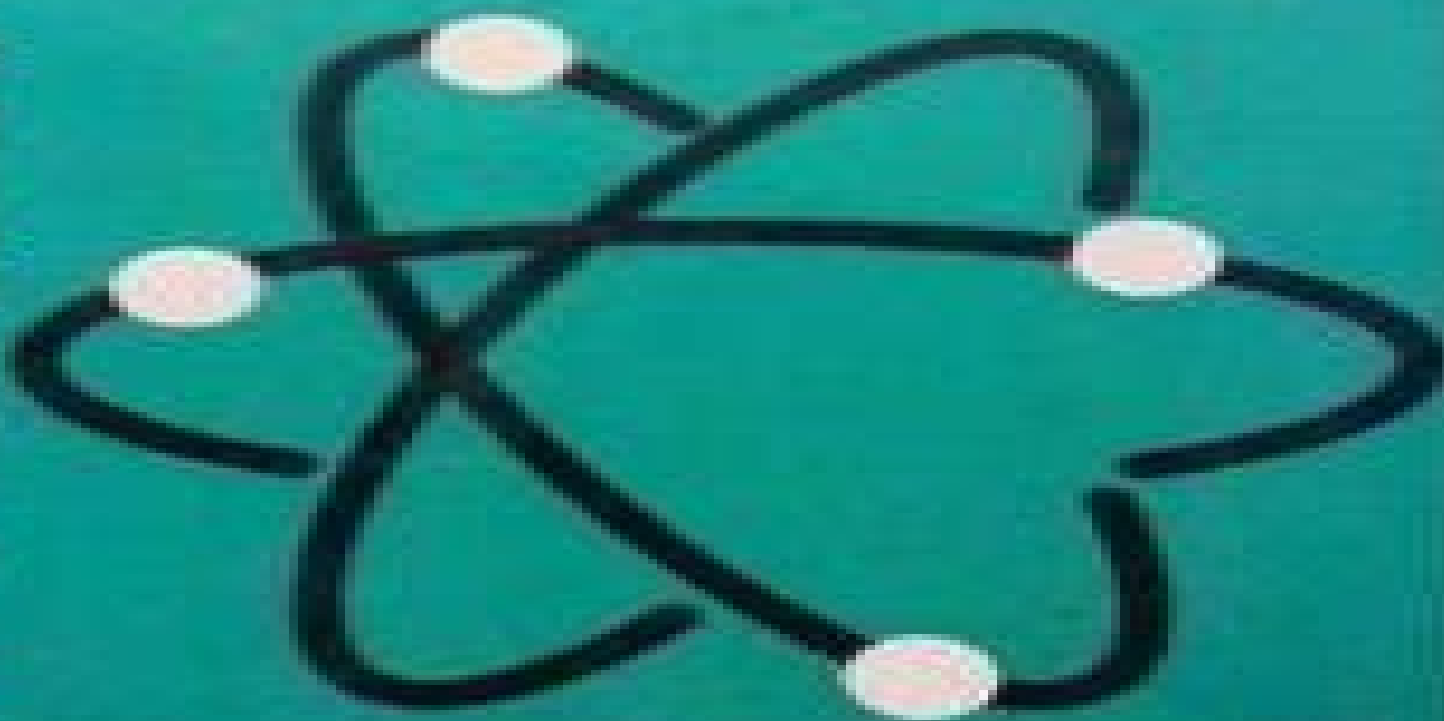


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## **Gen 2000 1 Cass 3 Intl:**

*Due Process as a Limit to Discretion in International Commercial Arbitration* Franco Ferrari, Friedrich Rosenfeld, Dietmar Czernich, 2020-09-25 The absence of a coherent body of case law on due process has increasingly motivated recalcitrant parties to use due process as a strategic tool thereby putting at risk the prospect of obtaining an enforceable award in expeditious proceedings Countering this inherent danger here for the first time is a comprehensive study on due process as a limit to arbitral discretion showing how due process applies in practice in key jurisdictions around the world Based on country reports prepared by leading arbitration practitioners and academics the book explores how courts in major arbitration jurisdictions apply due process guarantees when performing their post award review The contributors driven by an interest in exploring the interplay between due process and efficiency focus on those due process guarantees that set limits to arbitral discretion Matters covered include the following the right to be heard and how it may be affected by submission deadlines evidentiary offers by the opposing party and directions to the parties as to which aspects require further pleading the right to be treated equally and its interplay with the duty to give each party full opportunity to present its case and to comment on submissions and evidence filed by the other party the duty to effect proper notice including delivery and language issues the independence and impartiality of arbitrators with a focus on when an arbitrator's conduct can become the basis for a successful challenge and courts standards of deference when examining issues arising at the post award stage An introductory general report thoroughly analyses the normative basis of due process and its interplay with party autonomy as well as applicable standards of review and commonalities among manifestations of due process across jurisdictions A signal contribution to the debate regarding the so called due process paranoia affecting arbitral tribunals a topic relevant in every single arbitration proceeding this book provides practical guidelines on how to maintain the balance between due process and efficiency and how to apply due process and counteract its misuse in arbitration proceedings It will be welcomed by counsel arbitrators and judges from all countries as well as by academics and researchers concerned with international commercial arbitration

**General International Law in International Investment Law**, 2024-01-27

General international law is part and parcel of investor state arbitration This is the case not only regarding treaty law and state responsibility but also with respect to matters such as state succession the international minimum standard and state immunity all of which feature regularly in investor state arbitration Yet although general international law issues arise in almost every investment case and often require extensive research no systematic exploration of the relationship between the two exists This Commentary is the first to fill this gap providing a comprehensive treatment of the role of general international law in international investment law It engages in detail with central matters of general international law including in the practice of investment arbitration tribunals moving beyond existing works which focus solely on procedural and institutional provisions The Commentary's forty six chapters do not focus on a single source or subject Instead each

concentrates on a specific relevant article from a particular source of public law such as the Vienna Convention on the Law of Treaties 1969 or the International Law Commission's Articles on the Responsibility of States for Internationally Wrongful Acts 2001 among others. The entries combine detailed analysis with an examination of procedural and substantive aspects such as nationality and unjust enrichment and respond to the following questions: how have investment tribunals interpreted and applied the specific rule of general international law? To what extent and why does such interpretation and application align with or deviate from the practice by other international courts or tribunals? How could and should investment tribunals interpret and apply rules that have yet to feature in investment arbitration? This unique format means this commentary will serve as a central guide for all relevant case law and scholarship on international investment law.

*Incitement in International Law* Wibke K. Timmermann, 2014-08-13. This book offers a comprehensive study of incitement in its various forms in international law. It discusses the status of incitement to hatred in human rights law and examines its harms and dangers as well as the impact of a prohibition on freedom of speech. The book additionally presents a detailed definition of punishable incitement. In this context, Wibke K. Timmermann argues that incitement should be recognized as the crime of persecution where it is utilized within a system of persecutory measures by the State or a similarly powerful organization. The book draws on the Nahimana case before the International Criminal Tribunal for Rwanda as well as jurisprudence from German and other courts following World War II to provide support for this proposal. The work moreover provides a comprehensive analysis of public incitement to crimes: solicitation or instigation and the related modes of liability: aiding and abetting and commission through another person. Dedicated exclusively and comprehensively to incitement in its various forms, this book will be of essential use and great interest to students and researchers of international criminal law and human rights law in addition to practitioners within these areas.

*Military Resilience in Low-Intensity Conflict* Rachel Suissa, 2012-06-14. *Military Resilience in a Low Intensity Conflict: A Comparative Study of New Directions Worldwide* by Rachel Suissa offers a prognosis for the dilemma of army resilience in the post-modern era. She clarifies the concept of military resilience among the challenges of the twenty-first century, examining how the military model affects resilience and how those effects are expressed during the management of a given conflict. She investigates the issue through a comparative study of armies and states which have been involved or are currently involved in low-intensity conflicts; the countries discussed include France and Algeria, Great Britain and Ireland, Russia and Chechnya, and Israel and the Palestinian authority. Another challenge that Suissa addresses is that of peace coalitions and their organizational resilience. She further discusses the connection between political and military ranks and under which conditions the former affects the latter. *Military Resilience in a Low Intensity Conflict* makes the issues associated with resilience and conflict accessible to both academics and those who might translate its findings into practicable insights.

**Inventory of Power Plants in the United States as of January 1, 1997**, 2001. The *Inventory of Power Plants in the United States* provides annual statistics on

generating units operated by electric utilities in the United States the 50 States and the District of Columbia Statistics presented in this report reflect the status of generating units as of January 1 1997 The publication also provides a 10 yr outlook for generating unit additions This report is prepared annually by the Coal and Electric Data and Renewables Division Office of Coal Nuclear Electric and Alternate Fuels Energy Information Administration EIA U S Department of Energy DOE Data summarized in this report are useful to a wide audience including Congress Federal and State agencies the electric utility industry and the general public Data presented in this report were assembled and published by the EIA to fulfill its data collection and dissemination responsibilities as specified in the Federal Energy Administration Act of 1974 Public Law 93 275 as amended

*The International Law of Investment Claims* Zachary Douglas,2009-06-11 This book is a codification of the principles and rules relating to the prosecution of investment claims

**Intellectual Property and Private International Law** Toshiyuki Kono,2012-06-29 Intellectual property and private international law was one of the subjects discussed at the 18th International Congress of Comparative Law held in Washington July 2010 This volume contains the General Report and 20 National Reports covering Canada US Japan Korea India and a number of European countries Austria France Germany UK Spain etc The General Report was prepared on the basis of National Reports The national reporters not only describe the existing legal framework but also provide answers for up to 12 hypothetical cases concerning international jurisdiction choice of law and recognition and enforcement of foreign judgments in multi state IP disputes Based on their answers the main differences between legal systems as well as the shortcomings of the cross border enforcement of IP rights are outlined in the General Report The Reports in this volume analyse relevant court decisions as well as recent legislative proposals such as the ALI CLIP Transparency Waseda and Korean Principles This book is therefore a significant contribution to the existing debate in the field and will be a valuable source of reference in shaping future developments in the cross border enforcement of IP rights in a global context

**Digitalization and the Use of New Technologies in International**

**Arbitration** Magdalena Łagiewska,2024-06-17 Digital advancements are changing the face of international dispute resolution This book examines the impact of digitalization and new technologies on international arbitration discussing both advantages and challenges It seeks to answer the question of whether international law in the field of international commercial arbitration is keeping pace with technological change It takes a fresh look at issues that have recently emerged in the international arbitration landscape by focusing on the innovative use of artificial intelligence particularly in relation to blockchain and ODR Against this background the Chinese solutions are worth analyzing and watching

**The Political Economy of WTO Implementation and China's Approach to Litigation in the WTO** Yen Kong Ngangjoh-Hodu,Zhang Qi,2016-01-29 Why and how do states obey international law This engaging book tackles this very question head on via its examination of the conflicting and conciliating processes of the Chinese approach to litigation and the Western approach to legal orientation in the field of the WTO dispute settlement mechanism The authors examine the normative framework of

WTO rule implementation in a globalised international economic order They further explore the notion of the rule of law in China's Confucian system and how it interacts with a rule based world trading system Topics discussed include theorising the WTO implementation regime the Chinese approach to law China and the WTO dispute settlement system and Chinese Confucianism and compliance With its focus on international economic law and political science this book will be accessible to students policy makers practitioners and academics looking to understand China and the rule of law in a global context

**Legislative Documents Submitted to the ... General Assembly of the State of Iowa** Iowa. General Assembly, 1921

International Sustainable Development Law - Volume III A. F. Munir Maniruzzaman, Aaron Schwabach, Arthur John Cockfield, A. Dan Tarlock, John C. Dernbach and Gabriela Maria Kutting, 2010-10-30 International Sustainable Development Law is a component of Encyclopedia of Development and Economic Sciences in the global Encyclopedia of Life Support Systems EOLSS which is an integrated compendium of twenty one Encyclopedias The Theme on International Sustainable Development Law reflects on the rights and duties of states and other actors in the development process The chapters range from International Development Law standard applications of economic theory to more radical approaches These three volumes are aimed at the following five major target audiences University and College Students Educators Professional Practitioners Research Personnel and Policy Analysts Managers and Decision Makers NGOs and GOs

**International Aviation and Terrorism** John Harrison, 2009-03-03 This book examines terrorism's impact on the international aviation security regime with a focus on the role of the United States Tracing the historical development of the international civil aviation system the volume examines how it has dealt with the evolving security environment caused by international terrorism It begins by exploring the practical implications of the debates over the meaning of terrorism and how the international civil aviation community developed practical solutions to avoid the debilitating debates over the concept while crafting important if weak international conventions As a major civil aviation power the United States was a predominant influence in security developments in the 1960s and 1970s yet US civil aviation policy failed to keep pace with the changing nature of the terrorist threat The commanding position that the United States maintains in international civil aviation provides a microcosm of the promise and perils faced by the world's sole superpower The author examines US efforts to upgrade civil aviation security in the wake of 9/11 and the impacts of these developments on the international civil aviation system The detailed discussion of terrorism past and present places the threat in its proper context for both the international civil aviation community and its largest individual actor the United States This book will be of much interest to students of terrorism aviation security international security and IR in general John Harrison is an Assistant Professor at the S Rajaratnam School of International Studies and Head of Terrorism Research at the International Center for Political Violence and Terrorism Research

*Redfern and Hunter on International Arbitration* Nigel Blackaby KC, Constantine Partasides KC, Alan Redfern, 2023-01-18 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 arbitrators 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 including 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

**Beyond Walls** Victor A. Konrad, Heather Nora Nicol, 2008 In a comprehensive examination of the Canada USA border post 9 11 this book argues that it has been reinvented as a state of the art technology steeped crossing system while the image of the border has been engineered to appear consistent with the friendly border of the past It shows how a border can evolve and yet continue to function well offering a model for future borderlands elsewhere

**Bosnian Security after Dayton** Michael A. Innes, 2006-09-27 Featuring fresh contributions from leading scholars this new volume considers a varied range of post war post Dayton and post 9 11 problems and issues reminding readers that Dayton is not the only challenge to the safety stability and long term viability of the post war Bosnian state Drawing together all the latest research this book covers new ground in its discussion of post 9 11 security concerns and in its leading edge analyses of crime corruption and terror in a transitional state It takes Bosnia Herzegovina seriously as a subject of regional and international affairs and is a critically important contribution to scholarship showing how redefined global security concerns have heavily altered international and domestic security priorities in Bosnia Herzegovina with corresponding implications for post war justice and identity politics foreign intervention and state level institution building This is essential reading for scholars of the Balkans peacebuilding and reconstruction European politics and of security studies in general

Defence Transformation in Europe: Evolving Military Roles T. Edmunds, M. Malešič, 2005-11-15 Consisting of eight parts this book includes the changing nature of the defence of national territory role expeditionary warfare peacekeeping and humanitarian intervention defence diplomacy domestic military assistance and internal security The authors come from a range of different groups involved in defence transformation processes

**Rethinking Community Policing in International Police Reform** Deniz Kocak, 2018-09-13 Community policing has often been promoted particularly in liberal democratic societies as the best approach to align police services with the principles of good security sector governance SSG The stated goal of the community policing approach is to reduce fear of crime within communities and to overcome mutual distrust between the police and the communities they serve by promoting police citizen partnerships This SSR Paper traces the historical origins

of the concept of community policing in Victorian Great Britain and analyses the processes of transfer implementation and adaptation of approaches to community policing in Imperial and post war Japan Singapore and Timor Leste The study identifies the factors that were conducive or constraining to the establishment of community policing in each case It concludes that basic elements of police professionalism and local ownership are necessary preconditions for successfully implementing community policing according to the principles of good SSG Moreover external initiatives for community policing must be more closely aligned to the realities of the local context

#### **International Investment Dispute Awards**

Esra Yildiz Üstün, 2022-04-19 This book examines how international investment arbitral awards can be facilitated It sets out to achieve a fuller conceptualisation and theorisation of awards through a discussion of relevant issues and themes as well as demonstrating how they can be achieved through a comparative approach that has been conceived and developed with reference to existing deficiencies in the research literature This contribution is particularly important given the worldwide emergence of investment arbitration as a powerful form of alternative dispute resolution ADR The book ultimately seeks to explore and develop solutions that can be directed to an existing oversight and deficit within the international investment architecture In considering the advantages and disadvantages of each solution it will work towards an approach best suited to upholding the interest of the victorious party at the enforcement stage The enforcement of arbitral awards on a voluntary basis has proven to be insufficient and this created a real and ongoing shortcoming that needs to be addressed International Investment Dispute Awards Facilitating Enforcement therefore seeks to directly influence existing practice on the part of international institutions with the intention of helping to develop a more effective resolution The readerships for this book will include arbitration practitioners policy makers including treaty drafters academics and postgraduate students interested in the enforcement of investment arbitral awards

#### **International Contracting: Law and Practice**

Larry A. DiMatteo, 2016-10-25 For well over a decade this prized guide has served practitioners handling the legal ramifications of international contracting projects The fourth revised and expanded edition thoroughly describes the new and ever changing concepts and procedures that continue to redefine the researching drafting and execution of international contracts More profoundly it takes fully into account the hugely increasing volume of international trade and its ongoing expansion into more and more countries worldwide and the concomitant need for businesspersons and transactional lawyers to be aware of the numerous recent international conventions and supranational responses to facilitate trade All the invaluable features of earlier editions are of course still here including analysis of key contract issues unique to various types of contracting common contract clauses such as choice of law and dispute resolution clauses contract checklists insights gleaned from actual cases and arbitral proceedings and clear explanation of the principles of good contract drafting The major relevant international conventions model laws pertinent national laws legal guides and other documents and instruments are all covered with primary texts provided in appendices Among the numerous issues and topics that arise are the following



incorporation of standard terms difficulties of multiple language contracts lex mercatoria liability based upon preliminary agreements issues of termination regulation of Internet sales role of model or uniform laws sale of services national law restrictions on the cross border sale of services intellectual property transfer and licensing agreements franchising and joint ventures electronic contracting and confidentiality nondisclosure agreements and covenants not to compete More than merely an accessible reference that can be used as a framework tool in the negotiating and drafting of international contracts this volume offers expert insights regarding the reasonableness of many contract clauses and the likelihood of their enforcement in a foreign jurisdiction Because knowledge of the nuances of international transactional law cannot be overstated this book is not only valuable but necessary An adroit combination of contract theory and contract practice the book continues to provide guidance to the law practitioner and student alike

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