

GUIDE TO ICSID ARBITRATION

Lucy Reed
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Guide To Icsid Arbitration Hardcover

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Guide To Icsid Arbitration Hardcover:

Guide to ICSID Arbitration Lucy Reed, Jan Paulsson, 2010-08-12 This Guide to ICSID Arbitration first published in 2004 was written by three leading ICSID arbitration practitioners in the eminent international law firm of Freshfields Bruckhaus Deringer to fill the gap in the literature between generic descriptions and detailed academic commentary This second edition of the Guide takes account of the scores of ICSID awards and decisions rendered since 2004 as well as significant amendments to ICSID rules and practices It provides a sufficiently detailed but still user friendly understanding of what ICSID arbitration is when and how it can and should be used and how an ICSID case works from start to finish It offers potential and non expert users of the ICSID regime as well as those generally interested in investment treaty arbitration the essentials of the ICSID Convention and of BITs and MITs the various sets of rules ICSID procedure and the now considerable body of ICSID jurisprudence

Dispute Resolution Journal , A Guide to the ICSID Additional Facility Arbitration Rules Caroline Richard, Jean-Paul Dechamps, 2019-12-16 Recourse to arbitration under the ICSID Additional Facility Rules in those cases where standard ICSID arbitration is not available is on the increase Not only has there been a steady flow of Additional Facility Rules cases against States that have traditionally used the Additional Facility Rules such as Canada and Mexico but there has also been a spike in cases against new users such as Uzbekistan Laos Kyrgyzstan and Equatorial Guinea The denunciation of the ICSID Convention by Venezuela Ecuador and Bolivia will likely also fuel the growth in arbitrations under the Additional Facility Rules as several of their investment treaties provide for the use of the Additional Facility Rules when ICSID Convention arbitration is not available This is the first text to provide a comprehensive examination of the inception interpretation and application of the ICSID Additional Facility Rules written by practitioners with extensive experience in international arbitrations and with the benefit of insights from the ICSID Secretariat It is practical and strategic in approach considering how each rule features in the context of the realities that practitioners face with an ongoing comparison between the Additional Facility Rules and other rules commonly used in investment arbitrations such as the standard ICSID Rules and the UNCITRAL Rules The book begins with an introduction to ICSID Additional Facility arbitration and is followed by an in depth rule by rule analysis starting with the commencement of an arbitration and working up to and including the rendering of an award and the determination of costs The examination will be supported by comprehensive consideration of all awards rendered under the Additional Facility rules to date

Arbitration Under International Investment Agreements Katia Yannaca-Small, 2010-04-07 Investor state arbitration is a relatively new dispute settlement mechanism that allows foreign investors the opportunity to seek redress for damages arising out of breaches of investment related treaty obligations by the governments of host countries Claims are submitted to independent international arbitration tribunals which are called upon to interpret the treaty at hand Because of the public interest involved in these cases the awards of these tribunals are subject to much scrutiny and debate Thus it has already generated

hundreds of cases and created new legal disciplines inspiring a continuous string of legal writings This book provides a comprehensive analysis of the main issues that arise in investor state arbitration It accompanies the reader through the phases of such a procedure starting with an examination of the instruments which provide in the overwhelming majority of the cases the legal basis for the requests for such arbitration It then continues with the launching of the arbitration procedure followed by the analysis of the main jurisdictional and substantive issues that the tribunals are confronted with and the review procedures when there is a request for setting aside of the award It finally looks at the post award phase and concludes with a reflection on the role of precedent in investment arbitration Arbitration under International Investment Agreements a Guide to the Key Issues contains in one volume what everybody needs to know on this evolving topic Calling on the most renowned experts in this field private practitioners academics government and international organization officials it describes the process in all its phases from A to Z providing a comprehensive insight in the way investor state arbitration works from the perspective of the main actors involved Its analyses of all key aspects of the topic are pragmatic and reliable

ICSID: an Introduction to the Convention and Centre Antonio Parra,2020-03 This comprehensive commentary on ICSID and the ICSID Convention arbitration provides a detailed introduction to the world s leading institution devoted to international investment dispute settlement The guide presents a full and accessible picture of an increasingly important dispute settlement mechanism

The ICSID Convention Christoph H. Schreuer,2009-07-23 This unique compendium offers an article by article commentary to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States Providing a comprehensive explanation of the functioning of this important mechanism for the settlement of investor host State disputes it incorporates the preparatory work the Convention s text various rules and regulations adopted under the Convention the practice of arbitral tribunals under the Convention and academic writings on the subject The first edition of this work has been relied upon by numerous arbitral tribunals This second edition follows the same system and approach but extensive updates reflect the vast increase in arbitral practice since the publication of the first edition A number of novel issues that have emerged through this practice are now addressed making this practice oriented guide an indispensable tool for anyone dealing with the ICSID Convention

Schreuer's Commentary on the ICSID Convention Stephan W. Schill,Loretta Malintoppi,August Reinisch,Christoph H. Schreuer,Anthony Sinclair,2022-09-14 This unique compendium offers an article by article commentary on the Convention on the Settlement of Investment Disputes between States and Nationals of Other States Providing a comprehensive explanation of the functioning of this important mechanism for the settlement of investor State disputes it incorporates the preparatory work the Convention s text various rules and regulations adopted under the Convention the practice of arbitral tribunals under the Convention and academic writings on the subject The first and second editions of this Commentary have been relied upon by numerous arbitral tribunals This third edition follows the same system and approach but extensive updates and revisions

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Schreuer's Commentary on the ICSID Convention Christoph Schreuer, Stanimir A. Alexandrov, 2022 This unique compendium offers an article by article commentary on the Convention on the Settlement of Investment Disputes between States and Nationals of Other States Providing a comprehensive explanation of the functioning of this important mechanism for the settlement of investor State disputes it incorporates the preparatory work the Convention's text various rules and regulations adopted under the Convention the practice of arbitral tribunals under the Convention and academic writings on the subject The first and second editions of this Commentary have been relied upon by numerous arbitral tribunals This third edition follows the same system and approach but extensive updates and revisions reflect the vast increase in arbitral practice since the publication of the second edition A number of novel issues that have emerged through this practice are now addressed making this practice oriented guide an indispensable tool for anyone dealing with the ICSID Convention Likewise the number of contributors to and editors of the third edition has increased *The ICSID Convention, Regulations and Rules* Julien Fouret, Rémy Gerbay, Gloria M. Alvarez, 2019-12-27 This major new commentary on the ICSID Convention Regulations and Rules offers a new forward looking and highly practical interpretation of the convention and its associated documents It is the first commentary to provide systematic article by article coverage not only of the Convention itself but also of the institution rules the ICSID arbitration rules and the ICSID administrative and financial regulations Written by a team of leading experts from private practice government and academia this uniquely comprehensive work will be an essential resource for those in the investment arbitration community and a turn to reference work for international investment law and international arbitration scholars The ICSID Convention Christoph Schreuer, Schreuer Christoph Sinclair Anthony Reinisch August Malintoppi Loretta Interna, Loretta Malintoppi, August Reinisch, Anthony C. Sinclair, 2014-05-14 This is a practice oriented guide including text commentary tables and index for anyone dealing with the International Centre for Settlement of Investment Disputes ICSID International Arbitration: A Handbook Phillip Capper, 2020-10-28 This essential handbook on international arbitration has been updated to include a new chapter on investment treaty arbitration detailing the kind of investments which are covered by investment treaties persons to whom investment treaties apply the rights commonly provided under investment treaties ICSID arbitration and commonly encountered issues and practical considerations Other additions to the latest edition include multi tiered arbitration clauses confidentiality interim measures and consumer arbitration **The Future of Investment Arbitration** Catherine A. Rogers, Roger P. Alford, 2009-04-16 Investment arbitration is at the cutting edge of international law and dispute resolution and is predicted to be a major factor in the development of the global economic system in years to come This one volume

monograph contains contributions from leading experts on a wide range of topics of both theoretical importance and practical implication that will affect the future of investment arbitration. The highly innovative chapters combine to form a constructive and valuable discussion for all in the arbitration field. The contributors chosen to represent the full spectrum of perspectives are leading arbitration experts from all over the world including ICSID insiders, US government officials, UNCTAD research personnel, seasoned investment arbitrators and counsel, and renowned legal scholars. The book is divided into three themes with the first centering on the adequacy of UNCITRAL and ICSID arbitration rules with particular attention to recent and proposed changes. The second theme focuses on the future of bilateral investment treaties, discussing trends in the interpretation of treaty provisions and the debate concerning the efficacy of the treaties in benefiting developing countries. The third theme revolves around the public function of investment arbitration decisions, including the use of arbitration to resolve disputes between sovereigns and the arbitrators' role as a guardian of international public policy. *The Future of Investment Arbitration* is unique in its outstanding range of topics and the expertise of the contributors. It previews and guides future directions in the field as well as discussing the larger policy implications of specific rules. It includes cutting edge analysis of empirical research regarding BITS that is essential to evaluating many assumptions about investment law and arbitration. Finally, the book takes a broad perspective, examining the rules discussed within the larger structural context of investment arbitration and drawing investment arbitration into the wider setting of international law and corporate governance.

The ICSID Convention Christoph H. Schreuer, 2010-09-07 This unique compendium offers an article by article commentary to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States. Providing a comprehensive explanation of the functioning of this important mechanism for the settlement of investor host State disputes, it incorporates the preparatory work, the Convention's text, various rules and regulations adopted under the Convention, the practice of arbitral tribunals under the Convention, and academic writings on the subject. The first edition of this work has been relied upon by numerous arbitral tribunals. This second edition follows the same system and approach but extensive updates reflect the vast increase in arbitral practice since the publication of the first edition. A number of novel issues that have emerged through this practice are now addressed, making this practice oriented guide an indispensable tool for anyone dealing with the ICSID Convention.

The Guide to Evidence in International Arbitration Amy C. Kläsener, Martin Magál, Joseph E. Neuhaus, 2021

ICSID Convention after 50 Years: Unsettled Issues Crina Baltag, 2017-02-15 The International Centre for Settlement of Investment Disputes (ICSID) has played a leading role in establishing the field of foreign investment law. It is primarily due to the ICSID that it is no longer peculiar for individuals and corporations to have legal standing in claims against governments, probably the most notable development of international law of the last half century. Now in its fiftieth year and ratified by more than 150 states, the ICSID received in 2015 its 500th case. This book celebrates this anniversary with an overview and analysis of ICSID case law to date and focusing particularly

on unsettled issues assesses possible developments in the institution's next phase. This volume collects twenty-two essays by prominent practitioners with substantial experience in investment arbitration law. The topics they cover encompass such issues as the following: the political and economic reasons behind the creation of the ICSID; admissibility and jurisdiction of ICSID vis-à-vis bilateral investment treaties; States' concerns about the partiality of arbitrators in favour of investors; applicable laws under the ICSID Convention; fact-finding rules; conflicting interpretations of ICSID Convention provisions; interaction of foreign investment and economic development; value of ICSID awards in the light of EU law; annulment of ICSID awards; effects of denunciation; Bolivia, Ecuador, Venezuela and non-contracting States; Russia, Brazil, India; attribution of conduct of State-owned enterprises; SOEs; counterclaims; guarantees against political risk and allocation of costs. As a detailed response to the question whether ICSID has contributed as promised to an improvement in the investment climate and promoted the flow of private foreign capital and as an assessment of the present and future feasibility of the ICSID system for the resolution of investment disputes by arbitration and conciliation, this book has no peers. Considering the current crisis of investment law, the book's immediate value not only to investors and their counsel but also to practitioners and academics in the field of investment law and arbitration and public international law cannot be overstated. Dr. Crina Baltag is the author of Kluwer's 2012 book *The Energy Charter Treaty: The Notion of Investor* and the Associate Editor of Kluwer Arbitration Blog.

The International Arbitration Rulebook Arif Hyder Ali, Jane Wessel, Alexandre de Gramont, Ryan Mellske, 2019-10-24. The numerous arbitral regimes around the world differ in subtle yet complex ways. These variations can have a profound effect on the procedural rights and obligations of the parties. Broadly speaking, the choice of regime will impact the way in which an arbitration is conducted, its duration and expense, the outcome of the dispute and the ultimate enforceability of the award. To inform the parties' choice, this book is the first to deal specifically and in depth with a broad range of institutional and ad hoc arbitration rules on a comparative basis. It provides a practical guide to the rules in one book, a one-stop shop from a distinctly rule and guide point of view. This book has its genesis in the authors' experience as practitioners and educators in international commercial and investor-state arbitration and as advisers to and trainers for arbitral institutions, arbitrators, judges and government officials around the world. This comprehensive descriptive and analytical road map covers the broad range of issues addressed in nine representative major sets of arbitration rules. The authors detail the distinct ways in which rules governing such important issues as the following may differ among the various arbitral regimes: the governance structure and role of the administering institutions in the arbitration, including case management and administrative support; the critical and recommended issues to be established in the agreement to arbitrate, such as the place of arbitration and the governing law; among others, the requirements and best practices for starting the arbitration on the right foot, the procedures for selecting, appointing and challenging arbitrators, the impact of the initial procedural conference on the proceedings, the rules on presenting the case in chief, written submissions, documentary evidence, witness and expert testimony and more. The

costs and fees of leading institutions the procedures and standards for award scrutiny and enforceability and a range of special and innovative procedures such as expedited proceedings interim relief and consolidation of proceedings The comparative analysis is organized around the chronological phases of an international arbitration and supported by rule comparison tables and clear explanations of each step of the process With this eminently practical book contract negotiators counsel and arbitrators can confidently navigate any international arbitration Thorough coverage of the applicable rules and guidelines enables parties and or the tribunal to design bespoke arbitration procedures based upon the various rules of leading regimes Arbitral institutions can survey the different approaches and identify emerging best practices in the design and drafting of arbitral regimes All in all this volume is a useful guide and comprehensive framework of rules for both arbitration practitioners and users of arbitration services as well as for students and teachers of international arbitration

Towards Consistency in International Investment Jurisprudence Katharina Diel-Gligor, 2017-05-22 Investor State arbitration is currently a much debated topic both within the legal community and in the public at large In **Towards Consistency in International Investment Jurisprudence** Katharina Diel Gligor addresses the alleged proliferation of inconsistent decision making in this field one of the main points of concern raised in the ongoing discussions After exploring whether such criticism is appropriate at all she goes on to examine the different causes forms and manifestations of the inconsistencies that exist through a detailed analysis of ICSID arbitration The author then canvasses possible approaches to reform and concludes that an ICSID preliminary ruling system the practicalities of which are set out in the study is a suitable means for enhancing consistency in investment arbitration and moving towards a jurisprudence constante

International Arbitration and Mediation Michael McIlwrath, John Savage, 2010-01-01 This book is intended as an easily accessible desktop resource for lawyers who regularly counsel businesses when negotiating international deals and for those who represent the same clients in achieving a successful resolution when disputes emerge The text is divided into chapters that follow the life cycle of an international commercial dispute as seen through the eyes of the parties from when they agree how to resolve disputes in their contracts to the endgame of enforcement Additionally the appendices include a number of model submissions for further reference Provided by publisher

Handbook of Investment Arbitration Thomas H. Webster, 2012 Investment arbitration is a dynamic and emergent area in international arbitration **Handbook of Investment Arbitration Commentary Precedents and Models for ICSID Arbitration** will provide essential commentary on the ICSID Rules as well as a comprehensive and systematic explanation of procedural issues and the substantive law governing investment arbitration

Arbitration Michael Paul Reynolds, 1996

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