## REPORTS OF INTERNATIONAL ARBITRAL AWARDS

# RECUEIL DES SENTENCES ARBITRALES

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# **Report Of International Arbitral Awards**

**Emmanuel Gaillard** 

## **Report Of International Arbitral Awards:**

**Reports of International Arbitral Awards** .2005 Reports of International Arbitral Awards International Court of Pakistan and International Law Ahmad Ghouri, 2025-10-23 Pakistan and International Law Dynamics of Identity and State Practice offers a pioneering exploration of Pakistan's evolving relationship with international law Framed through the lens of state identity this volume critically examines how Pakistan as a post colonial and Muslim majority state has engaged with adapted to and influenced international legal norms across diverse domains from the United Nations system to individual rights and environmental protection interstate arbitration right to development security water taxation and more The book features contributions from leading scholars and practitioners combining doctrinal analysis with critical perspectives rooted in Third World Approaches to International Law It provides in depth commentary on Pakistan s legislative judicial and diplomatic practices offering a rare state specific study that fills a significant gap in international legal scholarship Readers will gain a nuanced understanding of Pakistan's legal landscape and its broader implications for global justice legal pluralism transnational legal discourses in international law and the future of international law It offers valuable insights into how international law operates in diverse cultural and political contexts and how state identity shapes and is shaped by global legal norms. The work will be of interest to academics legal practitioners policymakers and students of international law post colonial legal studies Islamic state practices and South Asian geopolitics Reports of international arbitral Awards United Nations, 2006-01-13 This is the 25th volume in the series of reports on awards in international arbitration cases between States or between a State and an international organisation It contains details of five cases including the decision of the Chile US Commission concerning the dispute over responsibility for the deaths of Letelier and Moffitt the award in the case concerning the loan agreement between Italy and Costa Rica and the delimitation decision of the Eritrea Ethiopia Boundary Commission The Review of International Arbitral Awards Emmanuel Gaillard, 2010-12-01 In international arbitration as in any other system of adjudication finality of the decision must be balanced against the need to ensure that justice has been administered fairly Because finality is one of its essential features international arbitration has reached an equilibrium which guarantees to the parties a decision that cannot be appealed while allowing a review of arbitral awards on limited grounds The review of international arbitral awards was the topic of the inaugural IAI forum on the occasion of which 50 prominent academics judges arbitrators and practitioners active in the field of international arbitration convened in the legendary Clos de Vougeot in the heart of Burgundy for a two day retreat The presentations were followed by extensive discussion the transcript of which is included in the present volume The International Arbitration Institute IAI was established in Paris with the purpose of promoting communication and exchanges on current international arbitration issues It now includes over 600 members residing in 44 countries For further detail see www iaiparis com Finances in International Arbitration Sherlin Tung, Fabricio Fortese, Crina Baltag, 2019-11-26 Finances

in International Arbitration Liber Amicorum Patricia Shaughnessy Edited by Sherlin Tung Fabricio Fortese costs of court proceedings versus arbitration proceedings fee arrangements with legal counsel costs of commercial versus investment arbitration how to deal with in house costs in international arbitration impact of tribunal secretaries in international arbitration cost sanctions in international arbitration damages in international arbitration The analysis and views offered by leading scholars and practitioners on current day issues arising out of costs of arbitration will offer readers a unique perspective on various aspects of the finances involved in arbitration This book will provide insightful thoughts and practical quidance for academics and practitioners in the field of international arbitration The Encyclopedia of Diplomacy, 4 **Volume Set** Gordon Martel, 2018-04-30 The Encyclopedia of Diplomacy is a complete and authoritative 4 volume compendium of the most important events people and terms associated with diplomacy and international relations from ancient times to the present from a global perspective An invaluable resource for anyone interested in diplomacy its history and the relations between states Includes newer areas of scholarship such as the role of non state organizations including the UN and M decins Sans Fronti res and the exercise of soft power as well as issues of globalization and climate change Provides clear concise information on the most important events people and terms associated with diplomacy and international relations in an A Z format All entries are rigorously peer reviewed to ensure the highest quality of scholarship Provides a platform to introduce unfamiliar terms and concepts to students engaging with the literature of the field for the Transnational Terrorism and State Accountability Vincent-Joël Proulx, 2012-11-05 Every State has an first time obligation to prevent terrorist attacks emanating from its territory This proposition stems from various multilateral agreements and UN Security Council resolutions This study exhaustively addresses the scope of this obligation of prevention and the legal consequences flowing from its violation so as to provide greater clarity on governments counterterrorism duties and to enhance State accountability for preventable wrongs It defines the contents and contours of the obligation while placing critical emphasis on the mechanics of State responsibility Whether obscured by new technologies like the Internet the sophisticated cellular structure of some terrorist organisations or convoluted political realities the level of governmental involvement in terrorist activities is no longer readily discernible in every instance Furthermore the prospect of governments waging surrogate warfare through proxies also poses intractable challenges to the mechanism of attribution in the context of State responsibility This monograph sets out the shortcomings of the extant scheme of State responsibility while identifying a paradigm shift towards more indirect modes of accountability under international law a trend corroborated by recent State and institutional practice Drawing on varied legal and theoretical influences the study devises and prescriptively argues for the implementation of a strict liability inspired model grounded in the logic of indirect responsibility with a view to enhancing State compliance with counterterrorism obligations This shifts the policy focus squarely to prevention while promoting multilateralism and transnational cooperation Ultimately the legal and policy sensibilities underlying the book converge into

a new theory of prevention in counterterrorism contexts From the Foreword by Judge Bruno Simma International Court of Justice Even if one might disagree with the bases on which the author constructs his argument the execution of the argument is solid and thorough The coverage of the major policy arguments and the available legal source materials is equally impressive Moreover the author's positions are genuinely progressive and present a fairly innovative solution in the form of a strict liability mechanism It behoves all scholars and practitioners of international law with an interest in combating international terrorism to consider the proposals outlined in this book Transnational Terrorism and State Accountability by Vincent Jo l Proulx has been awarded the 2014 Myres McDougal Prize for best book in Law Science and Policy from the Society of Policy Scientists The International Arbitration of Territorial Disputes Asaf Siniver, 2024-06-05 Asaf Siniver provides a systematic and comparative analysis of the role of international arbitration in the settlement of interstate territorial disputes He engages with International Relations IR and International Law IL scholarships to locate the unique characteristics of arbitration as a legal method of dispute settlement distinct from the other legal method of adjudication judicial settlement and diplomatic methods such as negotiation and mediation A novel framework examines both political and legal dimensions to analyse i under what conditions states are more likely to pursue a legal settlement of their territorial dispute via arbitration as opposed to the more popular diplomatic method of mediation and ii what explains compliance with or defiance of international law in such cases In so doing the author sets to reclaim the sui generis nature of arbitration as a unique legal political method which enables the disputants to maintain the considerable flexibility and autonomy often found in mediation whilst providing the same final and legally binding solution that adjudication offers Exploring a wide range of primary sources including interviews archival research and official documents and employing qualitative research methods Siniver applies the analytical framework to four contemporary cases of international arbitration the arbitration over the Rann of Kutch between India and Pakistan 1966 68 the Beagle Channel arbitration between Chile and Argentina 1971 77 the Taba arbitration between Egypt and Israel 1986 88 and the South China Sea arbitration between The Philippines and China 2013 International Arbitration in Sweden Annette Magnusson, Jakob Ragnwaldh, Martin Wallin, 2021-03-09 Sweden is 16 one of a handful of countries where the international arbitral process has reached a stage where the jurisprudence is replete with instances involving no local parties at all In this context of credible neutrality the Arbitration Institute of the Stockholm Chamber of Commerce SCC has emerged as a leading global arbitral institution Whether the matter at issue is a business transaction dispute or a politicized conflict involving obdurate parties the richness of its body of decided cases manifests the SCC s authority and reliability throughout the converging world of international arbitration. The present book written by sixteen eminent practitioners and now in its second edition provides a practical guide to international arbitration in Sweden whether ad hoc or institutional Among the many elements of practice and procedure detailed are the following appointment challenge removal and compensation of arbitrators procedural efficiency and costs use of international legal sources such as

IBA guidelines choice of law by parties SCC rules and procedures multiparty arbitrations joinder intervention consolidation investment treaty arbitration confidentiality documentary evidence witnesses and experts grounds for setting aside party succession Swedish court review of the arbitrator's jurisdiction and appeal of arbitrators compensation. In addition readers will be exposed to a trove of pertinent references to important decisions that have in recent decades been generated by the stream of major international arbitrations conducted in Sweden Disputing parties wishing to know what will happen when their case is brought to Sweden for arbitration will find no clearer or more thorough guide This book is an incomparable source for anyone called upon to act as arbitrator or counsel or in any other capacity in international arbitration in Sweden

General Reports of the XIXth Congress of the International Academy of Comparative Law Rapports Généraux du XIXème Congrès de l'Académie Internationale de Droit Comparé Martin Schauer, Bea Verschraegen, 2017-06-01 This book deals with convergences of legal doctrine despite jurisdictional cultural and political barriers and of divergences due to such barriers examining topics that are of vital importance to contemporary legal scholars Written by leading scholars from more than twenty countries its thirty two chapters present a comparative analysis of cutting edge legal topics of the 21st century While each of the countries covered stands alone as a sovereign state in a technologically advanced world their disparate systems nonetheless show comparable strategies in dealing with complex legal issues The book is a critical addition to the library of any scholar hoping to keep abreast of the major trends in contemporary law It covers a vast area of topics that are dealt with from a comparative point of view and represents the current state of law in each area Annual Lake Mohonk Conference on International Arbitration ... ,1911 **Proof and the Burden of Proof in** International Investment Law Giulio Alvaro Cortesi, 2022-04-29 International investment arbitration has been dubbed the Antarctica of international procedural law This book explores international investment arbitration IIA using the searchlight of comparative analysis Further it provides answers to several questions such as the role of ICI judgments and WTO decisions as a source of inspiration for how proof and the burden of proof are approached in IIA By investigating various evidence related issues the book also sheds light on overarching questions including the role of IIA as a subsystem of international economic law Recognition and Enforcement of Foreign Arbitral Awards Herbert Kronke, Patricia Nacimiento, Dirk Otto, Nicola Christine Port, 2024-12-05 Few instruments in international law have become as clearly and successfully established worldwide as the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards It has continued to prove itself throughout the fourteen years since the publication of the first edition of this preeminent commentary a period during which the Convention's scope and application have been greatly augmented by numerous court decisions rendered in jurisdictions around the globe and regarding arbitral awards resulting from both commercial and investor State disputes as well as by abundant legal scholarship calling for an updated edition The second edition retains the book s article by article format both text and detailed analysis including each provision s theoretical underpinnings and

practical application in a wide variety of jurisdictions around the world The editors have assembled a group of authors some already involved in the first edition some new each of them an experienced practitioner in the field of international arbitration in their particular country and deeply conversant with the leading and most recent arbitrations and relevant court decisions in their domestic case law The commentary includes updated and expanded coverage of such aspects of arbitration practice as the following application by domestic courts of the grounds for refusal of recognition and enforcement of arbitral awards use of reservations made by Contracting States distinctions between recognition sought at the seat of the arbitration and outside the seat safeguarding due process standards the more favourable rights principle embodied in Article VII 1 forum shopping and the role of formalities and formalism To continue to provide a truly international view of how the Convention functions in practice the analysis thoroughly covers the major recent issues that have arisen in its application and their resolutions in diverse cases The end result is an invaluable work that will prove enormously useful to all international commercial arbitration practitioners and scholars regardless of location Reports of International Arbitral Awards, New Frontiers in Asia-Pacific International Arbitration and Dispute Resolution Shahla Ali, Bruno Jetin, Luke Nottage, Nobumichi Teramura, 2020-12-10 International Arbitration Law Library Volume 59 The eastward shift in international dispute resolution has already involved initiatives not only to improve support for international commercial arbitration ICA and investor state dispute settlement ISDS but also to develop alternatives such as international commercial courts and mediation Focusing on these initiatives and their accompanying case law and trends in the Asia Pacific region this invaluable book challenges existing procedures and frameworks for cross border dispute resolution in both commercial and treaty arbitration Specially assembled for this project an outstanding team of experienced and insightful arbitrators and scholars describes pertinent developments including ICA and ISDS in the context of China's Belt and Road Initiative the Singapore Convention on Mediation the shift to virtual hearings and other challenges from the COVID 19 pandemic mistrust of the application of the rule of law in certain East Asian jurisdictions growing public concern over ISDS arbitration tensions between confidentiality and transparency and potential regional harmonisation of the public policy exception to arbitral enforcement The contributors chart evolving practices and high profile cases to make informed observations about where changes are needed as well as educated guesses about the chances of reforms being successful and the consequences if they are not The main jurisdictions covered are China Hong Kong Japan Malaysia India Australia and Singapore The first in depth study of recent trends in dispute resolution practice related to business in the Asia Pacific region the book s practical analysis of new resources for dealing with the increasing competition among countries to become credible regional dispute resolution hubs will prove to be of great value to specialists in the international business law sector Lawyers will be enabled to make informed decisions on which venue and dispute resolution methods are the most suitable for any specific dispute in the region and policymakers will confidently assess emerging trends in international dispute resolution policy development

and treaty making 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 Commercial Arbitration Gary Born, 2009 International Commercial Arbitration Third Edition is an authoritative treatise providing the most complete available commentary and analysis on all aspects of the international commercial arbitration process This completely revised and expanded edition of Gary Born s authoritative work is divided into three main parts dealing with the International Arbitration Agreement International Arbitral Procedures and International Arbitral Awards The Third Edition provides a systematic framework for both current analysis and future developments as well as exhaustive citations from all leading legal systems INTERNATIONAL ARBITRATION AGREEMENTS Legal Framework for International Arbitration Agreements International Arbitration Agreements and the Separability Presumption Choice of Law Governing International Arbitration Agreements Formation Validity and Legality of International Arbitration Agreements International Arbitration Agreements and Competence Competence Effects and Enforcement of International Arbitration Agreements Interpretation of International Arbitration Agreements INTERNATIONAL ARBITRAL PROCEDURES AND PROCEEDINGS Legal Framework for International Arbitral Proceedings Selection Challenge and Replacement of Arbitrators in International Arbitration Rights and Duties of International Arbitrators Selection of Arbitral Seat in International Arbitration Procedures in International Arbitration Disclosure and Discovery in International Arbitration Provisional Measures in International Arbitration Consolidation Joinder and Intervention in International Arbitration Choice of Substantive Law in International Arbitration Confidentiality in International Arbitration Legal Representation and Professional Conduct in International Arbitration INTERNATIONAL ARBITRAL AWARDS Legal Framework for International Arbitral Awards Form and Content of International Arbitral Awards Correction Interpretation and Supplementation of International Arbitral Awards Annulment of International Arbitral Awards Recognition and Enforcement of International Arbitral Awards Preclusion Lis Pendens and Stare Decisis in International Arbitral Awards **Procedure and Evidence in International Arbitration** Jeffrey Waincymer, 2012-05-23 Central to the book s purpose is the procedural challenge facing arbitrators at each and every stage of the arbitral process when fairness

arguments conflict with efficiency concerns and trade offs must be determined Some key themes include how can a tribunal be fair and in particular be neutral if parties are so diverse How can arbitration be made efficient and cost effective without undue inroads into fairness and accuracy How does a tribunal do what is best if the parties are choosing a suboptimal process When can or must an arbitrator ignore procedural choices made by the parties The author thoroughly evaluates competing arguments and adds his own practical tips expertly synthesizing and engaging with the conference literature and differing authors views He identifies criteria that offer a harmonized approach to each stage of the arbitral process with particular attention to such aspects of international arbitration as appropriate trade offs between flexibility and certainty the rights duties and powers of arbitrators appointment and challenge of arbitrators responses to guerilla tactics drafting of arbitration agreements including specialty clauses drafting of required commencement notices and response documents set off fast track arbitration and other efficiency options strategic use of preliminary conferences and timetabling online arbitration multi party multi contract class arbitration amicus and third party funders pre arbitral referees and interim relief witness evidence both factual and expert documentary evidence production obligations and challenges to production identifying applicable law and remedies and costs The Function of Public International Law Jan Anne Vos, 2013-02-26 This book addresses fundamental aspects of the concept of public international law in both theory and practice The argument developed by the author is that underlying the traditional horizontal structure of public international law a vertical structure of the concept of law may be discerned This vertical structure is seen unfolding into two mutually exclusive frameworks a framework of obligation accounting for obligations and a framework of authorization accounting for rights The problem then arising is that a concept of public international law which only admits either rights or obligations cannot be regarded as coherent The author however takes and substantiates the position that coherence can be achieved by suppressing the mutual exclusivity of both frameworks This move paves the way to formulating the function of public international law in terms of the constituting of international society Since in public international law the theoretical aspects profoundly affect practice this book is not only of interest to academics but also for practitioners such as officials of foreign offices and international institutions

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