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Fernando Tupa



Consent In International Arbitration Oxford International Arbitration:

Consent in International Arbitration Andrea M. Steingruber, 2012-03-15 Examining the notion nature and extent of consent in both commercial arbitration and investment arbitration this book provides practitioners and academics with a thorough case related analysis of an issue which raises many questions Whilst considering the evolution of arbitration and its consensual nature enlargement of the parties freedom to consent to arbitration and development from commercial arbitration to investment arbitration it addresses important theoretical questions to offer practical solutions These include how consent to arbitrate is expressed and when mutual consent to arbitration is reached which law shall govern the arbitration agreement or more particularly consent as an element of the substantive validity of it and conversely according to which law will a possible lack of consent be judged how consent should be interpreted which relationship exists between consent as part of the substantive validity of an arbitration agreement and its formal validity which if any are the implied terms when consenting to arbitration how consent to arbitrate influences procedural aspects counterclaims joinder consolidation and which solutions adopted by treaties national laws or arbitration rules are or would be the most respectful of parties consent in this respect what in investment arbitration is the relationship between consent and most favoured nation clauses or the influence of umbrella clauses The book includes original arguments and puts forward new suggestions with regard to the changeable consensual character of arbitration It also provides a particular focus on problems that frequently arise in practice of international arbitration for example issues related to complex multiparty arbitration and to jurisdictional questions in investment arbitration

CONSENT IN INTERNATIONAL ARBITRATION 2ND ED. ANDREA MARCO. STEINGRUBER, 2021

International Arbitration Hong Kong International Arbitration Centre (HKIAC), 2019-01-17 On the occasion of his 75th birthday Neil Kaplan's unparalleled influence in the field of international arbitration is celebrated in this book which comprises contributions from over twenty five renowned international arbitration practitioners all of whom credit Kaplan as having impacted the development of arbitration in their respective jurisdictions or professionally The book is constructed as a three part compendium as follows the Kaplan Lectures an annual series established to bring some of the best minds in international arbitration to Hong Kong to address current and practical issues key decisions and arbitration awards rendered by Kaplan with commentaries that make current the issues arising out of these judgments and also provide an in depth analysis of important issues emanating from his treaty arbitration awards articles showcasing the reach of Kaplan's influence through reflections by several of his former assistants who are now making a mark in their own right in the international arbitration community Arbitration practitioners will welcome this book for its practical analysis of some of the most discussed and debated hot issues in arbitration law and practice today In addition the commentaries on Kaplan's key decisions offer especially insightful guidance for practitioners academics and students in the field of international arbitration

Multi-Party and Multi-Contract Arbitration in the Construction Industry

Dimitar Kondev, 2017-01-23 *Multi Party and Multi Contract Arbitration in the Construction Industry* provides the first detailed review of multi party arbitration in the international construction sector. Highly practical in approach, the detailed interpretation and assessment of the arbitration of multi party disputes will facilitate understanding and decision making by arbitrators, clients and construction contractors.

The Rule of Law Guiguo WANG, Fan YANG, 2013-10-01 This Festschrift has attracted contributions from not only his colleagues but also a number of world renowned scholars who wished to convey through their contributions their enormous respect for his scholarship leadership and gentlemanly bearing. The Rule of Law a Comparative Perspective has been chosen the theme of this Festschrift because it is one of the most important topics in the area of constitutional and administrative law about which Professor COORAY has researched and written extensively. Published by City University of Hong Kong Press.

The Three Paths of Justice Neil Andrews, 2018-05-08 This revised second edition takes account of developments in the field of dispute resolution including mediation and arbitration. The book presents a concise account of the English system of civil litigation covering court proceedings in England and Wales. It is an original and important study of a system which is the historical root of the US litigation system. The volume offers a comprehensive and properly balanced account of the entire range of dispute resolution techniques. As the first revised book on this subject to be published in the USA it enables American lawyers to gain an overview of the main institutions of English Civil Procedure including mediation and arbitration. It will render the English system of civil justice accessible to law students in the US, practitioners of law, professors, judges and policy makers.

The Herald of Peace and International Arbitration, 1904

Prior Consent to International Direct Satellite Broadcasting David I. Fisher, 1990

Arbitration Thomas Schultz, Thomas Grant, 2021-04-22

Very Short Introductions Brilliant Sharp Inspiring Arbitration is a legal dispute resolution mechanism alternative to courts. It provides binding decisions enforceable around the world. It is where parties take their disputes when they have agreed that courts for one reason or another do not suit them which happens more often than one might think. Some of the most politically sensitive disputes on the largest scale go to arbitration. Countries which need to settle their boundaries in areas of the oceans rich in oil, gas and other resources sometimes arbitrate and much of the war in Sudan was eventually tied up with an arbitration. Investors who have staked billions of dollars in unstable developing countries rely on arbitration clauses to protect their investments. But also much smaller everyday cases are routinely dealt with by arbitration: millions of consumers, whether they know it or not, enter into arbitration contracts when they conclude routine transactions. Even athletes get involved in arbitration cases of great notoriety for instance when these relate to doping offences during the Olympic Games. This Very Short Introduction explains what arbitration is, how it works, what parties who have agreed to go to arbitration should expect, the relationship between arbitration and the law and the politics of arbitration. It also considers where the global system of arbitration is headed.

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books are the perfect way to get ahead in a new subject quickly Our expert authors combine facts analysis perspective new ideas and enthusiasm to make interesting and challenging topics highly readable **Texas International Law Journal** ,1995 **The Dilemma of Consent to International Arbitration in Investment Agreements without a Forum**

Fernando Tupa,2023-02-17 Fernando Tupa addresses the sometimes overlooked yet fundamental principle that consent to international arbitration is forum specific and explores its significance and practical consequences for investment tribunals The author proposes that if there is only consent in principle to international arbitration by the host State in an investment agreement due to the lack of a forum or the unavailability of the forum contemplated therein a foreign investor would not be entitled to unilaterally initiate an investment claim against the host State under said agreement absent a subsequent agreement between the foreign investor and the host State on an arbitral forum He also draws some conclusions and warns against the dangerous consequences of ignoring this basic principle *The Encyclopædia Britannica* Hugh Chisholm,1910

The Proceedings of the Hague Peace Conferences Carnegie Endowment for International Peace. Division of International Law,1920 Journal of International Arbitration ,1987 *Hazell's Annual Cyclopaedia* ,1888 *Hazell's Annual* ,1888

The Hague Conventions and Declarations of 1899 and 1907 James Brown Scott,1915 *International Economic Arbitration* Klaus Berger,1993-05-28 This book provides the international practitioner with detailed information on the status quo of international arbitration law The analysis of domestic arbitration laws together with a view of other major arbitration laws and arbitration rules will lead you to a complete picture of contemporary arbitral practice *Hazell's Annual ... a Cyclopædic Record of Men and Topics of the Day ...* ,1888 *The Oxford Handbook of International Arbitration* Thomas Schultz,Federico Ortino,2020-09-11 This Handbook brings together many of the key scholars and leading practitioners in international arbitration to present and examine cutting edge knowledge in the field Innovative in its breadth of coverage chapter topics range from the practicalities of how arbitration works to big picture discussions of the actors involved and the values that underpin it The book includes critical analysis of some of international arbitrations most controversial aspects whilst providing a nuanced account overall that allows readers to draw their own informed conclusions The book is divided into six parts after an introduction discussing the formation of knowledge in the field Part I provides an overview of the key legal notions needed to understand how international arbitration technically works such as the relation between arbitration and law the power of arbitral tribunals to make decisions the appointment of arbitrators and the role of public policy Part II focuses on key actors in international arbitration such as arbitrators parties choosing arbitrators and civil society Part III examines the central values at stake in the field including efficiency legal certainty and constitutional ideals Part IV discusses intellectual paradigms structuring the thinking in and about international arbitration such as the idea of autonomous transnational legal orders and conflicts of law Part V presents the empirical evidence we currently have about the operations and effects of both commercial and investment arbitration Finally Part VI provides different disciplinary perspectives on

international arbitration including historical sociological literary economic and psychological accounts

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