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International Dispute Settlement (Modern Legal Studies)

Merrills, J. G.

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Modern Legal Studies International Dispute Settlement

A. Claire Cutler, Thomas Dietz



Modern Legal Studies International Dispute Settlement:

Comparative Dispute Resolution Maria F. Moscati, Michael Palmer, Marian Roberts, 2020-12-25 Comparative Dispute Resolution offers an original wide ranging and invaluable corpus of chapters on dispute resolution Enriched by a broad comparative vision and a focus on the processes used to handle disputes this study adds significantly to the discourse around comparative legal studies Chapters present new understandings of theoretical comparative and transnational dimensions of the manner in which societies and their legal systems respond to difficulties in social relations Law and Practice of Debt Finance in Modern China Xin Zhang, 2021-10-23 This book provides updated full picture analysis of the laws and practices of cross border debt finance in the PRC It is featured by the first handed experiences of the author s academic research and legal practice in this field over two decades The author discusses legal and regulatory issues transaction structures and documentation in relation to two debt finance products loan and bond covering the inbound structure Chinese debtors raising funds from the international market and the outbound structure Chinese creditors supplying funds to the international market For cross border loans this book thoroughly illustrates the foreign debt regulatory regime in the PRC and approaches the lending by Chinese banks to support exports and overseas investments under the Belt and Road Initiative BRI For cross border bonds it discusses how Chinese issuers by designing various transaction structures enter into the international bond market and then researches the opening up of Chinese bond market to both international issuers for issuing Panda Bonds and investors for purchasing Chinese bonds This book is used as an authoritative source for not only students and researchers but also bankers and legal practitioners who are interested in the Chinese debt finance market

Contemporary Issues in International Arbitration and Mediation: The Fordham Papers (2007) Arthur W. Rovine, 2008-09-30 The 2007 volume of Contemporary Issues in International Arbitration and Mediation The Fordham Papers is a collection of important works in international arbitration and mediation written by the prominent speakers at the 2007 Fordham Law School Conference on International Arbitration and Mediation The 24 papers are organized into the following five parts Part I Investor State Arbitration Part II Conduct of International Arbitration and Jurisdictional Issues Part III Remedies and Defenses Part IV Ethics Issues in International Arbitration Part V Mediation **Legal Aspects of Economic Integration in Africa** Richard Frimpong Oppong, 2011-07-07 Richard Frimpong Oppong challenges the view that effective economic integration in Africa is hindered by purely socio economic political and infrastructural problems Inspired by the comparative experiences of other regional economic communities and imbued with insights from constitutional public and private international law he argues that even if the socio economic political and infrastructural challenges were to disappear the state of existing laws would hinder any progress Using a relational framework as the fulcrum of analyses he demonstrates that in Africa s economic integration processes community state inter state and inter community legal relations have neither been carefully thought through nor situated on a solid legal framework and that attempts made to provide legal

framework have been incomplete and sometimes grounded on questionable assumptions To overcome these problems and aid the economic integration agenda that is essential for Africa s long term economic growth and development the author proposes radical reforms to community and national laws *International Dispute Settlement* J. G. Merrills,1984

Investment Protection Standards and the Rule of Law August Reinisch,Stephan W. Schill,2023-01-04 This thoughtfully edited volume brings together leading scholars in the field to explore the relationship between the substantive standards of treatment contained in international investment agreements and the rule of law which is developing into one of the key principles which both supporters and critics use to evaluate the investment treaty regime Investment Protection Standards and the Rule of Law explores two perspectives Firstly it examines to what extent the substantive standards of treatment can be understood as expressions of the rule of law Secondly it addresses the rule of law problems or rule of law lacunae that exist in or are created by the application of these standards The subject matter is advanced by combining doctrinal analysis of the core substantive treatment standards as well as normative assessment of those standards from the perspective of the rule of law This book also offers a critical discussion of the potential the rule of law has as a guidepost for structuring international investment relations as well as its blind spots *Reconceptualizing International Investment Law from the Global South* Fabio Morosini,Michelle Ratton Sanchez Badin,2017-10-26 This book shows how the current reform in investment regulation is part of a broader attempt to transform the international economic order Countries in the North and South are currently rethinking how economic order should be constituted in order to advance their national interests and preferred economic orientation While some countries in the North seek to create alternative institutional spaces in order to promote neoliberal policies more effectively some countries in the South are increasingly skeptical of this version of economic order and are experimenting with alternative versions of legal ordering that do not always sit well with mainstream versions promoted by the North While we recognize that there are differences in approaches to the investment regimes proposed by countries in the South we identify commonalities that could function as the founding pillars of an alternative economic order Search for Truth in Arbitration: Is Finding the Truth What Dispute Resolution Is About - ASA Special Series No. 35 Marcus Wirth,Christina Rouvinez,Joachim Knoll,2011-08-01 This volume of the ASA Special Series contains the written version of the presentations given at the ASA 2009 Annual Conference on The Search for Truth in Arbitration Is finding the Truth what Dispute Resolution is about This volume explores the role and the relevance of truth in dispute resolution and specifically in commercial arbitration the different notions of truth in different legal cultures the users view in that respect and the consequences of these different perspectives and approaches for the practice of international arbitration Part one provides the philosophical background to the subsequent discussions of some practical issues from the perspective of the users of arbitration services as well as of the providers of these services arbitrators and counsel Next two practical issues that have for a long time been a hot topic in commercial arbitration practice cross examination and document

production are explored from different perspectives Finally formalism in arbitral proceedings is discussed is formalism good or evil It has been concluded that formal requirements should never be handled in a way that would hinder a tribunal or a court from accomplishing the main task with which it was entrusted either by the parties or by the State applying the substantive law to the issues before them and finding a just and fair solution to the parties dispute The presentations published in this volume of the ASA Special Series will contribute to the discussion of the ever intriguing question Is Finding the Truth what Dispute Resolution is about

Dispute Processes Michael Palmer, Simon Roberts, 2020-07-09 This wide ranging study considers the primary forms of decision making negotiation mediation umpiring as well as the processes of avoidance and violence in the context of rapidly changing discourses and practices of civil justice across a range of jurisdictions Many contemporary discussions in this field and associated projects of institutional design are taking place under the broad but imprecise label of Alternative Dispute Resolution ADR The book brings together and analyses a wide range of materials dealing with dispute processes and the current debates on and developments in civil justice With the help of analysis of materials beyond those ordinarily found in the ADR literature it provides a comprehensive and comparative perspective on modes of handling civil disputes The new edition is thoroughly revised and is extended to include new chapters on avoidance and self help the ombuds Online Dispute Resolution and pressures of institutionalisation

The New Global Law Rafael Domingo, 2010-02-26 The dislocations of the worldwide economic crisis the necessity of a system of global justice to address crimes against humanity and the notorious democratic deficit of international institutions highlight the need for an innovative and truly global legal system one that permits humanity to re order itself according to acknowledged global needs and evolving consciousness A new global law will constitute by itself a genuine legal order and will not be limited to a handful of moral principles that attempt to guide the conduct of the world s peoples If the law of nations served the hegemonic interests of Ancient Rome and international law served those of the European nation state then a new global law will contribute to the common good of all humanity and ideally to the development of durable world peace This volume offers a historical juridical foundation for the development of this new global law

The Economics of Courts and Litigation Francisco Cabrillo, Sean Fitzpatrick, 2008-01-01 Dissatisfaction with the working of courts is ubiquitous Legal inertia and maladministration are the norm in many countries and have significant social and economic repercussions No longer a theme relegated to the peripheries of economic analysis the administration of justice is now recognised by most economists as being of fundamental importance for economic development a factor increasingly being acknowledged by policymakers at all levels The departure point for this book is the authors belief in the need for a systematic analysis of the incentive structures facing key players in the courts and litigation process They focus not only on structures pertaining to the common law tradition but offer analysis of issues not normally found in the North American literature such as the Latin notary and the selection and values of judges in civil law systems They further propose an ample list of considerations for a reform agenda Offering a

comprehensive look at the incentives facing many key players in the administration of justice this book should be of great interest to law and economics scholars civil law professors legal reformers international development institutions and law students mindful of the need to improve the functioning of courts Managing and Negotiating Disagreements Bhawana Bhardwaj, Dipanker Sharma, 2024-10-28 Managing and Negotiating Disagreements shows how AI can both aid and complicate conflict resolution processes offering readers a nuanced perspective on the intersection of technology and human conflict management The Effect of the 1958 New York Convention on Foreign Arbitral Awards in the Arab Gulf States Reyadh Mohamed Seyadi, 2017-08-21 In the second half of the twentieth century alongside the evolution of the global economy modern technology rapid transportation and multinational enterprises there was an increased demand for a dispute resolution mechanism that met the needs of traders international trade and economic policy makers Arbitration as an alternative dispute resolution has significantly gained in popularity in the Arab Gulf States over the past two decades or so This is no doubt reason enough to take a closer look at the main theme that defines arbitration in this region National courts of the Arab Gulf states are invariably seen as not very arbitration friendly some possibly even hostile to arbitration Public order alongside the Islamic legal traditions is seen as unruly horse that could possibly undermine the development of international commercial arbitration in this region The contribution in this book will go some way toward dissipating the concerns that are routinely raised about the procedural and practical soundness of arbitration in the Arab Gulf states In addition the book serves to place arbitration in the Arab Gulf states in its present legal systems national laws and courts practices *The Politics of Private Transnational Governance by Contract* A. Claire Cutler, Thomas Dietz, 2017-03-31 Outsourcing state functions and the limits of existing regulatory regimes Contract as transnational regulatory governance The emergence of a transnational private regime for the regulation of PMSCs Conclusion Notes References 14 Conclusion Empire through contract A private international law perspective Abstract Introduction Self constituting regimes Private international law s libertarian view of contract Possible antidotes From the undiscovered DNA of contract law to new global forms of legal pluralism Notes References Index **Digital Platforms and Global Law** Bassan, Fabio, 2021-11-17 Digital Platforms and Global Law focuses on digital platforms and identifies their relevant legal profiles in terms of transnational and international law It qualifies digital platforms as private legal orders which exercise the legislative executive and para jurisdictional power within them Starting from this assumption the author studies the relationship between these orders and state transnational and international orders and concludes that the power of states to impose rules on platforms is different in terms of their external in relation to other platforms and states and internal in their own legal system action The Protection of General Interests in Contemporary International Law Massimo Iovane, Fulvio M. Palombino, Daniele Amoroso, Giovanni Zarra, 2021-08-04 This book analyses three key concepts global public goods global commons and fundamental values as tools geared towards the protection of the general interests of the international community After

providing an overview of these concepts the book examines how international law has responded to them in a wide range of fields and investigates how global governance has improved or worsened this response Contributions from a group of experts explore the legal foundations of general interests and discuss which interests have or have not been deemed to deserve the protection of international law Other chapters focus on whether and to what extent it is appropriate that international law intervenes to regulate such interests considering the interplay between multiple actors including states international and regional organisations and non state actors The book explores how states and other actors have used international law to protect general interests what lessons can be learned from these efforts and what significant challenges still need to be addressed

Natural Resources Grabbing: An International Law Perspective Francesca Romanin Jacur, Angelica Bonfanti, Francesco Seatzu, 2015-10-14 The growing demand for natural resources has triggered a race to their exploitation and possession especially in developing countries Most desired are water land forests raw materials oil gas mineral and precious stones fisheries and genetic resources Emerging economies Western states multinational corporations and international financial institutions have become the biggest buyers in a race that on one hand strengthens economies and creates investment opportunities and on the other threatens local communities and environmental protection Natural Resources Grabbing An International Law Perspective aims at filling a gap in the legal literature by addressing the adverse effects that large scale investments in natural resources may pose to fundamental human rights and the protection of the environment

Judging at the Interface Esmé Shirlow, 2021-02-18 This book investigates how international adjudicators defer to State decision making authority and what that reveals about the domestic international interface

Secondary Rules of Primary Importance in International Law Gábor Kajtár, Basak Çali, Marko Milanovic, 2022 This volume emphasizes the consequential nature of secondary rules of international law such as attribution causality and the standard and burden of proof and argues that the outcome of litigation is fundamentally shaped by the exact standard of proof standard of review or attribution basis that is chosen by adjudicators

Alternative Dispute Resolution in Energy Industries Mustafa Oğuz Tuna, 2022-04-03 The disputes that arise between host states and investors in the energy sector put a high number of valuable and vital projects in the countries at risk Investment treaty arbitration mechanisms as the traditional remedy have provided a solution to these problems for decades However as the number of disputes increases the sufficiency of arbitration in responding to disputes became questionable in addition to the long lasting and costly cases Accordingly ADR mechanisms outside the arbitration cannon have triggered growing interest among practitioners Despite the attraction and the apparent benefits of ADR such as being cheaper faster and with better outcomes compared to arbitration there are also hurdles in front that hinder the application of ADR This has lead to the underuse of ADR in appropriate contexts This study has been conducted to research the gap for the applicability of the ADR methods for investment disputes in the energy sector with the doctrinal analysis of the existing literature either promoting or opposing ADR Its findings provide guidance for

alternative dispute resolution practitioners on when to use ADR how to use ADR and on what disputes ADR to be used to resolve conflicts in International Energy Investment

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