

Redfern and Hunter on International Arbitration

FIFTH EDITION

Student Version



Nigel Blackaby and Constantine Partasides
with
Alan Redfern and Martin Hunter

Redfern And Hunter On International Arbitration Student Version

Jens Kleinschmidt



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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

Redfern and Hunter on International Arbitration (Hardback + LawReader Pack) Nigel Blackaby, 2023-02-07 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 Pack edition includes a copy of the hardback edition plus an access code for the digital edition which can be accessed via the LawReader app Companion website a href <https://www.oup.com/redfernhunter> a

Redfern and Hunter on International Arbitration Nigel Blackaby, Constantine Partasides, Alan Redfern, Martin Hunter, 2009-10-15 Reviewing the legal context within which international commercial arbitration operates this text has been updated to reflect recent developments in international law

Redfern and Hunter on International Arbitration Nigel Blackaby, Constantine Partasides, Alan Redfern, 2022 The seventh edition of the leading commentary on international commercial arbitration This is an essential guide for arbitrators lawyers professors and students

Schutz von Schiedsvereinbarung und vereinbarter Vertraulichkeit bei

Insolvenzeröffnung Martin Strauch ,2019 Martin Strauch untersucht in seiner Dissertationsschrift neben der Bindung des Insolvenzverwalters insbesondere dessen Einwirkungsmöglichkeiten auf die Schiedsvereinbarung Dabei liegt ein Schwerpunkt auf deren Anfechtbarkeit im Rahmen der Insolvenzanfechtung Den zweiten Schwerpunkt bildet der Schutz der im Schiedsverfahren vereinbarten Vertraulichkeit sowie von Betriebs- und Geschäftsgeheimnissen vor den Insolvenzzugriffen und Dritten nach Insolvenzeröffnung Dabei wird insbesondere die Möglichkeit eines Parteiausschlusses im Rahmen eines sogenannten in camera Verfahrens rechtsvergleichend erörtert und ein konkreter Vorschlag für dessen Ausgestaltung im Schiedsverfahren erarbeitet

Delegation von Privatautonomie auf Dritte Jens Kleinschmidt,2014-10-28 English summary Private autonomy as the legal power for an individual's self-formation belongs to the very basis of our system of private law To what extent can the critical elaboration of a legal ruling such as an arbitrator's award be ceded to a third party for a definitive constitutive or declaratory decision What procedures must be observed in such a case How and by whom will the decision be reviewed The law deals with these concerns only in a piecemeal fashion at the intersection of substantive law and procedural law and is rather variable for obligatory and inheritance laws Jens Kleinschmidt has developed on the basis of comparative legal studies common principles for the delegation of private autonomy He ascribes the decision of the third party their procedures and their control consistently to the self-determination of the delegating party demarcating the activities of private parties arbitrating agents and state courts and determining when a ruling approaches the personal German description Die Privatautonomie als Rechtsmacht zur Selbstgestaltung gehört zu den Grundlagen unserer Privatrechtsordnung In welchem Umfang kann die nähere Ausgestaltung einer rechtlichen Regelung etwa in einem Schiedsgutachten der bindenden, gestaltenden oder feststellenden Entscheidung eines Dritten überlassen werden Welches Verfahren hat dieser zu beachten Wie und von wem wird die Entscheidung überprüft Das Gesetz regelt diese Fragen an der Schnittstelle von materiellem Recht und Verfahrensrecht nur fragmentarisch und für Schuld und Erbrecht unterschiedlich Jens Kleinschmidt entwickelt auf rechtsvergleichender Grundlage gemeinsame Grundsätze der Delegation von Privatautonomie Er führt die Entscheidung des Dritten, ihr Verfahren und ihre Kontrolle konsequent auf die Selbstbestimmung des Delegierenden zurück, grenzt die Aufgabenbereiche von privaten Parteien, Schiedsgerichten und staatlichen Gerichten ab und bestimmt, wann eine Regelung höchstpersönlich zu treffen ist

Power and Pluralism in International Law Edward S. Cohen,2022-03-10 Demonstrating the crucial role that private international law and legality has played and continues to play in shaping globalization, this book argues that the rules, institutions, and actors that make up the practice of private international law have been critical in translating political and economic power into legal regimes that have facilitated the processes of globalization These processes depend on two fundamental types of socio-political action: the legal structuring of emerging transnational spaces and flows of goods, capital, and finance, and the legal-political reconfiguration of state power and priorities to facilitate the growth of these spaces and their penetration into national

political economic and social spaces While a variety of processes were involved in these forms of action the material practices of private international law played a central role in this project of political economic reconstruction Offering a theory of private international legality as a practice that intersects with and provides a vehicle for the mobilization of political and economic power this book examines the construction and enrolment of private law expertise and the structural condition of pluralism in the global political economy to argue that private international law has helped construct a global political economy responsive to the priorities of powerful actors and resistant to the demands and interests of the rest of the world's populations It will be of interest to academics and students exploring the relationship between law international political economy and the nature of state power

The Developing World of Arbitration Anselmo Reyes, Weixia Gu, 2018-02-22 The Developing World of Arbitration studies the recent emergence of Asia Pacific jurisdictions as regional or international arbitration centres thanks to various reform efforts and initiatives This book provides an up to date and comprehensive analysis of the ways in which arbitration law and practice have recently been reformed in Asia Pacific jurisdictions Leading contributors across the Asia Pacific region analyse twelve major jurisdictions representing varying patterns and degrees of development whether driven from top down bottom up or by some hybrid impetus Setting the arbitration systems and reforms of each investigated jurisdiction in the context of its economic political and judicial dynamics this book presents for the first time a cross jurisdiction comparative and contextual study of the developing world of arbitration in the Asia Pacific and contributes to comparative international arbitration literature from an Eastern perspective It also aims to identify an Asia Pacific model of arbitration modernisation one that may be distinct from a Western model and predicts future trajectories of development and challenge in light of the ever increasing competition between Eastern and Western based arbitration centres This edited collection will be an invaluable addition to the libraries of academics and practitioners in the field of international commercial arbitration

The Transformation of Economic Law Lucila de Almeida, Marta Cantero Gamito, Mateja Djurovic, Kai Peter Purnhagen, 2019-09-05 This book is written in honour of Hans W Micklitz for his jubilee 70th birthday and the closure of his twelve year term as the Chair for Economic Law at the European University Institute EUI Hans W Micklitz has gained international recognition for dedicating his extensive and fruitful career to diverse areas of law European Economic Law European Private Law National and European Consumer Law Legal Theory theories of Private Law and Social Justice This book is a product of the collaborative endeavors of its contributors who all have a special connection with Hans W Micklitz as his doctoral supervisees or research assistants The collection of twenty chapters is to be read as the influence of Hans's dialogues in the early stage of the academic career of thirty one young legal scholars The volume is divided into three sections devoted to subjects that have received Hans's attention while at the EUI EU Consumer Law part I European Private Law and Access Justice part II the CJEU between the individual citizen and the Member States part III

Arbitral Awards as Investments Maximilian Clasmeier, 2017-01-01 The rise of international investment arbitration has

resulted in the emergence of a number of intriguing legal and political challenges One of those is the question of whether or not arbitral awards may constitute investments pursuant to existing investment treaties In approaching the problem it is the interconnection between theory and practice that delivers solutions This book presents the first detailed analysis of the existing tribunals approaches to date In examining the principles of treaty interpretation their application in arbitral practice shortcomings and their ramifications and possible routes to improvement the book addresses the following questions What is the foundation of interpretation in public international law and when is it adequately carried out Can arbitral awards constitute investments offering relief from frustrated enforcement attempts Is there a trend of convergence of commercial and investment arbitration Do respective interpretative outcomes stem from adequate interpretation What are the ramifications if interpretation is not fully adequate What are the feasible routes to greater interpretive discipline The book is mindful of the underlying public international law principles such as state sovereignty and the increasing legal and political dynamics of international investment law This is the first in depth treatise on arbitral awards qualification as investments within international investment law Its detailed analysis of the interpretive approaches their foundation and consequences will from a theoretical and practical point of view prove of great value to international tribunals counsel and sovereign entities Maximilian Clasmeyer has gained international arbitration experience in the dispute resolution practices of international law firms in Frankfurt D sseldorf and Singapore and worked for the World Bank Group in Washington D C

Vertraulichkeit im Schiedsverfahren Heiner Kahlert, 2015-03-18 English summary Confidentiality in arbitration touches many different private and public interests Should decisions rendered by arbitral tribunals be made public Can arbitral proceedings be confidential if one of the parties is a state Heiner Kahlert explores these and many other questions in his comprehensive treatise on confidentiality in arbitration German description Die Schiedsgerichtsbarkeit bewegt sich zwischen Privatautonomie und Rechtsprechungsfunktion zwischen privaten und öffentlichen Interessen In diesen Spannungsfeldern stellt sich die immer aktueller werdende Frage inwieweit Schiedsverfahren vertraulich sind Was bedeutet die verfassungsrechtliche Veröffentlichungspflicht für Gerichtsentscheidungen wenn in einigen Bereichen Streitigkeiten nur noch von Schiedsgerichten entschieden werden Kann ein Schiedsverfahren vertraulich sein wenn ein Hoheitsträger beteiligt ist Diesen und vielen anderen Fragen geht Heiner Kahlert in seiner umfassenden Untersuchung nach Er spannt den Bogen zum allgemeinen Schutz von Vertraulichkeit im deutschen Recht analysiert die Einflüsse des Völker Europa und Verfassungsrechts und berücksichtigt den Diskussionsstand in anderen Rechtsordnungen Zahlreiche Schiedsordnungen werden ebenso untersucht wie anwendbares Recht Zuständigkeitsprobleme und Rechtsfolgen von Vertraulichkeitsbrüchen Es erweist sich dass einige vermeintliche Gewissheiten zur Vertraulichkeit im Schiedsverfahren auf unsicherem Grund stehen The Use of Commercial Arbitration Rules in Investment Treaty Disputes Joel Dahlquist, 2021-03-15 Arbitration clauses in investment treaties often provide investors with a choice between ICSID arbitration on the one hand and rules

originally drafted for commercial arbitration on the other The Use of Commercial Arbitration Rules in Investment Treaty Disputes studies how domestic courts and commercial arbitration institutions impact the scope of arbitral tribunal jurisdiction when commercial arbitration rules are used Based on extensive studies of court decisions and previously unknown arbitral awards Joel Dahlquist s book analyses the practice of domestic courts in reviewing treaty based jurisdiction and explains how the two most used commercial arbitration institutions the ICC and the SCC have drafted interpreted and applied their arbitration rules in treaty based disputes Mediation and other forms of Alternative Dispute Resolution Michael Bartlet,2024-12-03 Covering both the principles and practice of Alternative Dispute Resolution ADR this important new textbook equips students not only with a contextual understanding of the role of ADR in adjudicating civil disputes but also with the different forms of mediation and ADR available and the key issues in their application Providing theoretical and practical insights the book begins with a critical examination of the tenets on which ADR is based where it sits in relation to civil law and how it is applied in different national contexts It discusses the various areas in which mediation or arbitration can be applied from family mediation to restorative justice and includes chapters on the ethics of mediation and its psychology as well as an introduction to online dispute resolution ODR The concluding chapter offers some thoughts on the benefits and challenges of mediation Featuring a glossary of key terms detailed case law end of chapter problem questions and advice around listening skills during a mediation process Mediation and other forms of Alternative Dispute Resolution is an essential textbook for any student approaching ADR for the first time and offers practitioners an opportunity to reflect on the context of ADR Introduction to Investor-State Arbitration Yves Derains,Josefa Sicard-Mirabal,2018-10-17 Today thousands of investors act globally in markets providing services technology or capital in countries all around the world This activity can be peacefully accomplished when both the investor and the host State know that the disputes will be resolved under the aegis of the investor State arbitration regime wherein an investor is provided with a direct right of action against a State most commonly stemming from a bilateral or multilateral investment treaty This book approaches the substantive and sometimes difficult concepts of investor State arbitration in a clear and concise explanatory fashion In the course of acquainting the reader with the basic legal concepts and policies of the regime the authors address such issues as the following consent to jurisdiction State responsibility possible conflict of interests mechanisms for reviewing an award damages and costs and enforcement The book examines a number of arbitration procedures arising from various perspectives with differing underlying assumptions while highlighting important cases Given that investor State arbitration is now under the public watch and facing many challenges this remarkably clear and concise overview of the regime will prove to be of great value to in house counsel and other practitioners as well as to government policymakers and students x

International Arbitration in Portugal André Pereira da Fonseca,,Dário Moura Vicente,Mariana França Gouveia,Alexandra Nascimento Correia,Filipe Vaz Pinto,2020-08-19 Parties to cross border disputes arising anywhere in the

vast Portuguese speaking world a community of more than 230 million in a space that offers a wide array of investment opportunities across four continents increasingly seek Portugal as their preferred seat of arbitration A signatory to all relevant international conventions Portugal has proven to be an arbitration friendly jurisdiction This volume is the first and so far only book in English that provides a thorough in depth analysis of international arbitration law and practice in Portugal Its contributing authors are among the most highly regarded legal names in the country including scholars arbitrators and practitioners The authors describe how international arbitration proceedings are conducted in Portugal what cautions should be taken and what procedural strategies may be suitable in particular cases They provide insightful answers to questions such as the following What matters can be submitted to arbitration under Portuguese law What are the validity requirements for an arbitration agreement How do the State courts interact with arbitration proceedings and what is the attitude of such courts toward international arbitration What are the rules governing evidentiary matters in arbitration How is an arbitration tribunal constituted How are arbitrators appointed How may they be challenged How can an international arbitral award be recognized and enforced How does the Portuguese legal system address the issue of damages and what specific damages are admitted How are the costs of arbitration proceedings estimated and allocated The book includes analyses of arbitration related to specific fields of the law notably sports administrative tax intellectual property rights especially regarding reference and generic medicines and corporate disputes Each chapter provides for the topics it addresses an examination of the applicable laws rules arbitration practice and views taken by arbitral tribunals and state courts as well as those of the most highly considered scholars As a detailed examination of the legal framework and of all procedural steps of an arbitration in Portugal from the drafting of an arbitration agreement to the enforcement of an award this book constitutes an invaluable resource for parties involved in or considering an international arbitration in this country The guidance that it seeks to provide in respect of any problem likely to arise in this context can be useful to arbitrators judges academics and interested lawyers

Der Schutz von Geschäftsgeheimnissen in Schiedsverfahren Marko Borislav Andjic ,2025-08-27

Wie unterscheidet sich der Schutz von Geschäftsgeheimnissen im Zivilprozess von der Gewährleistung im Schiedsverfahren Marko Borislav Andjic arbeitet die im staatlichen Verfahren bestehenden Schutzmechanismen und lücken heraus Nichtöffentlichkeit und Vertraulichkeit sind dort mittlerweile weitgehend gewährleistet jedoch kein darüberhinausgehender Geheimnisschutz etwa aufgrund eines In camera Verfahrens Die Schiedsgerichtsbarkeit ist beim Geheimnisschutz nicht per se überlegen es bestehen allerdings Gestaltungsspielräume die im staatlichen Verfahren fehlen Deshalb können die Parteien wenn sie diese Spielräume zweckmassig nutzen im Schiedsverfahren besseren Geheimnisschutz erreichen Vor allem da sie prozessuale Geheimhaltungsmechanismen zugunsten von Geschäftsgeheimnissen vereinbaren können ohne dass diese zwingend gegen den Grundsatz der Gewährung rechtlichen Gehörs verstossen

Attracting African States Participation in a Multilateral Investment Court Afolabi Oluwatomiwa Adekemi,2024-11-11 This book delves into the intricacies of encouraging

African states participation in a Multilateral Investment Court MIC set against the backdrop of their experiences with international investment agreements and the Investor State Dispute Settlement ISDS system. It tackles the pervasive issues within the existing ISDS framework emphasising the critical standpoint of African states on the desired ISDS reform. The text unpacks the foundational standards of treatment such as Fair and Equitable Treatment FET guarantees against expropriation and the Full Protection and Security FPS standard highlighting how they are commonly invoked against African nations. Through detailed analysis the book exposes the inherent challenges these standards pose to the sovereignty and regulatory autonomy of African states particularly in contexts that demand sustainable development and public interest considerations. The book critically evaluates the proposed MIC as a reformative alternative to traditional ISDS mechanisms scrutinising its potential to address the substantive and procedural grievances that have historically disadvantaged African states within the global investment arbitration landscape. It proposes a nuanced framework for reform that aligns with the developmental aspirations and legal traditions of African countries. By providing in depth insights into the procedural and substantive dimensions of international investment law from an African perspective the work advocates for a balanced approach that respects the regulatory prerogatives of states while ensuring fair protection of foreign investments. The book stresses the importance of this balanced approach which is crucial for attracting African states participation in a future MIC. The target audience for this comprehensive monograph includes legal academics practitioners law students and other enthusiasts of international investment law and its emerging reforms. Through its detailed examination of the challenges and opportunities within the current ISDS system the book offers valuable perspectives for those engaged in the discourse on international investment law's evolution in response to the global backlash against traditional ISDS.

Fair and Equitable Treatment and the Rule of Law Velimir Živković, 2023-07-01. By comprehensively investigating the Fair and Equitable Treatment Standard FET this discerning book presents how this standard in investment treaty disputes can be both legally justified and realistically beneficial. It reflects on how FET jurisprudence can be advantageous to both the rule of law and to the legitimacy of the international investment regime.

Präzedenzwirkung internationaler Schiedssprüche Valériane König, 2013-12-12. Rechtsstreitigkeiten werden zunehmend vor internationalen Schiedsgerichten ausgetragen. Obgleich weder ICC noch ICSID Schiedsgerichte an frühere Schiedssprüche gebunden sind, offenbaren ihre Entscheidungsbegründungen häufige Bezugnahmen auf die frühere Rechtsprechung. Inwieweit zitierten Entscheidungen faktische Präzedenzwirkung zukommt, wird im Rahmen dieser Arbeit ebenso untersucht wie die schiedsrichterliche Rechtsfortbildung und die Frage nach der Konsistenz der Spruchpraxis in ausgewählten Bereichen des internationalen Wirtschaftsrechts. Untersucht die Voraussetzungen und qualifizierenden Faktoren faktischer Präzedenzwirkung, entwirft eine Methodik zur Erforschung der konkreten Gestalt faktischer Präzedenzwirkung, analysiert die ICC Spruchpraxis zur Ausweitung der Schiedsklausel auf konzernzugehörige Unternehmen sowie zu internationalen Baustreitigkeiten, analysiert investitionsschiedsgerichtliche

Entscheidungen zum Investitionsbegriff zum Meistbegünstigungsgrundsatz sowie zum Gebot vollen Schutzes und voller Sicherheit **Schieds- und Schiedsverfahrensvereinbarungen in strukturellen Ungleichgewichtslagen** Tilman Niedermaier, 2013 Das deutsche Schiedsverfahrensrecht aus dem Jahr 1998 ist massgeblich an den Bedürfnissen des internationalen Handels ausgerichtet Rechtsstreitigkeiten in diesem Bereich sind typischerweise durch ein Kräftegleichgewicht der Parteien geprägt Es kommt jedoch nicht nur in rein nationalen oder nicht handelsrechtlichen Streitigkeiten vor dass eine Partei der anderen strukturell unterlegen ist In den USA haben mit derartigen Ungleichgewichtslagen verbundene Fragestellungen in jüngerer Zeit verstärkte Aufmerksamkeit durch Rechtsprechung und Wissenschaft erfahren Tilman Niedermaier vergleicht die Rechtslage in Deutschland und den USA und untersucht unter Berücksichtigung neuerer Entwicklungen im EU Recht inwieweit die Interessen strukturell unterlegener Parteien im Schiedsverfahren nach deutschem Recht gewahrt werden können

The book delves into Redfern And Hunter On International Arbitration Student Version . Redfern And Hunter On International Arbitration Student Version is a vital topic that needs to be grasped by everyone, ranging from students and scholars to the general public. The book will furnish comprehensive and in-depth insights into Redfern And Hunter On International Arbitration Student Version , encompassing both the fundamentals and more intricate discussions.

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