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Introduction - International Investment Law

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Research Guide ...

“Equality of Arms” in
Investment Arbitration:
Procedural Challenges

* Thomas W. Wälde **

INTRODUCTION

“Equality of arms” is a
foundation principle of
investment arbitration
procedure. A gov-
ernment sued on the
basis of an investment
treaty, signed to
encourage foreign and pri-

“Equality of Arms”

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Arbitration:

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Part III Procedural
Issues, Ch.19

Procedural
Transparency. Joachim

Delaney, Daniel
Barstow Magraw Jr.

From: ... the process of
arbitration in the
context of international
investment; and the
different arbitral rules
and institutions
typically used or
available for

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arbitrations, including
the institution's rules
and practices ...

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The issues related to
the nationality of legal
persons are more
complicated. ... respect
to the jurisdiction of
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(ICSID), as it extends to
“any dispute arising
out of an ...
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is the first text of its kind to examine the most prevalent and controversial procedural issues that arise in investment arbitrations conducted under the ICSID, UNCITRAL, and other arbitral rules. Written by international arbitration experts, the book takes the reader through an investment arbitration in chronological order, identifying each key

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procedural issue in turn
and providing details of
the relevant
precedents.

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Procedural law, also called adjective law, the law governing the machinery of the courts and the methods by which both the state and the individual (the latter including groups, whether incorporated or not) enforce their rights in the several courts. Procedural law prescribes the means of enforcing ...

2.7 Procedural

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In this chapter, we have outlined some of the procedural issues relevant to the determination of damages in international arbitration. This is certainly an area in which users of arbitration can benefit from counsel and arbitrators striving to devise the optimal procedure in each case, thinking

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creatively and drawing
on past experience
where necessary.

International Investing Definition

A Center at the Center
of All Things
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Center on International
Commercial Arbitration
provides a high-level
academic forum for
exchanging ideas on
salient issues and
current developments
in the field of

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arbitration expanding
on the
accomplishments of
AUWCL's International
Arbitration Program,
which debuted in 2004.

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iv International
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Acknowledgements
This three-volume set

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was edited by Karl P. Sauvant, assisted by Jörg Weber. Desktop publishing was done by Teresita Sabico.

UNCTAD's work on IIAs is undertaken by a team led by James Zhan. The principal

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of an investment,
between a Contracting
State and a

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national of another
Contracting State,
which the parties to
the dispute consent in
writing to submit to the
Centre.”

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**GAR Chapter:
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International
investment law
governs foreign direct
investment and the
resolution of disputes
between foreign
investors and

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sovereign states. This guide identifies the best resources for locating primary and secondary materials related to international investment law, with an emphasis on bilateral investment treaties (BITs) and the arbitration of investor-state disputes.

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The procedural issues encountered in an ICSID arbitration are likely to be similar to issues encountered in other forms of arbitration. However, the ICSID system is unique in retaining its autonomy and independence from the application of national systems of law or the interference of national courts.

Key Issues And

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Party Investment

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International investing provides investors with a broader investment universe for selecting portfolio investments. It can broaden an investor's diversification, potentially adding new sources of ...

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kind to address this
gap, examining the
most prevalent and
controversial
procedural issues that
arise in investment
arbitrations conducted
under the ICSID,
UNCITRAL, and other
arbitral rules.

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Arbitration General of
ICSID, according to
Rule 6 of the ICSID
Institution Rules,'
would refuse
registration of the
request *ratione*
materiae. At least on
this point the so-called
ICSID Additional
Facility seems to me
obsolete and therefore
useless.'

Full E-book

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" Procedural Issues in International Investment Arbitration is a concise handbook, which is informed by the authors' first-hand experience with investment disputes and garnished with extensive footnote references to relevant case law.

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