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The Fordham Papers 2012

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Arbitration and Mediation: The Fordham Papers (2009) Arthur W. Rovine, 2010-05-20 The 2009 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 2009 Fordham Law School Conference on International Arbitration and Mediation The 25 papers are organized into the following six parts Part I Investor State Arbitration Part II Arbitrator Ethics Part III Damages in International Commercial Arbitration Part IV The Theory and Philosophy of International Arbitration Part V Investor State Mediation Part VI Mediation in the Context of Arbitration ,

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Road Initiative which is one of the essential projects of President Xi Jinping and where China fits on the global arena. Additionally, the contributors cover such important topics as China's maritime traffic infrastructure along the modern Silk Road, the South China Sea, and China's relationship with Indonesia, Malaysia, East Timor, Hong Kong, and Macao. This edited volume will interest scholars, researchers, and students in the fields of Asian studies, globalization, political science, and Chinese politics.

The Foundations of International Investment Law Zachary Douglas, Joost Pauwelyn, Jorge E. Viñuales, 2014-05-01

International investment law is one of the fastest growing areas of international law. It has led to the signing of thousands of agreements, mostly in the form of investment contracts and bilateral investment treaties. Also, in the last two decades, there has been an exponential growth in the number of disputes being resolved by investment arbitration tribunals. Yet, the legal principles at the basis of international investment law and arbitration remain in a state of flux. Perhaps the best illustration of this phenomenon is the wide disagreement among investment tribunals on some of the core concepts underpinning the regime, such as investment property, regulatory powers, scope of jurisdiction, applicable law, or the interactions with other areas of international law. The purpose of this book is to revisit these conceptual foundations in order to shed light on the practice of international investment law. It is an attempt to bridge the growing gap between the theory and the practice of this thriving area of international law. The first part of the book focuses on the infrastructure of the investment regime, or more specifically on the structural arrangements that have been developed to manage foreign investment transactions and the potential disputes arising from them. The second part of the book identifies the common conceptual bases of an array of seemingly unconnected practical problems in order to clarify the main stakes and offer balanced solutions. The third part addresses the main sources of regime stress, as well as the main legal mechanisms available to manage such challenges to the operation of the regime. Overall, the book offers a thorough investigation of the conflicting theoretical positions underlying international investment law, testing their worth by reference to concrete issues that have arisen in the jurisprudence. It demonstrates that many of the most important practical questions arising in practice can be addressed by a carefully dosed resort to theory.

Artificial Intelligence and Taxation Law Enrico Gallo, 2025-07-25

This book identifies how artificial intelligence (AI) systems can be used as part of decision processes within international tax and transfer pricing disputes. The issue of double taxation and its impact on economic development continues to escalate as globalization causes states to interact on a growing scale. In recent years, AI applications have shown potential to solve this issue, particularly in reference to the length of time taken to resolve cases of double taxation in the field of transfer pricing. These cases can typically take at least two or more years to resolve, resulting in high costs to taxpayers and tax administrations. The book identifies the current legal frameworks available to prevent and solve tax and more specific transfer pricing disputes and details their advantages and disadvantages. Providing an analysis of what AI can offer to different legal principles, it shows how this can challenge existing rules and the changes this requires within the legal

framework The book provides an overview of the challenges and opportunities that lie at the intersection of AI systems and the domain of international law providing case studies to demonstrate its practical applications It asks and answers the fundamental question Can AI or more specifically machine learning ML replace human decisions within the resolution of international tax and transfer pricing disputes The book will be of interest to researchers in the field of tax law data

protection law consumer protection law intellectual property law and artificial intelligence **Contemporary Issues in Finance and Insolvency Law Volume 2** Leon Trakman,Robert Walters,2022-08-17 There is increasing regulatory interdependence amongst Central East and South East Asia European and North American financial markets and these markets account for over one third of the world s population and global financial markets As these Asian markets become more integral to global financial economy more cohesive compatible and integrated insolvency and restructuring laws are essential This two volume work reviews why we should internationalise current cross border insolvency and how we could restructure laws to address inadequacies The two volume work evaluates international regulatory reforms directed at detecting and managing cross border insolvency and restructuring crises across the entire economy including financial markets The authors call for schemes of arrangements and letters of comfort to be formally accepted as international legal tools The work also assesses recent but as yet unregulated developments in financial agreements namely the use of close out netting provisions They are a significant preventative legal mechanism protecting debtors creditors and employees among others before a declaration of insolvency The book discusses international arbitration data protection and artificial intelligence in cross border insolvency and restructuring Finally it seeks a meaningful balance between self regulation through financial contracts and other party practices and regulation imposed by governments and international financial regulators This extensive work will be a useful reference for legal practitioners policy makers and scholars working on financial regulation and international financial laws International Investment Law and Legal Theory Jörg

Kammerhofer,2021-05-06 Expropriation is a hotly debated issue in international investment law This is the first study to provide a detailed analysis of its norm theoretical dimension setting out the theoretical foundations underlying its understanding in contemporary legal scholarship and practice J rg Kammerhofer combines a doctrinal discussion with a theoretical analysis of the structure of the law in this area undertaking a novel approach that critically re evaluates existing case law and writings His approach critiques the arguments for a single expropriation norm based on custom interpretation and arbitral precedents within international investment law drawing also on generalist international legal thought to show that both cosmopolitan and sovereigntist arguments are largely political not legal This innovative work will help scholars to understand the application of theory to investment law and help specialists in the field to improve their arguments

Annulment Under the ICSID Convention R. Doak Bishop,Silvia M. Marchili,2012-12-06 The book systematically describes the theory and practice of ICSID annulment proceedings by thoroughly analysing this mechanism in light of the annulment

decisions rendered so far as well as the publications on the issue Organised to suit the needs of the practitioner it outlines the recent trends in the area providing the most up to date analysis of the subject It also addresses key topics involving ICSID annulment such as the procedural issues which frequently arise in this type of proceedings for example admissibility of new evidence and arguments in annulment proceedings res judicata in resubmitted cases The sections on each ground for annulment include an analysis of the applicable standard as well as a detailed description and study of each annulment decision that addressed the respective ground creating an authoritative and complete resource

Manifestations of Coherence and Investor-State Arbitration Charalampos Giannakopoulos, 2023-01-19 Coherence is highly valued in law It is especially sought after in investor state dispute settlement where charges of incoherence in arbitral awards have long been raised by states and scholars Yet coherence is a largely underexplored notion in international law Often it is treated as a mere ideal to strive towards or simply as a different way to describe the legal consistency of judicial outcomes This book takes a different approach It sees coherence as an independent concept having two dimensions a substantive and a methodological one Both are critically important for legal reasoning by international courts and tribunals including by investor state tribunals and the book illustrates through several case studies some of the ways this conclusion is borne out in practice A fuller understanding of coherence in international law has implications for our understanding of the concept of law the practice of legal reasoning and judicial professional ethics

The Return of the Home State to Investor-State Disputes Rodrigo Polanco, 2019-01-10 This book advances the idea that in order to address some of the criticisms against investor state dispute settlement a large majority of states have taken a normative strategy negotiating or amending investment treaties with provisions that potentially give more control and greater involvement to the contracting parties and notably the home state This is particularly true of agreements concluded in the past fifteen years At the same time there is a potential revival of the remnants of diplomatic protection that are embedded in investment treaties since the beginning of the system But why is the home state being brought back into a domain from which it was expressly excluded several decades ago Why would a home state be interested in intervening in these conflicts Is this new role of the home state in foreign investment disputes a return to diplomatic protection of its nationals or are we witnessing something different

The Oxford Handbook of International Trade Law, 2022-11-17 The rules and regulations governing international trade have grown at an exponential rate in the years since the Uruguay Round agreements established the WTO in 1995 These agreements continue to act as the multilateral foundation of the body of law which is being expanded by its own committees and in new arrangements As the international trade law system grows it comes under increasing scrutiny from scholars government officials and trade law practitioners it raises questions about the overlap with other international legal political and economic regimes This Handbook considers the system of international trade law and what it means for States for economic systems for other international regimes for civil society and for human welfare The book opens by focusing on the

regulation of international trade considering the history economics and sources of international trade law as well as the possibilities for the future It considers the intersection of international trade law with States the economic and institutional context of the world trading system the framework of its substantive law and the balance of trade objectives versus ethical responsibilities The book concludes by offering analysis of new trade law developments in the agricultural digital and financial sectors as well as outlining the settlement of trade law disputes both in the WTO and bilateral regional trade agreements The second edition broadens the scope of analysis beyond the WTO analysing regional trade agreements and preferential trade arrangements including the Trans Pacific Partnership and Canada EU Trade Agreement The new edition also considers developments within the WTO such as in the area of agricultural export subsidies and the Trade Facilitation Agreement

*The Role of the Domestic Law of the Host State in Determining the Jurisdiction *ratione materiae* of Investment Treaty Tribunals* Reza Eftekhari, 2021-10-05 The Role of the Domestic Law of the Host State in Determining the Jurisdiction *ratione materiae* of Investment Treaty Tribunals The Partial Revival of the Localisation Theory focuses on the largely unexplored role of the host state law in determining the jurisdiction *ratione materiae* of investment treaty tribunals Given domestic law's essential role in subject matter jurisdiction issues and in the light of the broader function of host state law and host state courts in contemporary investment treaty law the author argues that the dormant localisation theory that was raised and defended by developing countries in the 1960s 1970s in the context of foreign investment contract disputes has now been partially revived in the area of the investment treaty law This is a significant milestone in the ongoing discussions on the reform of the investment treaty dispute settlement regime

The Routledge Handbook of Intercultural Mediation Dominic Busch, 2022-11-15 Offering unique coverage of an emerging interdisciplinary area this comprehensive handbook examines the theoretical underpinnings and emergent conceptions of intercultural mediation in related fields of study Authored by global experts in fields from intercultural communication and conflict resolution to translation studies literature political science and foreign language teaching chapters trace the history development and present state of approaches to intercultural mediation The sections in this volume show how the concept of intercultural mediation has been constructed among different fields and shaped by its specific applications in an open cycle of influence The book parses different philosophical conceptions as well as pragmatic approaches providing ample grounding in the key perspectives on this growing field of discourse The Routledge Handbook of Intercultural Mediation is a valuable reference for graduate and postgraduate students studying mediation conflict resolution intercultural communication translation and psychology as well as for practitioners and researchers in those fields and beyond

Socio-legal Approaches to International Economic Law Amanda Perry-Kessaris, 2013 This collection explores the analytical empirical and normative components that distinguish socio legal approaches to international economic law both from each other and from other approaches It pays particular attention to the substantive focus what of socio legal approaches noting that they go beyond

the text to consider context and often subtext In the process of identifying the what and the how analytical and empirical tools of their own socio legal approaches contributors to this collection reveal why they or anyone else ought to bother the many reasons why it is important for theory and for practice to take a social legal approach to international economic law

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