

Business Law  
**Module 14 [International Investment Arbitration]**

*The module covers basic binding and ADR dispute settlement options, which might be used in the resolution of international commercial disputes. Having provided an overview of varied mechanisms, including a recap on litigation and its potential drawbacks, the module focuses on international commercial arbitration – a mainstream dispute resolution technique in international business.*

Basic Notions:

Investment dispute  
Dispute settlement option in investment disputes  
Fork in the road  
International Investment Arbitration  
Public law element in international investment arbitration  
Private law element in international investment arbitration  
Investment  
Covered investment  
Investor  
Host state  
Counterclaims in international investment arbitration  
Legal basis for international investment arbitration  
Forum selection in international investment arbitration  
Ad hoc and institutional investment arbitration  
ICSID Arbitration  
[ICSID] Additional Facility Arbitration  
UNCITRAL Arbitration Rules as used in international investment arbitration  
Transparency in international investment arbitration  
Investment guarantees tackled by investment arbitration proceedings  
Relief granted by international investment arbitration tribunals  
Enforcement of ICSID awards  
Enforcement of non-ICSID international arbitration tribunals (including those of ICSID Additional Facility)  
Annulment proceedings in ICSID Arbitration  
Costs of international investment arbitration  
Third party funding

Articles, Book Chapters, Other Overviews and Summaries

Schreuer, C., Overview, International Center for Settlement of Investment Disputes (ICSID), UNCTAD Course on International Dispute Settlement, [http://unctad.org/en/docs/edmmisc232overview\\_en.pdf](http://unctad.org/en/docs/edmmisc232overview_en.pdf)

Reinisch, A., Selecting the Appropriate Forum, International Center for Settlement of Investment Disputes (ICSID), UNCTAD Course on International Dispute Settlement, [http://unctad.org/en/docs/edmmisc232add1\\_en.pdf](http://unctad.org/en/docs/edmmisc232add1_en.pdf)

Schreuer, C., Consent to Arbitration, International Center for Settlement of Investment Disputes (ICSID), UNCTAD Course on International Dispute Settlement, [http://unctad.org/en/docs/edmmisc232add2\\_en.pdf](http://unctad.org/en/docs/edmmisc232add2_en.pdf)

Al-Sharmani, M., Requirements Ratione Personae, International Center for Settlement of Investment Disputes (ICSID), UNCTAD Course on International Dispute Settlement,

[http://unctad.org/en/docs/edmmisc232add3\\_en.pdf](http://unctad.org/en/docs/edmmisc232add3_en.pdf)

Escobar, A., Requirements Ratione Materiae, International Center for Settlement of Investment Disputes (ICSID), UNCTAD Course on International Dispute Settlement, [http://unctad.org/en/docs/edmmisc232add4\\_en.pdf](http://unctad.org/en/docs/edmmisc232add4_en.pdf)

Tawil, G.S., Applicable law, International Center for Settlement of Investment Disputes (ICSID), UNCTAD Course on International Dispute Settlement, [http://unctad.org/en/docs/edmmisc232add5\\_en.pdf](http://unctad.org/en/docs/edmmisc232add5_en.pdf)

Schwartz, E., Mohtashami, R., Procedural Issues, International Center for Settlement of Investment Disputes (ICSID), UNCTAD Course on International Dispute Settlement, [http://unctad.org/en/docs/edmmisc232add6\\_en.pdf](http://unctad.org/en/docs/edmmisc232add6_en.pdf)

Wang, D., Post – Award Remedies, International Center for Settlement of Investment Disputes (ICSID), UNCTAD Course on International Dispute Settlement, [http://unctad.org/en/docs/edmmisc232add7\\_en.pdf](http://unctad.org/en/docs/edmmisc232add7_en.pdf)

Wang, D., Binding Force and Enforcement, International Center for Settlement of Investment Disputes (ICSID), UNCTAD Course on International Dispute Settlement, [http://unctad.org/en/docs/edmmisc232add8\\_en.pdf](http://unctad.org/en/docs/edmmisc232add8_en.pdf)

Schwartz, E., Mohtashami, R., Permanent Court of Arbitration, International Center for Settlement of Investment Disputes (ICSID), UNCTAD Course on International Dispute Settlement, [http://unctad.org/en/docs/edmmisc232add8\\_en.pdf](http://unctad.org/en/docs/edmmisc232add8_en.pdf)

Guglya, Leonila, International Review of Decisions Concerning Recognition and Enforcement of Foreign Arbitral Award: A Threat to the Sovereignty of the States or an Overestimated Hazard (so far)? (With Emphasis on the Developments within the International Investment Arbitration Setting) (April 1, 2011). Czech Yearbook of International Law (CYIL), Vol. 2, pp. 93-121, 2011. Available at SSRN: <http://ssrn.com/abstract=1795607>

Transparency of Investment Arbitration Proceedings, BPP Human Rights Blog, <http://bpphumanrightsunit.wordpress.com/publications/transparency-of-investment-arbitration-proceedings/>

Investment Treaty Arbitration – A Primer, Latham & Watkins International Arbitration Practice Client Alert, Number 1563, July 29, 2013 (handout)

Shashank, Kumar, An update on Investment Treaty Arbitrations Against India, May 2013, <http://ilcurry.wordpress.com/2013/05/29/an-update-on-investment-treaty-arbitrations-against-india/>

Recent Developments in Investor – State Dispute Settlement, 2012, UNCTAD, May 2013, [http://unctad.org/en/PublicationsLibrary/webdiaepcb2013d3\\_en.pdf](http://unctad.org/en/PublicationsLibrary/webdiaepcb2013d3_en.pdf)

Third Party Funding (TPF) - Handout

Legal Instruments

UNCITRAL Arbitration Rules (as revised in 2010)

<http://www.uncitral.org/pdf/english/texts/arbitration/arb-rules-revised/arb-rules-revised-2010-e.pdf>

Recommendations to assist arbitral institutions and other interested bodies with regard to arbitration under the UNCITRAL Arbitration Rules (as revised in 2010)  
<http://www.uncitral.org/pdf/english/texts/arbitration/arb-recommendation-2012/13-80327-Recommendations-Arbitral-Institutions-e.pdf>

UNCITRAL Rules on Transparency in Treaty – Based Investor – State Arbitration (Pre-release, 2013),  
<http://www.uncitral.org/pdf/english/texts/arbitration/rules-on-transparency/pre-release-UNCITRAL-Rules-on-Transparency.pdf>

UNCITRAL Model Law on International Arbitration 1985, as revised in 2006  
[http://www.uncitral.org/pdf/english/texts/arbitration/ml-arb/07-86998\\_Ebook.pdf](http://www.uncitral.org/pdf/english/texts/arbitration/ml-arb/07-86998_Ebook.pdf)

Other resources:

ITA (Investment Treaty Arbitration Database): <http://www.italaw.com>

ICSID Cases:  
<https://icsid.worldbank.org/ICSID/FrontServlet?requestType=CasesRH&actionVal=ListCases>

Investment Arbitration Reporter: <http://www.iareporter.com/articles/20110411>