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Jeffery Commission and Rahim Moloo, *Procedural Issues in International Investment Arbitration* (1st edn, OUP 2018) (Procedural Issues). 3 The book is generally not concerned with the various arbitration statutes that have a potential role to play when one of the seat-anchored options is used (see eg UNCITRAL Rules or ICSID's Additional Facility arbitration).

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2.7 Procedural Issues 1 OVERVIEW This Module deals with the most common procedural issues encountered in arbitration proceedings under the Convention on

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the Settlement of Investment Disputes between States and Nationals of other States (the Convention). The procedural issues encountered in an ICSID arbitration are likely to be

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Bifurcation. This chapter focuses on one of the most important procedural decisions a tribunal can make in an investment arbitration: the bifurcation or trifurcation of issues into separate phases. The rationale behind bifurcation/trifurcation is straightforward: bifurcation may result in the narrowing or even dismissal of claims, but can significantly increase the costs and duration of an arbitration.

Investment Claims: 5 The Splitting of Issues for Separate ...

International tribunals have adopted rules and decided cases setting forth the procedural requirements to claim remedies, including standing to file claims and presentation of claims. This chapter reviews the rules and case law on these issues. International tribunals have used their implied powers to ensure that the term 'victim' or 'injured party' is interpreted to achieve the goal ...

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This chapter examines evidentiary issues that arise in investment arbitrations. It first reviews the basic procedures through which the evidentiary record is generally established in international arbitrations before discussing the procedural rules that usually apply in investment arbitration cases. In particular, it considers both the mandatory law and the specific rules that parties are likely to select as applying to an investment dispute.

Investment Claims: 7 Evidentiary Issues in: Procedural ...

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