

Arbitrators As Lawmakers: Empowering the Global Legal Framework - International Arbitration Law Library Set 43

International arbitration has emerged as an indispensable mechanism to resolve cross-border disputes. As the world becomes increasingly interconnected, businesses and individuals alike seek a more efficient and effective way to settle their disagreements. In this context, arbitrators play a crucial role not only as neutral third-party decision-makers but also as lawmakers. They contribute to the development and shaping of international arbitration law, ensuring a fair and balanced legal framework.

The Evolution of International Arbitration

Over the centuries, arbitration has evolved from a simple means of dispute resolution to a complex jurisprudential system with global reach. In the early days, arbitrators were primarily chosen based on their expertise in a specific industry or their familiarity with the customs and practices of a particular region. However, as the demand for international arbitration increased, the qualifications and criteria for arbitrators became more specialized and stringent.

Today, arbitrators are selected based on their legal knowledge, experience, impartiality, and independence. They possess expertise in various fields of law, such as contract law, international trade law, intellectual property law, and investment law, among others. Their extensive understanding of these areas allows them to render well-informed and well-reasoned decisions that align with the overall principles of international law.



Arbitrators as Lawmakers (International Arbitration Law Library Series Set Book 43)

by JOSÉ ADOLFO CAMPILLO CAMPILLO (Kindle Edition)

★★★★☆ 4.6 out of 5

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Screen Reader : Supported
Enhanced typesetting : Enabled
Word Wise : Enabled
Print length : 506 pages



The Role of Arbitrators as Lawmakers

Arbitrators do not merely resolve disputes between parties; they also contribute to the development of international arbitration law. Arbitration proceedings often involve complex legal issues and novel questions that require careful consideration and analysis. In resolving these disputes, arbitrators make decisions that have significant legal implications. These decisions, known as arbitral awards, serve as precedents that shape and influence the future application and interpretation of international arbitration law.

Arbitrators, in their role as lawmakers, must familiarize themselves with the applicable legal framework, including international conventions, treaties, and model laws. They must stay updated on recent developments in international arbitration to ensure their decisions reflect the evolving practices and norms of the field. This constant engagement with the legal community and ongoing education enables them to better understand the intricacies of international law and maintain the integrity of the arbitral process.

Arbitrators' Impact on International Arbitration Law

The decisions rendered by arbitrators have a significant impact on the future development of international arbitration law. As arbitral awards are enforced across different jurisdictions, they influence the jurisprudence of various legal systems. These precedents create harmonization and consistency in the interpretation and application of international arbitration law, essential for ensuring predictability and efficiency in international dispute resolution.

Arbitrators' contributions are not limited to case resolution alone. They actively engage in legal scholarship, publishing articles, participating in conferences, and engaging with academics and practitioners. This dissemination of knowledge fosters the growth and understanding of international arbitration law, nurturing a vibrant and dynamic legal community.

Arbitrators play a pivotal role in the development and evolution of international arbitration law. Their expertise and experience enable them to make sound decisions that contribute to the growth and coherence of this vital legal framework. By continuously expanding their knowledge, engaging with legal communities, and proactively shaping international arbitration law, arbitrators empower the global legal system, making it more effective, efficient, and just.



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This book analyses how arbitrators make rules that guide, constrain, and define the process and substance of international arbitration.

Providing a thorough and multidisciplinary analysis of the actors, process, and outcome of arbitral lawmaking, the study shows how arbitrators create principles of law through consistent arbitral decision-making and through interacting with other members of the arbitral community.

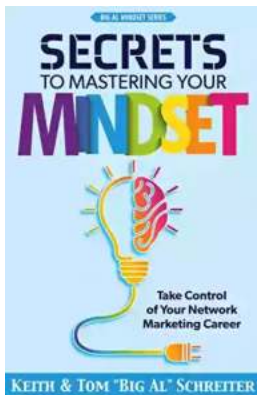
This book investigates and responds to the following questions:

- - What is the relationship between international arbitration and the law and courts of the seat?
- - What is the role of international tribunals in assisting and controlling investment arbitration?
- - What is the scope of arbitrators' freedom in decision-making?
- - What constraints limit arbitrators' decision-making and contribute to consistency?
- - Is international arbitration capable of paying deference to past arbitral decisions?
- - Which rules have arbitrators created in procedural and substantive matters?
- - What is the role and status of consistent arbitral decisions?

- - Is there an arbitral legal system?

The answers to these questions are drawn from actual arbitral decisions made available to the public, clarifying important issues about jurisdiction, procedure, applicable law, interpretation of substantive rules and instruments, and remedies.

This is the first overarching study of whether and to what extent international commercial, and investment arbitrators create norms and even generate a legal system. As such, it will be of immeasurable and lasting value to arbitrators, practitioners, scholars, arbitral institutions, and international organizations worldwide, for all of whom it will not only clarify our understanding of arbitral decision-making and arbitrator-made rules, but also foster transparency and accountability in arbitral decision-making



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