

Contents

Acknowledgements

ix

Introduction An introduction to both volumes by the editors appears in Volume I

PART I ENFORCEMENT AND CONTROL OF AWARDS

A Quality Control Broadly

1. William W. Park (2001), 'Why Courts Review Arbitral Awards', in Robert Briner, L. Yves Fortier, Klaus P. Berger and Jens Bredow (eds), *Law of International Business and Dispute Settlement in the 21st Century: Liber Amicorum Karl-Heinz Böckstiegel*, Cologne, Berlin, Bonn and Munich, Germany: Carl Heymanns Verlag, 595–606 3
2. Linda Silberman and Maxi Scherer (2013), 'Forum Shopping and Post-Award Judgments', in Franco Ferrari (ed.), *Forum Shopping in the International Commercial Arbitration Context*, Munich, Germany: Sellier European Law Publishers GmbH, 313–45 15

B International Commercial Arbitration's Dual System

3. Alan Scott Rau (2010), 'Understanding (and Misunderstanding) "Primary Jurisdiction"', *American Review of International Arbitration*, 21 (1–4), 47–188 49
4. George A. Bermann (2011), 'The UK Supreme Court Speaks to International Arbitration: Learning from the *Dallah* Case', *American Review of International Arbitration*, 22 (1), 1–20 191

PART II ARBITRATION INVOLVING STATES

A The Arbitral Forum – Some Historic Benchmarks

5. Arthur Nussbaum (1950), 'The Arbitration between the Lena Goldfields, Ltd. and the Soviet Government', *Cornell Law Quarterly*, 36 (1), Fall, 31–53 213
6. V. V. Veeder (1998), 'The *Lena Goldfields* Arbitration: The Historical Roots of Three Ideas', *International and Comparative Law Quarterly*, 47 (4), October, 747–92 236

7. Robert B. von Mehren and P. Nicholas Kourides (1981), 'International Arbitrations between States and Foreign Private Parties: The Libyan Nationalization Cases', *American Journal of International Law*, **75** (3), July, 476–552 282
- B Governing Law when a State is a Party**
8. F. A. Mann (1960), 'State Contracts and State Responsibility', *American Journal of International Law*, **54** (3), July, 572–91 360
 9. R. Y. Jennings (1961), 'State Contracts in International Law', *British Yearbook of International Law*, **37**, 156–82 380
 10. Richard B. Lillich (1994), 'The Law Governing Disputes under Economic Development Agreements: Reexamining the Concept of "Internationalization"', in Richard B. Lillich and Charles N. Brower (eds), *International Arbitration in the 21st Century: Towards "Judicialization" and Uniformity?*, Chapter IV, Irvington, NY, USA: Transnational Publishers, Inc., 61–114 407
 11. Georges R. Delaume (1989), 'Comparative Analysis as a Basis of Law in State Contracts: The Myth of the Lex Mercatoria', *Tulane Law Review*, **63** (3), February, 575–611 461
- C Deciding Disputes Involving One or More State Parties**
12. Oscar Schachter (1960), 'The Enforcement of International Judicial and Arbitral Decisions', *American Journal of International Law*, **54** (1), January, 1–24 499
 13. Henri C. Alvarez (2004), 'Setting Aside Additional Facility Awards: The *Metalclad* Case', in Emmanuel Gaillard and Yas Banifatemi (eds), *International Arbitration Series: Annulment of ICSID Awards: A Joint IAI–ASIL Conference, Washington, D.C. – April 1, 2003*, Huntington, NY, USA: Juris Publishing, Inc., 267–88 523
 14. Jack J. Coe, Jr. (2002), 'Domestic Court Control of Investment Awards: Necessary Evil or Achilles Heel Within NAFTA and the Proposed FTAA?', *Journal of International Arbitration*, **19** (3), 185–207 545
 15. Timothy G. Nelson (2010), 'Annulment of International Arbitration Awards: The *Orinoco Steamship* Case Sails On', *ASA Bulletin*, **28** (2), June, 205–29 568
 16. D. A. Redfern (1987), 'ICSID – Losing its Appeal?', *Arbitration International*, **3** (2), April, 98–118 593
 17. W. Michael Reisman (1989), 'The Breakdown of the Control Mechanism in ICSID Arbitration', *Duke Law Journal*, **4**, September, 739–807 614

18. Aron Broches (1991), 'Observations on the Finality of ICSID Awards', *ICSID Review – Foreign Investment Law Journal*, **6** (2), Fall, 321–79 683
19. W. Michael Reisman (1992), 'Repairing ICSID's Control System: Some Comments on Aron Broches' "Observations on the Finality of ICSID Awards"', *ICSID Review – Foreign Investment Law Journal*, **7** (1), Spring, 196–211 742