

International Investment Law and Alternative Dispute Resolution: A Guide to Web Based Resources

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Abstract

This article discusses web-based sources of interest to scholars and practitioners in the area of international investment law and dispute resolution.

INTRODUCTION

This article is intended to assist government officials, investors, practitioners, arbitrators, scholars, and other stakeholders in locating literature on the dialogue of international investment law and dispute resolution. This article focuses on online resources useful in promoting collaborative relationships among experts in international investment law and dispute resolution.

Primary international investment law materials include multinational and bilateral investment and trade agreements, as well as domestic laws and regulations of foreign investments made in other countries. Traditional topics of interest under international investment law include tax, antitrust, securities, corporate, environmental, and labor laws.

Arbitration is a dispute resolution process typically conducted in a non-judicial setting. As a general concept, alternative dispute resolution is broadly construed to include negotiation, mediation, conciliation, and arbitration. These techniques are customarily viewed as mutually exclusive and one or more techniques may be used in sequence or as part of a combination. The process is simple and traditionally governed by the rules of a neutral arbitration organization selected by the parties or an agreement administered by a panel of arbitrators agreed upon by the parties. Confidentiality requirements are frequent and normal inclusions in the resolution process. The impact of confidentiality requirements is to limit access to information. The large number of dispute resolution institutions adds a complexity to locating information on awards.

In this article, I present selected resources in the areas of international investment law and dispute resolution in the categories of: locating literature and resources; organizations, associations, societies, and institutions; arbitration; rules; news services, discussion lists, and blogs; resources regarding conventions, treaties, cases, and awards; other web resources; specialized journals; resource guides and annotated bibliographies; and UNCTAD. Resources available solely in print and resources the scope of which is limited solely to an individual nation are excluded as beyond the scope of this article.

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I. LOCATING LITERATURE AND RESOURCES

A. Online Library Catalogs

Titles addressing the multiple and complex aspects of international investment and dispute resolution are available from libraries around the world. A library's online catalog is the optimal tool for identifying and locating books, periodicals, conference proceedings, and other materials written by practitioners and scholars. Multiple access points exist within an online library catalog for these resources. Title, keyword, author, series, and subject are common access points. Online catalogs for most libraries are easy to locate with a simple Google or Internet search using the name of the library in quotes, for example, "West Virginia University College of Law Library." Catalog access is customarily featured on the initial page of a library site. Basic strategies for searching online catalogs include:

1. Author searches utilizing the name or names of individuals or organizations. Multiple variations of an author's name may result in a null result set if the appropriate variation of the name is not used. To avoid a null set, try the author's last name only or last name and initial of the first name. If this results in a null set, try a keyword search using the author's last name.
2. Title searches require exact titles. Failure to enter the title exactly as it appears in the catalog often results in a "no records" or null result set. If the title search retrieves a null result set, try a keyword search as an alternative.
3. Keyword searches are the most flexible form of searching. They permit the researcher to combine terms from the title, subject, author, and publisher fields in a single search. The downside of a keyword search is a result set too large to be useful.
4. Many catalogs offer LC Classification searches. These searches are subject specific searches based on Library of Congress Subject Headings. More detailed information on LC Classification Headings is found at <http://www.loc.gov/catdir/cpsol/lcco/>. Use of Library of Congress subject headings is often an excellent way to locate a variety of materials on a particular subject and a way to simulate browsing a library's collection on a particular subject. Variations in American and British spellings often result in differing results sets. Suggested subject headings for searching collections for materials on international investment and dispute resolution are:

Arbitration and award, International Periodicals
 Arbitration and award, International
 Arbitration and award, International Cases
 Arbitration and award, Latin America
 Arbitration and award, Pacific Area
 Arbitration International
 Conflict of Laws, Arbitration and award
 Developing countries
 Dispute resolution (Law) International aspects
 Foreign Trade
 Foreign trade regulations
 Free Trade—Mexico
 Free Trade—United States
 Free Trade—Canada
 International Trade
 Investments Foreign
 Tariff—law and legislation

In addition to the Library of Congress catalog available at <http://catalog.loc.gov/>, listed below are other catalogs of potential interest.

WorldCat at <http://www.worldcat.org/>. WorldCat is a network of library content and services which permits the researcher to search the collections of member libraries. WorldCat makes the catalogued collections of libraries around the world available for online searching.

The Peace Palace Library Online Catalog at <http://www.catalogue.pp.nl>. The Peace Palace Library at The Hague maintains a significant collection of materials on international law.

B. Periodical Indexes

Periodical indexes provide access to articles containing dialog on topics of interest as published in journals, law reviews, and legal newspapers. Articles often supply current theories and innovative approaches on topics of interest as well as “hot topics” and recent developments. Selected periodicals of interest are described below in Section VII.”

Index to Legal Periodicals and Books (ILP) at <https://www.ebsco.com/products/research-databases/index-legal-periodicals-books> is a bibliographic index that covers over 1,100 legal journals, law reviews, yearbooks, institutes, statutes, bar association publications, and other publications from the United States and other common law jurisdictions. Coverage is broad, in all areas of jurisprudence, indexing scholarly articles, symposia, jurisdictional surveys book reviews, and more. ILP is accessible online and in print from Grey House Publishing. Online access is available through Westlaw and Lexis Advance and many libraries provide direct online access to this database. Online coverage begins in 1981; however, print coverage commenced in 1908.

The Index to Foreign Legal Periodicals (IFLP) is produced by the American Association of Law Librarians. It is the leading multilingual and multinational index to articles and book reviews providing in-depth coverage of public and private international law, and comparative and foreign law. IFLP provides comprehensive coverage of public and private international law topics. It is a multilingual index of articles and book reviews. IFLP is available by subscription through HeinOnline.

Current Law Index is an extensive index to legal articles. Legal articles about international investment are indexed under the subjects of foreign investments, international trade, and dispute resolution of international law. The electronic version of Current Law Index with coverage from 1980 forward is available on Westlaw and Lexis Advance.

Ingenta at <http://www.ingentaconnect.com> is a subscription-based service that permits the researcher to search for articles from over 13,500 multidisciplinary journals.

C. Google, Google Books, Google Scholar, and the Web

The web is an excellent resource for locating articles, publications and news items of interest. Many sources are freely accessible using Internet search engines like Google. The web is often the sole resource for newsletters and other publications published by law firms and other associations on their web sites. Researchers may also use the web to locate faculty biographical pages, forums, and full text articles.

Google Books at <http://books.google.com/> permits searching of the full text content of books enabling the user to discover new items of interest or relevance. Traditional Google searches include results from Google Books; however, searchers can limit their results to simply books by using Google Books. This type of targeted searching produces results sets more likely to provide useful information.

A Google Books result set permits the user to select from various preview options. Full view is available for books out of copyright or for which the publisher or rights holder has granted permission for use. Bibliographic information is available for those books subject to copyright and for which no permission has been granted. Limited preview and snippet view permit limited access to the book based on the agreement between the rights holder and Google. The search results are limited by the parameters of the database.

Google Scholar at <http://scholar.google.com/schhp?hl=en&tab=ws> is a free and simple method of conducting broad searches for scholarly literature. Features include cross disciplinary searches of peer-reviewed papers, theses, books, abstracts, court opinions, and articles from academic and professional publishers, societies, repositories, universities, and other organizations.

D. Westlaw and Lexis Advance†

Lexis Advance and Westlaw are subscription databases which provide access to large selections of international resources including: case law, statutes, regulations, agency decisions, information relating to licensing of intellectual property, payment of taxes, dispute resolution, and investment and banking at the international level.

† Access to and classification of information as it is included on Lexis Advance and Westlaw is as of August, 2018 utilizing an academic contract.

To locate practice areas or target topics of specific interest in Lexis Advance, use the “Browse” feature. Under Browse the researcher may select “Practice Area,” “Category,” or Publisher to target a specific topical area of law such as “alternative dispute resolution” or may search for a specific source, like the “ASIL Newsletter” in the search box. Also, under “Browse” is the “Topic” feature. The International Law Topic includes a robust selection of materials under related subtopics.

Westlaw also includes a browse feature on the home page. Under the “All content” tab select the “arbitration materials” topic. Grouped under the topic of arbitration materials is useful information regarding arbitration awards: US and arbitration awards: International, arbitration arbitrator profiles, and arbitration rules: US and arbitration rules: International. Users should note the separation of information relating to domestic, United States, from that of the international community. Information on international trade is also selectively included in the topic grouping.

II. ORGANIZATIONS, ASSOCIATIONS, SOCIETIES, AND INSTITUTIONS

Numerous organizations, associations, societies, and institutions play roles in the areas of international investment and dispute resolution. Often, the website associated with such a body is the most valuable source of information. Such sites provide a variety of information from basic to detailed sources of information on the organization, dispute resolution process, rules, procedures, and awards. This section provides information on many of the organizations, associations, societies, and institutions recognized in the disciplines of international investment and dispute resolution.

A. Dispute Resolution International Institutions

This category includes neutral bodies whose purpose is to promote dispute resolution as a means of settling conflicts involving transnational business matters. Ad hoc and institutional arbitration are the two common forms of dispute resolution. Ad hoc arbitration involves interested parties as the planners and organizers of their own proceedings. The framework of arbitration is usually specified in an arbitration agreement and includes provisions regarding selection of the arbitrators, designation of law and rules, and powers of the arbitrators.

Institutional arbitrations typically involve an arbitral institution which provides the rules of procedure for the arbitration mediation, conciliation, or other form of dispute resolution. The institution also performs supervisory and administrative functions. Multilingual versions of an institution’s rules, general procedures, procedures in addition to model arbitration clauses and potential arbitrators are available on the web pages of such institutions. Institutions can be found on both the national and international level. Common international institutions for arbitration or dispute resolution are described below.

American Arbitration Association (AAA) <http://adr.org> and its International Centre for Dispute Resolution (ICDR) <https://www.icdr.org>. The AAA and the ICDR provide administrative services that include education and training on dispute resolution and the appointment of mediators. The ICDR focuses on dispute resolution in an international setting. They draw on their international expertise and multilingual staff to facilitate matters. Additionally, the site provides access to general information as well as rules, forms, and mediators.

Swiss Arbitration Association (ASA) at <http://www.arbitration-ch.org/>. ASA is a non-profit association comprised of individuals, practitioners, and academics interested in domestic and international arbitration. The site provides information on various workshops, news, and publications in the area of arbitration.

Institute for Transnational Arbitration found at the Center for American and International Law (CAILAW) at <http://www.cailaw.org> or <http://www.cailaw.org/ita/>. A division of The Center for American and International Law (CAILAW), the Institute serves as an important forum for education in the area of transnational arbitration. The site is an excellent resource for news and information on Transnational Arbitration treaties.

Centre for Effective Dispute Resolution (CEDR) at <http://www.cedr.co.uk>. CEDR is an independent and neutral organization with expertise in dispute resolution, conflict management, and civil justice systems. It serves as an impartial third party to facilitate negotiations in complex and sensitive multi-party conflict and dialogue.

China International Economic and Trade Arbitration Commission (CIETAC) at <http://www.cietac.org/index.cms>. Formerly known as the Foreign Trade Arbitration Commission, CIETAC was established in 1956 as a part of the China Council for the Promotion of International Trade. CIETAC utilizes arbitration and conciliation to resolve economic and trade disputes. The site provides model contract provisions, rules, convention, fee schedules, case analysis, and description of the processes.

Cairo Centre for International Commercial Arbitration (**CRCICA**) at <https://cricica.org>. An independent non-profit international organization, CRCICA works to enrich the progress of economic development in Asian and African countries. As a part of such work, it offers services to help settle trade and investment disputes through various arbitration processes and alternative dispute resolution techniques. The website provides news, statistics, rules, and arbitrators.

European Court of Arbitration at <http://cour-europe-arbitrage.org>. The European Court of Arbitration is a private institution with its headquarters in Strasbourg and national and local departments throughout Europe. Their site provides model arbitration clauses, news, documents, information on tariffs and rules.

Inter-American Commercial Arbitration Commission (**IACAC**) at <http://www.sice.oas.org>. The IACAC establishes, administers, and maintains a system for settlement of international commercial disputes through arbitration or conciliation in the Western Hemisphere. The site is an excellent resource for information on trade policy and news.

International Chamber of Commerce (**ICC**) at <http://www.iccwbo.org>. ICC is an international arbitral institution with worldwide membership. The ICC acts with a global business view in a vast number of areas including arbitration, dispute resolution, open trade, and market economics. The site provides information on arbitration under the rules of the ICC and other matters of business in the global world.

International Centre for the Settlement of Investment Disputes (**ICSID**) at <http://icsid.worldbank.-org>. ICSID is an autonomous international institution established pursuant to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States. It provides facilities for conciliation and arbitration of investment disputes. The site provides information on the Convention on the settlement of investment disputes, documents, cases, rules, and news.

Asian International Arbitration Center (**AIAC**) formerly the Kuala Lumpur Regional Centre for Arbitration (**KLRC**) at <http://aiac.world>. The AIAC provides a forum for dispute settlement in the Asia-Pacific region in the areas of trade, commerce, and investment using arbitration. The site provides resources on conciliation and mediation in addition to arbitration. Model clauses and information on arbitration rules are also provided.

The London Court of International Arbitration (**LCIA**) at <http://www.lcia.org/>. The LCIA is an international institution with expertise in commercial dispute resolution. The site maintains information on the court which is composed of up to thirty-five members from around the world and is the final authority for the application of the LCIA Rules. The LCIA site provides information on the LCIA Court, arbitrators and rules.

The Permanent Court of Arbitration (**PCA**) at <http://www.pca-cpa.org/>. The PCA is an intergovernmental organization established to facilitate methods of dispute resolution among states. It is a multi-faceted arbitral institution developing to meet the needs of the international community. The site is a resource for cases, documents, UNCITRAL, and news.

Singapore International Arbitration Center (**SIAC**) at <http://www.siac.org.sg/>. SIAC is an independent organization established to meet stated international business demands for a neutral and reliable dispute resolution institution in Asia. The site supplies information about code of practice, resources, rules, model clauses, and individual arbitrators.

United Nations Commission on International Trade Law (**UNCITRAL**) at <http://www.uncitral.org>. UNCITRAL's mission as established by U.N. Resolution 2205 recognizes the differences among nations in the governance of international trade as the basis of obstacles to the free flow of trade. The UNCITRAL is intended as a vehicle to reduce and eliminate obstacles to trade. The site provides information on news, documents, working groups, UNCITRAL texts and case law. The site provides access to *World Investment Report*. Published annually since 1991, the *World Investment Report* focuses on trends in foreign direct investment at regional and country levels.

World Association of Investment Promotion Agencies (**WAIPA**) at <http://www.waipa.org/>, established in 1995 and based in Geneva, is a forum for investment promotion agencies. The forum provides networking opportunities and facilitates the exchange of ideas and best practices in capacity, building, and investment promotion. This site also includes tools and publications of interest.

B. National Dispute Resolution Institutions

There are many national dispute resolution institutions beyond the scope of this document. For information on such dispute resolution institutions, *Juris International Trade Centre* at <http://www.intracen.org> maintains a

geographic directory of resources on the topics of arbitration, mediation, conciliation, and other alternative dispute topics. In addition, *Juris International* provides multilingual information on international legal instruments, model contract provisions.

C. Other International Organizations and Societies

American Bar Association (**ABA**) at <http://www.abanet.org>. The ABA is a voluntary professional association whose stated mission is serving the profession and public by defending liberty and delivering justice as the national representative of the legal profession. The ABA website provides a wealth of information on a variety of topics. Of particular interest are the sections on Dispute Resolution at <http://www.abanet.org/dispute/> and International Law at https://www.americanbar.org/groups/international_law.html.

American Society of International Law (**ASIL**) at <http://www.asil.org>. ASIL's stated mission is to encourage the study of international law and promote international relations based on principles of law and justice. The ASIL Insights section at <http://www.asil.org/insights.cfm> is highlighted for providing information to the media, public, and policy makers.

Chartered Institute of Arbitrators (**CIArb**) at <http://www.ciarb.org>. CIArb's purpose is to encourage, promote, facilitate, and promote development of various forms of private dispute resolution and maximize the contribution of dispute resolution practitioners. The site provides information on methods of dispute resolution.

International Institute for Conflict Prevention and Resolution (**CPR**) at <http://cpradr.org>. The Center for Public Resources Institute for Dispute Resolution is dedicated to encouraging innovation and excellence in public and private dispute resolution methods and issues. It also serves as a multi-national resource for resolution of business disputes. Their site includes a section on international alternative dispute resolution, listing of neutrals, procedures, and clauses.

International Bar Association (**IBA**) at <http://www.ibanet.org>. The International Bar Association is influential in the area of international law reform. Much of its work is done through its committee structure. Committees of particular interest are the Arbitration Committee, Investment Funds Committee, International Trade and Customs Law Committee, and the Mediation Committee. Committee information is accessed under the "committee" tab on the home page.‡

International Council for Commercial Arbitration (**ICCA**) at <http://www.arbitration-icca.org>. The ICCA is devoted to promoting and improving arbitration, conciliation, and other forms of international commercial dispute resolution. ICCA works with The Hague to produce the *Yearbook of Commercial Arbitration* and the *International Handbook on Commercial Arbitration*. They are a co-sponsor with Kluwer of KluwerArbitration Online. KluwerArbitration Online is a subscription-based database in the area of international commercial arbitration.

International Law Association (**ILA**) at <http://www.ila-hq.org>. Established in 1873 to study and assist the development of international law, the ILA recruits a worldwide membership. Representative members come from private practice, academia, government, the judiciary, and other non-lawyer members with expertise in industrial and financial sectors, arbitration organizations, and chambers of commerce. The institution retains a number of standing committees of interest. Information on such committees is accessible from the association's home page.

The Institute for Transnational Arbitration (**ITA**) at www.cailaw.org/Institute-for-Transnational-Arbitration/index.html. A division of the Center for American and International Law, the ITA concentrates on educating professionals about arbitration as a means of transnational business dispute resolution. The publications section includes the quarterly issue of ITA's newsletter *News & Notes* and a Scoreboard of Adherence to Transnational Arbitration Treaties in chart form.

Multilateral Investment Guarantee Agency (**MIGA**) at <http://miga.org/>. MIGA is a member of the World Bank Group. The sections on foreign investment and dispute resolution are of particular interest.

Organization for Economic Co-operation and Development (**OECD**) <http://www.oecd.org>. The OECD works to aggregate governments committed to market economies. One of its stated goals is to contribute to the growth of world trade. The OECD site is an excellent source of data and statistics as well as news.

‡ Information on the committee structure is current as of August, 2018.

The World Bank Group <http://www.worldbank.org>. The World Bank website is an excellent resource for financial and technical assistance for developing countries. Their website discusses the organization of the World Bank, its projects, members, partners, and publications.

D. Directories of Arbitrators

The ability to consider experience, expertise, and other qualifications of the members or potential members of an arbitration panel is an advantage of arbitration as a method of dispute resolution. There are no standard qualifications for arbitrators. Parties selecting arbitration, however, are often invested in technical or other specialized qualifications. Most dispute resolution institutions similar to those listed in Section II above provide lists and qualifications of prospective arbitrators. Other directories of interest are described below:

ICC International Centre for Expertise at <http://www.iccwbo.org/dispute-resolution-services/experts/>. The Centre's website provides information on experts as the appointment of experts in the administration of proceedings. Also available are the Center's Rules for Expertise.

Who's Who Legal at <http://www.whoswholegal.com/>. The Who's Who Legal database identifies the foremost legal practitioners in over 180 countries and regions and in 38 practice areas of business law including commercial arbitration. The commercial arbitration section provides articles of interest and profiles of members.

As mentioned in the introduction to this section, Arbitral Institutions are also excellent sources of information. Two illustrative examples are the International Arbitration Institute and Arbitral Women.

The International Arbitration Institute (IAI) at <http://www.iaiparis.com/> provides a directory of members at http://www.iaiparis.com/drm_search.asp. The search feature permits searching by nationality, language, and expertise.

Arbitral Women is located at <http://www.arbitralwomen.org> and provides features such as "Find a Practitioner" and "Directory of Members." The "Find a Practitioner" feature allows searching based on nationality, language, expertise, and practice area.

III. ARBITRATION RULES

Dispute Resolution institutions such as those listed in Section II above generally promulgate their own procedural rules governing the conduct of arbitration proceedings. Arbitration agreements traditionally specify the rules to govern their proceedings. Such rules are customarily available via a link on the homepage of the institution's website. Both KluwerArbitration.com and Westlaw provide useful compilations of such rules.

KluwerArbitration.com at <http://www.kluwerarbitration.com/>. KluwerArbitration.com is a subscription-based service that provides an extensive database on materials in the field of international commercial arbitration. The database includes primary and secondary materials. Free links are provided to some external documents and websites.

Westlaw has two arbitration rules databases of particular note. The ICA-Rules contains the International Commercial Arbitration Rules as presently in effect. The ICAR-HRules is a historical database containing prior versions of rules of International Commercial Arbitration.

Other Resources of Interest

International Dispute Resolution Procedures, American Arbitration Association (AAA) at <http://www.adr.org/Rules> provides rules for mediation and arbitration in multiple languages.

Commercial Arbitration and Mediation Center for the Americas (CAMCA) at <https://www.adr.org/sites/default/files/CAMCA%20%28Commercial%20Arbitration%20and%20Mediation%20Center%20for%20the%20Americas%29%20Mediation%20and%20Arbitration%20Rules.pdf> provides rules associated with the dispute resolution processes of the institution.

IACA—Rules of Procedure of the Inter-American Arbitration Commission Rules provided by <http://www.adr.org> as amended and in effect April 1, 2002.

ICC—International Court of Arbitration at <https://iccwbo.org/publication/arbitration-rules-and-mediation-rules/>.

ICC—Pre-Arbitral Referee Rules at <https://iccwbo.org/dispute-resolution-services/pre-arbitral-referee/> established for this procedure allow parties to apply to a “referee” for urgent provisional measures in relation to a dispute.

Rules of ICC as Appointing Authority <https://iccwbo.org/dispute-resolution-services/appointing-authority/rules-of-icc-as-appointing-authority/>. **ICSID Rules** include:

Rules of Procedure for the Institution of Conciliation and Arbitration Proceedings (Institution Rules); Rules of Procedure for Arbitration Proceedings (Arbitration Rules); Rules of Procedure for Conciliation Proceedings (Conciliation Rules). ICSID Additional Facility Rules available at https://icsid.worldbank.org/en/Documents/resources/2006%20CRR_English-final.pdf (authorize the ICSID Secretariat to administer selected types of proceedings between States and foreign nationals that fall outside the scope of the Convention).

New London Court of International Arbitration (**LCIA**) Rules http://www.lcia.org/dispute_resolution_services/lcia-arbitration-rules-2014.aspx.

Permanent Court of Arbitration Rules of Procedure (The Hague) at <http://www.pca-cpa.org/> includes the PCA Arbitration Rules 2012 as well as rules of Permanent Court of Arbitration: Optional Rules for Arbitrating Disputes between Two States (1992); Optional Rules for Arbitrating Disputes between Two Parties of which only one is a State (1993); Optional Rules for Arbitration Involving International Organizations and States (1996); Optional Rules for Arbitration between International Organizations and Private Parties (1996); Optional Conciliation Rules (1996); Optional Rules for Conciliation of Disputes Relating to Natural Resources and the Environment (2001); Optional Rules of Procedure for Fact finding Commissions of Inquiry (1997); and Guidelines for Adapting the Permanent Court of Arbitration Rules to Disputes Arising under Multilateral Agreements and Multiparty Contracts.

Tribunal Rules of Procedure (Iran-United States Claims Tribunal) <http://www.iusct.org/index-english.html>.

UNCITRAL Arbitration Rules at http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration/2010Arbitration_rules.htm provides a comprehensive set of procedural rules available for ad hoc administration of arbitral proceedings. The rules cover all aspects of the proceeding including model arbitration clauses, procedural rules involving appointment of the arbitrator and conduct of the Proceedings and the award. Arbitration rules adopted in 2013, as revised in 2010, 1980 UNCITRAL Conciliation Rules and 1976 UNCITRAL Arbitration Rules are available.

IV. NEWS SERVICES, DISCUSSION LISTS, AND BLOGS

News services, websites, blogs, and discussion lists all provide interested parties with current information regarding the dialog on international investment agreements and the dispute resolution process.

A. News Services

The following are web resources that provide news and matters of current interest:

Bilaterals.org at <http://www.bilaterals.org/> is a resource for news and analysis on bilateral trade and investment agreements.

The European Arbitration Review 2018 at <http://www.friedfrank.com> is an electronic newsletter covering current events in the area of arbitration.

International Institute for Sustainable Development News – IISD Publications Centre at <http://www.iisd.org/PUBLICATIONS/pub.aspx?id=463> is a quarterly publication designed to provide news, information, and stories about the International Institute for Sustainable Development.

International Litigation & Arbitration Alert (IL&A Alert) at <https://www.bakermckenzie.com/en/insight/publications/2017/09/international-litigation-arbitration> is a bimonthly newsletter from Baker & McKenzie’s North American Litigation Practice Group summarizing recent developments of interest in international litigation and arbitration.

Investment Treaty News at <https://www.iisd.org/itn/> is a news resource for information, news, analysis, and opinions on international investment law and its implications for sustainable development.

Mediate.com at <http://mediate.com> is a news source providing information on all varieties of mediation.

Mediation Channel at <http://mediationchannel.com> is a source providing news and suggestions about mediation, negotiation, and dispute resolution.

News from ICSID at <https://icsid.worldbank.org/en/Pages/resources/News-from-ICSID.aspx> is a newsletter published on a bi-annual basis by the International Centre for Settlement of Investment Disputes.

UNCTAD's News Hub at <http://investmentpolicyhub.unctad.org> is a source for current news on investor-state disputes and settlements.

B. Blogs

A blog is a journal or weblog where individual authors post entries. Blogs are frequently updated and intended for general public consumption. They are useful for following current events and policy discussions in a designated field. Listed below are selected blogs providing commentary, news, information, and discussion in the fields of dispute resolution and international investment.

ADR Prof Blog at www.abajournal.com is a blog devoted to insightful commentary about developments in alternative dispute resolution.

International Economic Law and Policy Blog at <http://worldtradelaw.typepad.com/> is sponsored by WorldTradeLaw.net. The blog provides commentary on current developments and scholarship on trade, economic and policy issues.

Kluwer Arbitration Blog at <http://kluwerarbitrationblog.com> is sponsored by and maintained in connection with Kluwer Law International. It provides news and information and facilitates discussion on international arbitration. The focus is on traditional elements and latest developments including significant awards and upcoming events.

Mediate.com blog at <http://mediate.com/blogs/> provides discussion on a variety of mediation issues.

Mediator Blah... Blah ... at <http://mediatorblahblah.blogspot.com> is an excellent place to receive information on an extensive variety of news associated with mediation.

C. Discussion Lists

Electronic mailing lists associated with group discussions and information sharing on selected topics of interest provide excellent resources for policy and current awareness discussions. A simple Google or Internet search using the topic of interest provides information on web links to discussion lists of interest. An example of such a search looking for discussion lists on international investment using Google might be + discussion list + international + investment.

V. RESOURCES PERTAINING TO TREATIES, CONVENTIONS, CASES, AND AWARDS

A. Conventions and Treaties

International treaties and conventions play an increasingly important role in the area of trade, investment, and dispute resolution. Transactions continue to increase in complexity. As the level of complexity increases, treaties enter as a method of management and governance within the global forum. Listed in alphabetical order below are web-based resources providing links to the text of treaties, agreements, and model conventions as well as databases providing access to multiple treaties.

1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards—the “New York” Convention at http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration/NYConvention.html

ADB/OECD-Anti Corruption Initiative for Asia-Pacific: Database available at <http://www.oecd.org>.

Agreement Relating to Application of the European Convention on International Commercial Arbitration at <http://conventions.coe.int/Treaty/en/Treaties/Word/042.doc>.

Arab Convention on Commercial Arbitration at <http://www.jus.uio.no>.

Australian Department of Foreign Affairs and Trade, Department of Foreign Affairs and Trade, Listing of Free Trade Agreements at <https://dfat.gov.au/trade/agreements/Pages/trade-agreements.aspx>.

Canada Free Trade Agreement at <https://www.cfta-alec.ca>

Canadian Trade and Investment Agreements at <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/index.aspx?lang=eng>

Central American Free Trade Agreement or CAFTA at <http://www.ustr.gov/trade-agreements/free-trade-agreements/cafta-dr-dominican-republic-central-america-fta>
 Energy Charter Treaty at <http://www.encharter.org/>
 Geneva Protocol on Arbitration Clauses at <http://treaties.un.org>
 ICSID's Database of Bilateral International Investment Agreements at <http://icsid.worldbank.org/>.
 IISD's Model International Agreement on Investment for Sustainable Development at http://www.iisd.org/pdf/2005/investment_model_int_handbook.pdf
 McGill Preferential Trade Agreements Database at <http://ptas.mcgill.ca/>
 North American Free Trade Agreement at <http://www.naftanow.org>
 Office of the United States Trade Representative at <http://www.ustr.gov/trade-agreements/free-trade-agreements>.
 Inter American Convention on International Commercial Arbitration at <http://www.oas.org>
 UNCTAD International Investment Agreements at [http://unctad.org/en/Pages/DIAE/-International%20Investment%20Agreements%20\(IIA\)/International-Investment-Agreements-\(IIAs\).aspx](http://unctad.org/en/Pages/DIAE/-International%20Investment%20Agreements%20(IIA)/International-Investment-Agreements-(IIAs).aspx)
 UNCTAD at <http://www.unctad.org/>
 2012 United States Model Bilateral Investment Treaty at <http://www.state.gov>
 Bilateral Investment Treaties and Related Agreements at <https://www.state.gov/e/eb/ift/bit/>
 United States Program on Trade Agreements at <http://www.ustr.gov/trade-agreements>
 Washington Convention or Convention on the Settlement of Investment Disputes Between States and Nations of Other States at <https://treaties.un.org/pages/showDetails.aspx?objid=080000028012a925>

B. Treaty Compilations

Westlaw, KluwerArbitration.com, and *Juris International*, all previously described, contain access to compilations of treaties in the areas of dispute resolution and international investment. The Transnational Arbitration Institute, described above in Section II, also provides reports on status and compliance of treaties.

C. Cases and Awards

Arbitration awards are sparsely published in large part due to confidentiality requirements customary to the process. KluwerArbitration.com, Westlaw, and Lexis Advance are excellent subscription-based sources for locating cases and awards in addition to the sites listed below. Additional online sites containing decisions and award information are included below. Researchers should be aware that identifying features of awards including party identity are often omitted in the published versions of decisions and awards. Note that some of the entries below require subscription or membership for full access.

CLOUT at <http://uncitral.org>.
 ICSID at <https://icsid.worldbank.org/en/Pages/cases/AdvancedSearch.aspx>.
 Investment Claims database at <http://oxia.ouplaw.com>.
 Investment Treaty Arbitration Website at <http://ita.law.uvic.ca>.
 Iran-United States Claims Tribunal at <http://www.iusct.org/lists-eng.html>.
 Journal de Droit International at <https://www.jurisquare.be/en/journal/rdidc/index.html>
Juris Arbitration Law Online (subscription required) at <http://arbitrationlaw.com/>.
 NAFTA Claims at <http://naftaclaims.com>.
 NAFTA Government Website, Canada at <http://international.gc.ca>.
 NAFTA Government Website, Mexico at http://www.economia.gob.mx/?P=5200_5205_1.
 NAFTA Government Website, United States at <http://www.state.gov/s/l/c3439.htm>.
 NAFTA Secretariat at <http://nafta-sec-alena.org>.
 Recent Iran-United States Claims Tribunal Awards and Decisions in Intergovernmental Cases at <http://www.iusct.net/>.
 Arbitration Institute of Stockholm Chamber of Commerce available at <http://www.sccinstitute.com>.

The “Stockholm International Arbitration Review” (SIAR) is part of the Arbitration Law database available at arbitrationlaw.com.

Transnational Dispute Management at <http://www.transnational-dispute-management.com>.

Transnational Law Database (TLDB) at <http://trans-lex.org>.

VI. OTHER WEB BASED RESOURCES

As stated in Section I.C. above, the web is an excellent source of information. The sources below are selected general web resources of note that provide information in the areas of international law, commercial law, and dispute resolution. Simple Google or other Internet searches are sufficient to locate these and other similar sources.

Researchers using web-based resources should always take steps to evaluate and authenticate information found on the web. Such steps should at a minimum include consideration of the author’s reputation, currency, accuracy, and completeness of the material, and any apparent bias.

A. General

The EISIL database at <http://www.eisil.org/> is sponsored by the American Society of International Law and links to primary documents such as treaties and other international instruments and secondary resources such as research guides. Information provided includes print citations and dates of relevance.

HG.org at <http://www.hg.org/adr.html> provides descriptions of alternative dispute resolution and resources by geographic area.

International Mediation Institute (IMI) at <http://www.IMImediation.org>. The IMI’s mission is to generate confidence and understanding regarding the use of mediation to resolve disputes. The IMI site provides information and resources to foster an understanding of mediation.

International Trade Administration – United States Department of Commerce at <http://www.trade.gov> is a resource for information regarding trade and investment, fair trade, compliance, and policy.

Lex Mercatoria at <http://www.jus.uio.no/lm/> is a site dedicated to providing information on commercial law. Included on the site are links for alternative dispute resolution, national arbitration laws, arbitration rules, international conventions, and intellectual property disputes.

LLRX.com at <http://www.llrx.com> is an online legal library providing information and bibliographies on a number of legal topics and issues.

SICE – Foreign Trade Investment Systems at <http://www.sice.oas.org/> contains information on trade policy, trade agreements, and trade discipline. Of particular interest is the listing of bilateral investment treaties by country, listing of national investment laws and list of international trade agreements including free trade agreements.

T.M.C. Asser Institute for Private and Public International Law at <http://www.asser.nl/> provides links to international commercial arbitration conventions and selected rules.

B. Ethics

IBA Guidelines on Conflicts of Interests in International Arbitration at http://www.ibanet.org/Publications/publications_IBA_guides_and_free_materials.aspx is a source for information on ethics in the context of dispute resolution.

VII. SPECIALIZED JOURNALS

Journals and periodicals are excellent sources of information for the researcher. They are a source for policy arguments, interpretations of the existing laws, and useful references to other resources. Articles on international investment and dispute resolution can be located in any number of law reviews and journals. See Section I. B. above for general information in locating journal articles and titles. Below is a selection of journals that focus on issues of dispute resolution and international investment. Many are available only through a subscription database such as Westlaw, Lexis Advance, or Kluwer Law International at <http://www.Kluwerlawonline.com>.

American Review of International Arbitration at <http://www.aria.law.columbia.edu>.

Arbitration International at <http://www.kluwerlawonline.com/toc.php?area=Journals&mode=bypub&level=4&values=Journals~Arbitration+International>.

ASA Bulletin at <http://www.kluwerlawonline.com/toc.php?pubcode=ASAB>.

Asian International Arbitration Journal at <http://www.kluwerlawonline.com/toc.php?pubcode=AIAJ>.

Dispute Resolution Journal is the key publication of the American Arbitration Association. Information regarding this journal is at <https://www.adr.org/DisputeResolutionJournal>.

Dispute Resolution Law Journal at <http://digitalcommons.pepperdine.edu/>.

European International Arbitration Review (EIAR) is Euro centric and available by subscription to <http://www.arbitrationlaw.com>.

Journal of American Arbitration published by the Tulane Arbitration Institute and the Center for Arbitration and Mediation at Dickinson School of Law at <https://arbitrationlaw.com/books/journal-american-arbitration-jaa>.

Journal of Damages in International Arbitration is available by subscription to arbitrationlaw.com

ICSID Review Foreign Investment Law Journal at <http://www.academic.oup.com/icsidreview/issue>.

International Arbitration Law Review available on Westlaw.

Journal of International Arbitration at <http://www.kluwerlawonline.com/toc.php?pubcode=JOIA>.

The Journal of Dispute Resolution at <http://www.law.missouri.edu/journal/>.

Journal of International Dispute Settlement available as of October, 2009 from Oxford Journals, Oxford University Press at <http://academic.oup.com/jids>.

Journal of World Investment and Trade at <http://www.booksandjournals.brillonline.com/content/journals22119000>.

Negotiation Journal at <http://www.pon.harvard.edu/publications/>.

Ohio State Journal on Dispute Resolution at <http://moritzlaw.osu.edu/students/groups/osjdr>.

Stockholm International Arbitration Review at www.jurispub.com/.../International/Stockholm-International-Arbitration-Review-SIAR.

Transnational Corporations Journal at [http://unctad.org/en/pages/publications/Transnational-Corporations-\(Journal\).aspx](http://unctad.org/en/pages/publications/Transnational-Corporations-(Journal).aspx).

Willamette Journal of International Law and Dispute Resolution available on Westlaw.

World Arbitration and Mediation Review available with subscription on Arbitration Law Online.

World Trade and Arbitration Materials at <http://www.kluwerlawonline.com/toc.php?pubcode=.WTAM>.

Yearbook of Commercial Arbitration at <http://www.arbitration-icca.org/publications.html>.

VIII. RESEARCH GUIDES, PATHFINDERS, AND ANNOTATED BIBLIOGRAPHIES

Research on dispute resolution and international investment is often challenging. There are a number of publications, guides, and annotated bibliographies available to assist a researcher. A selection of such documents follows. In addition to those listed here, others can be found through simple web searches or as included in either the EISIL or LLRX databases.

Alternative Dispute Resolution & Mediation Research Guide at https://guides.ll.georgetown.edu/adr_mediation.

ASIL Guide to Electronic Sources for International Law: International Commercial Arbitration (2015) by Gloria Miccioli at https://www.asil.org/sites/default/files/ERG_ARB.pdf.

ASIL Guide to Electronic Sources for International Law: International Economic Law (2015) by Judith Wenger at https://www.asil.org/sites/default/files/ERG_IECONL.pdf.

Bibliography on Investment Law and Procedure available at <https://icsid.worldbank.org/en/Pages/resources/Bibliography-on-Investment-Law-and-Procedure.aspx>.

Consolidated Bibliography of Recent Writings Related to the Work of UNCITRAL (updated monthly) http://www.uncitral.org/uncitral/en/publications/bibliography_monthly.html.

Directory of Arbitration Related Links at <http://www.arbitration-icca.org/related-links.html>.

Foreign Investment Research Tips at http://library.law.columbia.edu/guides/Foreign_Investment_Research_Tips.

Georgetown Law Library's International Investment Law Research Guide at <http://guides.ll.georgetown.edu/InternationalInvestmentLaw>.

ICSID Bibliography on Law and Investment Law and Procedure at <https://icsid.worldbank.org/-en/Pages/resources/Bibliography-on-Investment-Law-and-Procedure.aspx>.

ICSID Bibliography at <http://documents.worldbank.org/curated/en/766731488532631439/-ICSID-Bibliography>.

International Commercial Arbitration: Research Guides at Harvard Library at <https://guides.library.harvard.edu/arbitration/arbitration-databases>.

KluwerArbitration.com at <http://www.kluwarbitration.com/>.

New York University Law Library Research Guide on International Law: Specialized Sources: International Investment at <https://nyulaw.libguides.com/c.php?g=773854&p=5551756>.

Research Guide for International Commercial and Investment Arbitration at <http://www.ili.org/centers-of-expertise/alternative-dispute-resolution/205-research-guide-for-international-commercial-and-investment-arbitration.html>.

Research guide for International Commercial and Investment Arbitration from the International Law Institute at <http://www.ili.org/5-centers-of-expertise/centers-of-expertise/205-research-guide-for-international-commercial-and-investment-arbitration.html>.

University of Melbourne's International Investment Law research guide at http://unimelb.libguides.com/investment_law.

IX. UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

UNCTAD was established to promote the integration of developing countries into the world economy. It participates in policy discussion and development with a focus on mutually supporting domestic and international policies for sustainable development. The organization functions as a forum for intergovernmental deliberations, undertakes research, data collection, and policy analysis and provides technical assistance to developing nations. Information about UNCTAD is located at <http://www.unctad.org/en/Pages/Home.aspx>.

UNCTAD also offers a course on Dispute Settlement. The course is free of charge and consists of modules available at <http://unctad.org/en/Pages/DITC/DisputeSettlement/Courses>.

Other Links of Interest

UNCTAD's Publications and Analysis available at <http://www.unctad.org/en/pages/analysis.aspx>.

UNCTAD's Database of International Investment agreements available at [http://unctad.org/en/pages/DIAE/International%20Investment%20Agreements%20\(IIA\)/IIA-Tools.aspx](http://unctad.org/en/pages/DIAE/International%20Investment%20Agreements%20(IIA)/IIA-Tools.aspx).

UNCTAD's Investment Dispute Settlement Navigator available at <http://www.investmentpolicyhub.unctad.org/ISDS>.