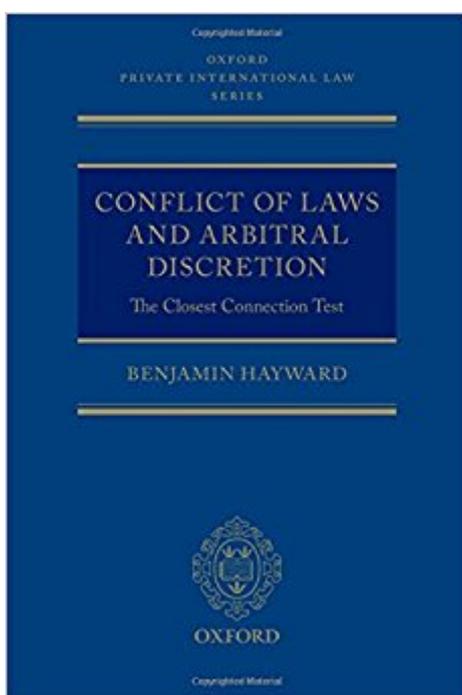


The book was found

Conflict Of Laws And Arbitral Discretion: The Closest Connection Test (Oxford Private International Law)



Synopsis

Arbitration is the dispute resolution method of choice in international commerce, but it rests on a complex legal foundation. In many international commercial contracts, the parties will choose the law governing any future disputes. However, where the parties do not choose a governing law, the prevailing approach in arbitration is to afford arbitrators broad and largely unfettered discretion to choose the law considered most appropriate or most applicable. The uncertainty resulting from this discretion potentially affects the parties' rights and obligations, the performance of their contract, the presentation of their cases, and negotiations undertaken to settle their disputes. In this text, Dr Benjamin Hayward critically reviews the prevailing approach to the conflict of laws in international commercial arbitration. The text adopts a focused and detail-oriented analysis - being based on a study of more than 130 sets of arbitral laws and rules from around the world, and drawing heavily on arbitral case law. Nevertheless, it remains both practical and accessible, taking as its focus the needs and expectations of commercial parties, who are the ultimate users of international commercial arbitration. This text identifies the difficulties that result from resolving conflicts of laws through broad and unconstrained arbitral discretions. It establishes that a bright-line test would be a preferable way to resolve arbitral conflicts of laws. Specifically, it recommends a modified Art. 4 Rome Convention rule as the ideal basis for law reform in this area of arbitral procedure.

Book Information

Series: Oxford Private International Law

Hardcover: 408 pages

Publisher: Oxford University Press; 1 edition (March 19, 2017)

Language: English

ISBN-10: 0198787448

ISBN-13: 978-0198787440

Product Dimensions: 9.3 x 1.1 x 6.2 inches

Shipping Weight: 1.2 pounds (View shipping rates and policies)

Average Customer Review: Be the first to review this item

Best Sellers Rank: #851,123 in Books (See Top 100 in Books) #140 in [Books > Law > Business > Arbitration, Negotiation & Mediation](#) #411 in [Books > Law > Philosophy](#) #524 in [Books > Law > Rules & Procedures > Courts](#)

Customer Reviews

Benjamin Hayward, Senior Lecturer, Monash University. Dr Hayward is a Senior Lecturer in the

Department of Business Law and Taxation, Monash Business School, at Monash University in Melbourne, Australia. Dr Hayward's teaching and research is focused on international commercial law, particularly international commercial arbitration law and the international sale of goods, and he has previously published in both areas. His teaching and research work has been recognized by the receipt of six university awards since 2010. Dr Hayward has presented his work at seminars and conferences both in Australia and internationally and he has a particular interest in the interactions and applications of law in international commercial arbitration.

[Download to continue reading...](#)

Conflict of Laws and Arbitral Discretion: The Closest Connection Test (Oxford Private International Law) The Functions of Arbitral Institutions (International Arbitration Law Library Series Set) Electronic Consumer Contracts in the Conflict of Laws: Second Edition (Studies in Private International Law) The Formation and Identification of Rules of Customary International Law in International Investment Law (Cambridge Studies in International and Comparative Law) Conflict Resolution in the Workplace: How to Handle and Resolve Conflict at Work ~ an Essential Guide to Resolving Conflict in the Workplace No Limits: Viewers Discretion Advised. (Volume 1) Private Pilot Test Prep 2013: Study & Prepare for Recreational and Private: Airplane, Helicopter, Gyroplane, Glider, Balloon, Airship, Powered ... FAA Knowledge Exams (Test Prep series) Introduction to Cybercrime: Computer Crimes, Laws, and Policing in the 21st Century: Computer Crimes, Laws, and Policing in the 21st Century (Praeger Security International) The Law of International Watercourses (Oxford International Law Library) Peterson's Private Secondary Schools 2000-2001 : The Smart Parents' Guide to Private Education (Peterson's Private Secondary Schools, 2000-2001) Private Pilot Test Prep 2018: Study & Prepare: Pass your test and know what is essential to become a safe, competent pilot from the most trusted source in aviation training (Test Prep series) Private Pilot Test Prep 2015: Study & Prepare: Pass your test and know what is essential to become a safe, competent pilot — from the most trusted source in aviation training (Test Prep series) Private Pilot Test Prep 2017: Study & Prepare: Pass your test and know what is essential to become a safe, competent pilot — from the most trusted source in aviation training (Test Prep series) 2012 International Plumbing Code (Includes International Private Sewage Disposal Code) (International Code Council Series) War Law: Understanding International Law and Armed Conflict The Law of Armed Conflict: International Humanitarian Law in War Meeting the Buddhas: Our Closest Friends and Helpers Buddhism for Pet Lovers: Supporting our Closest Companions through Life and Death The Yeast Connection and Women's Health (The Yeast Connection Series) The Yeast Connection Handbook: How Yeasts Can Make You Feel "Sick All Over" and the Steps You

Need to Take to Regain Your Health (The Yeast Connection Series)

[Contact Us](#)

[DMCA](#)

[Privacy](#)

[FAQ & Help](#)