

THE AMERICAN REVIEW OF INTERNATIONAL ARBITRATION

Vol. 27

2016

No. 2

ARTICLES

- TRANS-PACIFIC PARTNERSHIP: CONTINUITY
AND BREAKTHROUGHS IN U.S. INVESTMENT
TREATY PRACTICE *Charles H. Brower II* 145
- SONGS OF INNOCENCE AND EXPERIENCE:
TEN YEARS OF EMERGENCY ARBITRATION *Grant Hanessian &
E. Alexandra Dosman* 215

CURRENT DEVELOPMENTS

- THE LESSON OF A SHORT-LIVED MUTINY:
THE RISE AND FALL OF HUNGARY'S CONTROVERSIAL
ARBITRATION REGIME IN CASES INVOLVING
NATIONAL ASSETS *Csongor István Nagy* 239

NOTES AND COMMENTS

- CLASS ARBITRATION – WHEN A SILENT ARBITRATION
CLAUSE MAY STILL BE SUFFICIENT:
A COMPARISON OF ARBITRATION IN THE
CORPORATE CONTEXT IN GERMANY AND THE U.S. *Carolin Andrea Emmert* 247

THE AMERICAN REVIEW
OF
INTERNATIONAL ARBITRATION

EDITORS-IN-CHIEF

GEORGE A. BERMAN
ROBERT H. SMIT

MANAGING EDITOR

ELIZABETH H. COOPER

SENIOR STUDENT EDITORS

STEPHANIE ANNUNZIATA, SAM ASHURAEY, REBECCA DELONG,
SYDNEY EGNASKO, ALEXANDER GERTEN, SYE MYUNG KIM,
INHO KO, ERIC NELSON

STUDENT EDITORS

KAITLIN BERGIN, NICHOLAS CARTER, ERICO BOMFIM DE CARVALHO, NNEKA
CHUKWUMAH, QUENTIN DECLEVE, MICHELLE LEE, CHERRY LIU, EDWARD DAVIS MARTIN,
ARMANDO NERIS, MYRON PHUA, ANASTASIA SHISHKINA, ZAL SHROFF, CAN TALAZ,
HANWEN TANG, MILAN UDAWATTA, MALIA WEISS, FANGZHOU (MARCO) YING

BOARD OF ADVISORS

GIORGIO BERNINI	<i>Honorary President, International Council for Commercial Arbitration</i>
HORACIO A. GRIGERA NAÓN	<i>International Arbitrator and Legal Consultant</i>
BERNARD HANOTIAU	<i>Partner, Hanotiau & van den Berg, Brussels</i>
J. MARTIN H. HUNTER	<i>Barrister, London and Professor, Nottingham Law School</i>
NEIL KAPLAN	<i>Past Chair, Hong Kong International Arbitration Centre</i>
SERGEI N. LEBEDEV	<i>President, Maritime Arbitration Commission, Moscow</i>
PIERRE MAYER	<i>Professor, Université de Paris I Sorbonne, Paris</i>
WERNER MELIS	<i>Chair, Arbitral Centre of the Federal Economic Chamber, Vienna</i>
MICHAEL C. PRYLES	<i>Chairman, Singapore International Arbitration Centre</i>
OTTO SANDROCK	<i>Professor, University of Muenster</i>
VINCENZO VIGORITI	<i>Professor, University of Florence</i>

The American Review of International Arbitration is devoted to the study of laws relating to international arbitration and litigation throughout the world. To that end, it promotes and sponsors the publication of books, commentaries, articles, periodicals and conferences on these subjects.

The Editors-in-Chief of the *Review* can be reached at:

George A. Bermann, Jean Monnet Professor of EU Law
E-mail: gbermann@law.columbia.edu

Robert H. Smit, Adjunct Professor of Law
E-mail: rsmit@stblaw.com

Columbia Law School
435 West 116th Street
New York, New York 10027 USA
Tel: (212) 854-2693; Fax (212) 854-7946

MANUSCRIPTS

The American Review of International Arbitration invites the submission of unsolicited manuscripts. They should be double-spaced with footnotes that conform to the latest edition of *A Uniform System of Citation*. Manuscripts may be submitted as an e-mail attachment in Microsoft Word, or on CD. The *Review* regrets that manuscripts cannot be returned unless they are accompanied by a self-addressed, stamped envelope. Send all correspondence to:

Elizabeth H. Cooper, Managing Editor
The American Review of International Arbitration
Columbia Law School
435 West 116th Street
New York, New York 10027 USA
Tel: (212) 854-3971; Fax (212) 854-7946
E-mail: ecooper@law.columbia.edu

SUBSCRIPTION

The *Review* is published quarterly.

The subscription rate is U.S. \$420. All other foreign subscriptions \$475 and are renewed automatically unless notice of termination is given.

Address changes should be sent at least 45 days before the date of the issue with which they are to take effect. Subscription queries and address changes should be directed to:

JurisNet, LLC
71 New Street
Huntington, NY 11743 USA
Tel (631) 350-2100; Fax (631) 673-9117

ISSN 1050-4109

Copyright © 2016 by George A. Bermann, Robert H. Smit and JurisNet, LLC