

DR. TAMAR MESHEL

413 Law Centre
111 89 Ave NW
Edmonton, AB T6G 2H5 Canada

meshel@ualberta.ca
[SSRN](#)
[Google Scholar](#)

ACADEMIC APPOINTMENTS

University of Alberta Faculty of Law <i>CN Professor of International Trade</i>	2023-present
University of Alberta Faculty of Law <i>Associate Professor</i> (tenured)	2022-present
University of Alberta Faculty of Law <i>Assistant Professor</i> (tenure-track)	2018-2022

ADDITIONAL TEACHING EXPERIENCE

Ohio State Moritz College of Law <i>Lecturer</i>	2023-present
International Commercial Arbitration (intensive course)	

EDUCATION

University of Toronto Faculty of Law, Toronto, Canada S.J.D.	2013-2018
University of Toronto Faculty of Law, Toronto, Canada LL.M.	2012-2013
University of British Columbia Faculty of Law, Vancouver, Canada J.D.	2006-2009
University of Toronto Faculty of Arts, Toronto, Canada B.A. Honours	2004-2006
Santa Monica College, Los-Angeles, USA	2002-2004

PUBLICATIONS

ARTICLES

The Gatekeepers of the Federal Arbitration Act: An Empirical Analysis of the FAA in the Lower Courts, MISSISSIPPI LAW JOURNAL (accepted, forthcoming) [PDF](#)

Arbitration, Courts, and the Rule of Law Post-Uber, SUPREME COURT LAW REVIEW (accepted, forthcoming) [peer-reviewed]

Employment Arbitration: Recent Developments and Future Prospects, 39 OHIO STATE JOURNAL ON DISPUTE RESOLUTION 279 (2024) [PDF](#)

The Judicial Grassroots of the 'Arbitration Revolution', 15 WILLIAM & MARY BUSINESS LAW REVIEW 245 (2024) [PDF](#)

International Arbitration Agreements in Canada Post-Uber, 40 JOURNAL OF INTERNATIONAL ARBITRATION 435 (2023) [peer-reviewed]

Enforcing International Arbitral Subpoenas in the United States, 39 ARBITRATION INTERNATIONAL 19 (2023) [peer-reviewed]

- The Silala Judgment and the Duty to Cooperate in Customary International Water Law*, 23 WYOMING LAW REVIEW 51 (2023) (invited) [PDF](#)
- In Defense of Moses*, 96 ST. JOHN'S LAW REVIEW 395 (2023) [PDF](#)
- Two Comes Before Four and Five: The FAA in Campbell v. Keagle*, 117 NORTHWESTERN UNIVERSITY LAW REVIEW ONLINE 74 (2022) [PDF](#)
- The Harmon Doctrine is Dead, Long Live the Harmon Doctrine!*, 63 VIRGINIA JOURNAL OF INTERNATIONAL LAW 1 (2022) [PDF](#)
- Petrowest v. Peace River Hydro: The Revocability and Separability of Commercial Arbitration Agreements*, 65 CANADIAN BUSINESS LAW JOURNAL 329 (2022) [PDF](#)
- Cited by the Supreme Court of Canada in *Peace River Hydro Partners v. Petrowest Corp.*, 2022 SCC 41 (Nov. 10, 2022)
- Artificial Waterways in International Water Law: An American Law Perspective*, 55 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 49 (2022) [PDF](#)
- The PAGA Saga*, 2021 PEPPERDINE LAW REVIEW 36 (2022) [PDF](#)
- Crypto Dispute Resolution: An Empirical Study*, 2021 UNIVERSITY OF ILLINOIS JOURNAL OF LAW, TECHNOLOGY & POLICY 187 (2021) (with Moin A. Yahya) [peer-reviewed] [PDF](#)
- Discovery Under § 1782 in International Commercial Arbitration: Recent Developments from a Comparative Perspective*, 54 THE INTERNATIONAL LAWYER 361 (2021) [peer-reviewed] [PDF](#)
- Closing the Enforcement Gap: Third Party Discovery Under the FAA and the Federal Rules of Civil Procedure*, 70 UNIVERSITY OF KANSAS LAW REVIEW 1 (2021) [PDF](#)
- Procedural Cross-Fertilization in International Commercial and Investment Arbitration: A Functional Approach*, 12 JOURNAL OF INTERNATIONAL DISPUTE SETTLEMENT 585 (2021) [peer-reviewed] [PDF](#)
- From Newsun v. Araya to the CORE: Taking Stock of State-Based Business and Human Rights Grievance Mechanisms in Canada*, 54 UBC LAW REVIEW 203 (2021) [peer-reviewed] [PDF](#)
- International Arbitration: The New Frontier of Business and Human Rights Dispute Resolution?*, 44 DALHOUSIE LAW JOURNAL 101 (2021) [peer-reviewed] [PDF](#)
- Mobile Based Transportation Companies, Mandatory Arbitration, and the Americans with Disabilities Act*, 2021 JOURNAL OF LAW AND MOBILITY 1 (2021) [peer-reviewed] [PDF](#)
- DIGging a Deeper Hole in the Doughnut's Hole: SCOTUS and Who Decides Arbitrability*, 2021 UNIVERSITY OF ILLINOIS LAW REVIEW ONLINE 158 (2021) [PDF](#)
- Cited by the Supreme Court of Texas in *TotalEnergies E&P USA, Inc. v. MP Gulf of Mexico, LLC*, 2023 WL 2939648 (Apr. 14, 2023)
- International Water Law and Fresh Water Dispute Resolution: A Coasean Perspective*, 92 UNIVERSITY OF COLORADO LAW REVIEW 509 (2021) (with Moin A. Yahya) [PDF](#)
- 'A Doughnut Hole in the Doughnut's Hole': The Henry Schein Saga and Who Decides Arbitrability*, 73 RUTGERS UNIVERSITY LAW REVIEW 83 (2020) [PDF](#)
- Cited by the Supreme Court of Texas in *TotalEnergies E&P USA, Inc. v. MP Gulf of Mexico, LLC*, 2023 WL 2939648 (Apr. 14, 2023)

- Cited by the Court of Chancery of Delaware in *Fairstead Capital Management LLC v. Blodgett*, 2023 WL 115540 (Jan. 6, 2023)
- If Apps Be The Food Of The Future, Arbitrate On!': Mobile-Based Ride-Sharing, Transportation Workers, and Interstate Commerce*, 15 VIRGINIA LAW & BUSINESS REVIEW 1 (2020) [PDF](#)
- GE Energy v. Outokumpu: Non-signatories Can Now Enforce International Commercial Arbitration Agreements on Equitable Estoppel Grounds*, 11 HARVARD BUSINESS LAW REVIEW ONLINE 1 (2020) [PDF](#)
- Of International Commercial Arbitration, Non-Signatories, and American Federalism: The Case for a Federal Equitable Estoppel Rule*, 56 STANFORD JOURNAL OF INTERNATIONAL LAW 123 (2020) [PDF](#)
- Transboundary Watercourses, Dams, and Human Migration: An International Water Law Perspective*, 9 CAMBRIDGE INTERNATIONAL LAW JOURNAL 154 (2020) [peer-reviewed] [PDF](#)
- International Commercial Arbitration in Canada After Uber Technologies Inc. v. Heller*, 37 ARBITRATION INTERNATIONAL (2020) 361 [peer-reviewed] [PDF](#)
- Swimming Against the Current: Revisiting the Principles of International Water Law in the Resolution of Fresh Water Disputes*, 61 HARVARD INTERNATIONAL LAW JOURNAL 135 (2020) [PDF](#)
- Caught between the FAA and the New York Convention: Non-signatories to International Arbitration Agreements and the 'In Writing' Requirement*, 62 UNIVERSITY OF PENNSYLVANIA JOURNAL OF BUSINESS LAW 677 (2020) [PDF](#)
- Mobile-Based Transportation Employment Disputes: Corporate Chutzpa and the Potential Resurrection of Class Arbitration*, UNIVERSITY OF CHICAGO LAW REVIEW ONLINE 1 (2020) [PDF](#)
- 225 Years to the Jay Treaty: Interstate Arbitration Between Progress and Stagnation*, 3 CARDOZO INTERNATIONAL, COMPARATIVE, POLICY & ETHICS LAW REVIEW 1 (2020) [PDF](#)
- Unmasking the Substance Behind the Process: Why the Duty to Cooperate in International Water Law is Really a Substantive Principle*, 47 DENVER JOURNAL OF INTERNATIONAL LAW AND POLICY 29 (2020) [PDF](#)
- Heller v. Uber Technologies Inc.: Can Hard Cases Make Good Law?*, 50 ADVOCATES' QUARTERLY 351 (2020) [PDF](#)
- Interstate Fresh Water Dispute Resolution: Some Reflections on River Basin Organizations as Arbitral Institutions*, 29 YEARBOOK OF INTERNATIONAL ENVIRONMENTAL LAW 55 (2018) [peer-reviewed] [PDF](#)
- Environmental Justice in the United States: The Human Right to Water*, 8 WASHINGTON JOURNAL OF ENVIRONMENTAL LAW & POLICY 264 (2018) [PDF](#)
- The Croatia v. Slovenia Arbitration: The Silver Lining*, 16 THE LAW AND PRACTICE OF INTERNATIONAL COURTS AND TRIBUNALS 288 (2017) [peer-reviewed] [PDF](#)
- What's in a Name? The Silala Waters and the Applicability of International Watercourse Law*, 39 QUESTIONS OF INTERNATIONAL LAW 5 (2017) [peer-reviewed] [PDF](#)
- A Decade Later and Still on Target: Revisiting the 2006 Israeli Targeted Killing Decision*, 7 JOURNAL OF INTERNATIONAL HUMANITARIAN LEGAL STUDIES 88 (2016) [peer-reviewed] [PDF](#)
- A New Transboundary Fresh Water Dispute before the International Court of Justice*, 42 WATER INTERNATIONAL 92 (2016) [peer-reviewed] [PDF](#)
- Teaching an Old Law New Tricks: International Environmental Law Lessons for Cyberspace Governance*, 58 GERMAN YEARBOOK OF INTERNATIONAL LAW 129 (2016) (with Jutta Brunnée) [peer-reviewed] [PDF](#)
- Bannai v. Erez and the Jurisdictional Race of the Israeli and English Courts*, 32 ARBITRATION INTERNATIONAL 149 (2016) [peer-reviewed] [PDF](#)

BOOK REVIEWS

The Law of International Watercourses, 3rd ed, by Stephen McCaffrey, in 57 CANADIAN YEARBOOK OF INTERNATIONAL LAW 636-641 (2020)

BLOG POSTS, NEWSLETTERS, AND EDITORIALS

The Standard of Review of Arbitration Awards in Canada, [KLUWER ARBITRATION BLOG](#) (Jul. 2024)

Arbitration Implications of High Court Coinbase Ruling, [LAW360](#) (Jun. 2024)

The Gatekeepers of the Federal Arbitration Act: An Empirical Analysis of the FAA in the Lower Courts, [CONTRACTSPROF BLOG](#) (Oct. 2023)

The New Chapter in the Life of the FAA, [CONTRACTSPROF BLOG](#) (Jun. 2023)

First Crypto Arbitration Case Heard by SCOTUS, [CONTRACTSPROF BLOG](#) (Mar. 2023)

Southwest Airlines v. Saxon Comes Full Circle, [CONTRACTSPROF BLOG](#) (Mar. 2023)

Swimming Against the Current: Revisiting the Principles of International Water Law in the Resolution of Fresh Water Disputes, [INTERNATIONAL WATER LAW PROJECT BLOG](#) (Apr. 2020)

International Business and Human Rights Dispute Settlement Before Domestic Courts: The Draft UN Treaty for Business and Human Rights, [AFRONOMICS LAW BLOG](#) (Dec. 2019)

To Sign or Not To Sign – Is That the Question? The New York Convention’s ‘In Writing’ Requirement in U.S. Courts, [KLUWER ARBITRATION BLOG](#) (Sep. 2019)

The Permanent Court of Arbitration and the Peaceful Resolution of Transboundary Freshwater Disputes, [ESIL REFLECTIONS](#) (Jan. 2016)

Israeli Supreme Court Lost between the Israeli Arbitration Act and the New York Convention, [KLUWER ARBITRATION BLOG](#) (Nov. 2014)

How (Not to) Object to a Stay of Proceedings under the Israeli Arbitration Act, [KLUWER ARBITRATION BLOG](#) (Oct. 2014)

Interstate Arbitration: Awakening the ‘Sleeping Beauty of the Peace Palace’, [OPINIOJURIS](#) (Aug. 2014)

Darje v. Alstom: Weakening or Reinforcing the Pro-arbitration Stance of the Israeli Supreme Court?, [KLUWER ARBITRATION BLOG](#) (Mar. 2014)

The Indus Waters Kishenganga Arbitration – Reviving the Indus Waters Treaty and Arbitration of Interstate Water Disputes, [KLUWER ARBITRATION BLOG](#) (Jan. 2014)

Metal-Tech Ltd. v. Republic of Uzbekistan – Is Really No One Getting Punished?, [KLUWER ARBITRATION BLOG](#) (Dec. 2013)

Having Your Cake and Eating it Too? - Israeli Court Stays Proceedings Against a Non-Signatory to a Contract Containing an Arbitration Clause, [KLUWER ARBITRATION BLOG](#) (Dec. 2013)

Metal-Tech Ltd. v. Republic of Uzbekistan – ‘Strike Two’ Against Investor Claimants Facing the Corruption Defense, [INTLAWGRRLS BLOG](#) (Dec. 2013)

The Jerusalem Arbitration Center: ‘Merchants of Peace’ in the Middle East, [INTLAWGRRLS BLOG](#) (Dec. 2013)

The Jerusalem Arbitration Center – A New Form of Dispute Resolution in the Middle East, 8(1) YOUNG CANADIAN ARBITRATION PRACTITIONERS NEWSLETTER (2012)

The 2012 ICC Arbitration Rules – Enhanced Practices and New Features, 21(1) CANADIAN ARBITRATION AND MEDIATION JOURNAL 7-10 (2012) [PDF](#)

Where in the World is Canadian International Arbitration? Reflections on Some Interesting ICC Statistics, 1(1) COMMERCIAL LITIGATION AND ARBITRATION REVIEW 14-16 (2012) (with Yousuf Aftab)

Canada and the ICC – How Do Canadians Resolve their International Disputes?, 7(1) YOUNG CANADIAN ARBITRATION PRACTITIONERS NEWSLETTER (2011)

SELECTED ACADEMIC PRESENTATIONS

‘The Role of Arbitral Institutions in the Enforcement of Arbitration Agreements: Lessons from the United States’, ITA Academic Council Works-in-Progress Workshop, USA (forthcoming, 2025)

‘Efficiencies in Enforcing Arbitration Agreements: Lessons from Mass Arbitration and *Wallrich v. Samsung*’, Canadian Law and Economics Association Annual Conference, University of Toronto Faculty of Law, Canada (2024)

‘The Gatekeepers of the Federal Arbitration Act: An Empirical Analysis of the FAA in the Lower Courts’

- Berkeley Law School, USA (2024)
- Chapman Law School, USA (2024)
- Canadian Law and Economics Association Annual Conference, University of Toronto Faculty of Law, Canada (2023)

‘Crypto Dispute Resolution’, 2023 Taipei International Conference on Arbitration and Mediation, Taiwan (2023)

‘The Rule of Law and the Enforcement of Arbitration Agreements Post-*Uber*’, Private Rights and the Rule of Law, Canada (2023)

‘Business and Human Rights Dispute Settlement: NCPs as Grievance Mechanisms’

- Leuphana University of Lüneburg, Germany (2023)
- University of Amsterdam, The Netherlands (2023)
- OECD Case Law: Actors, Issues, Responsibilities and Remedies, Friedrich-Alexander-University Erlangen-Nürnberg, Germany (2023)

‘Arbitration Clauses in Consumer and Employment Contracts—American and Canadian Perspectives’, KCON XVI Conference, Texas A&M University School of Law, USA (2023)

‘Arbitration For All Who Consent To It’, KCON XVI Conference, Texas A&M University School of Law, USA (2023) (with Jeremy Telman)

‘Arbitration of Business and Human Rights Disputes’, Edinburgh Law School Global Justice Academy, Scotland (2022)

‘The Harmon Doctrine is Dead, Long Live the Harmon Doctrine!’

- Canadian Law and Economics Association Annual Conference, University of Toronto Faculty of Law, Canada (2022)
- Eighth International Four Societies Conference (2022)

- Society for Environmental Law & Economics Annual Meeting, New York University School of Law, USA (2022)
- ‘Closing the Enforcement Gap: Third Party Discovery Under the FAA and the Federal Rules of Civil Procedure’, National Business Law Scholars Conference, University of Tennessee College of Law, USA (2021)
- ‘Water Justice and the Human Right to Water in Israel’, Glasginburgh 2021 Conference, Scotland (2021)
- ‘FinTech Arbitration: A View on New Challenges and Old Solutions’
 - 2020 Roundtable on International Business Law at Brooklyn Law School, Brooklyn Law School, USA (2020)
 - Purdy Crawford Emerging Business Scholars Workshop, Dalhousie University Schulich School of Law, Canada (2020)
- ‘Dam-Induced Migration: What Can International Water Law Do About It?’ Cambridge International Law Conference, University of Cambridge, UK (2020)
- ‘International Water Law and Fresh Water Dispute Resolution: A Coasean Perspective,’ Canadian Law and Economics Annual Conference, University of Toronto Faculty of Law, Canada (2019)
- ‘International Business and Human Rights Dispute Settlement: Beyond Domestic Litigation’
 - Purdy Crawford Emerging Business Scholars Workshop, Dalhousie University Schulich School of Law, Canada (2019)
 - Alberta Early Career Legal Scholars Workshop, University of Calgary Faculty of Law, Canada (2019)
- ‘International Business and Human Rights Dispute Resolution: The Case of the Accord on Fire and Building Safety in Bangladesh Arbitrations,’ Purdy Crawford Emerging Business Scholars Workshop, Dalhousie University Schulich School of Law, Canada (2018)
- ‘Qualitative Comparative Analysis (QCA) of Investment Treaty Arbitrations with an Environmental Component,’ The Present and Future Role of Investment Treaty Arbitration in Adjudicating Environmental Disputes, University of Oslo, Norway (2015)
- ‘The ‘Commercial Peacemaking’ Role of the International Commercial Arbitration Legal Order,’ UK IVR Annual Conference, Queen’s University Belfast School of Law, Northern Ireland (2015)
- ‘Interstate Arbitration and the Peaceful Resolution of Transboundary Freshwater Disputes,’ Annual Conference of the European Society of International Law, Oslo, Norway (2015)
- ‘Reviving the Role of International Water Law in the Resolution of Transboundary Freshwater Disputes,’ Young Scholars Conference, University of Michigan Law School, USA (2015)
- ‘The Human Right to Water in Investor-State Arbitration,’ The Legitimacy of International Courts and Tribunals Workshop, University of Oslo, Norway (2014)
- ‘The Role of International Water Law in Transboundary Freshwater Dispute Resolution,’ Canadian Council on International Law Annual Conference, Canada (2014)
- ‘The ‘Norm-Creating’ Role of the International Commercial Arbitration Legal Order,’ Sociological and Constructivist Approaches to International Norms Workshop, Hebrew University Faculty of Law, Israel (2014)
- ‘The New Role of the International Commercial Arbitration Legal Order: The Jerusalem Arbitration Center and Beyond,’ Toronto Group Conference, Osgoode Hall Law School, Canada (2014)

INVITED ENGAGEMENTS

Panelist, 'CIArb Canada Symposium: Vavilov, Value, Venue', CanArbWeek (2024)

Panelist, 'CIArb Canada Symposium: What's the matter with "deciding the matter"?', CanArbWeek (2023)

Speaker, 'Petrowest v. Peace River Hydro', Edmonton Legal Forum (2023)

Speaker, International Tribunal for the Law of the Sea (ITLOS) Nippon Program (2020, 2022)

Panelist, 'Water Treaties and Institutions', Summer Field School on Mountain Ecosystems & Resource Management, Grassroots Institute Canada (2021)

Panelist, 'Efficiency in the 2021 ICC Rules', Launch of the 2021 ICC Rules in Israel (2021)

Speaker, 'International Business and Human Rights Dispute Settlement: Beyond Domestic Litigation', Loyola Chicago International Law Colloquium, USA (2020)

PODCASTS

[Coinbase, Inc. v. Suski](#), *SCOTUScast* (May. 30, 2024)

[The Gatekeepers of the Federal Arbitration Act: An Empirical Analysis of the FAA in the Lower Courts](#), *Arbitration Conversation* (Nov. 21, 2023)

[Coinbase, Inc. v. Bielski](#), *SCOTUScast* (Apr. 20, 2023)

[Artificial Waterways in International Water Law: An American Law Perspective](#), *Center for International Maritime Security, Sea Control Podcast* (June 26, 2022)

VISITORSHIPS & FELLOWSHIPS

University of Edinburgh Law School, Edinburgh, Scotland <i>Visiting Scholar</i>	Sep.-Oct. 2022
WilmerHale International Arbitration Group, London, England <i>Scholar-in-Residence</i>	June-Aug. 2022
Dalhousie University Schulich School of Law <i>Schulich Fellow</i>	Aug. 2017-May 2018
Max Planck Institute for Procedural Law, Luxembourg <i>Research Fellow</i>	2015-2017
The Carter Center, Atlanta, USA <i>Graduate Fellow</i>	May-Aug. 2013

SELECTED GRANTS AND SCHOLARSHIPS

Canadian Foundation for Legal Research Grant (\$13,640)	2024-2025
Social Sciences and Humanities Research Council, Insight Development Grant (\$40,205)	2022-2024
Luxembourg National Research Fund, Support for Research Communication (RESCOM)	
International Conference Grant (co-applicant) (€50,000)	2017
Social Sciences and Humanities Research Council, Joseph-Armand Bombardier Canada CGS	
Doctoral Scholarship (\$105,000)	2015-2018
Centre for International Governance Innovation International Law, Research Program	
Scholarship (\$56,000)	2014-2018

PROFESSIONAL EXPERIENCE

Canadian Ombudsperson for Responsible Enterprise, Ottawa, Canada <i>Arbitration Consultant</i>	2022-2024
ICC International Court of Arbitration, Paris, France <i>Deputy Counsel</i>	2010-2012
Fasken LLP, Vancouver, Canada <i>Articling Student & Associate</i>	2009-2010

BAR ADMISSIONS

Member, Law Society of Alberta (inactive)	2023-present
Member, Law Society of Ontario (non-practicing)	2013-2023
Member, Law Society of British Columbia	2010-2013

SELECTED SERVICE ACTIVITIES

Member, Institute for Transnational Arbitration Academic Council (2024-present)
Member, ICC Canada Arbitration Committee (2023-present)
Member, Campaign for Greener Arbitration, North America Regional Committee (2022-present)
Board member, Canadian Council on International Law (2018-present)
Moot coach, Vis International Commercial Arbitration Moot, Africa in the Moot (2022-2023)
Sounding board member, The Hague Rules on Business and Human Rights Arbitration: Consultation Procedure (2018-2020)
Member, Board of Reporters of the Institute for Transnational Arbitration (2011-2018)