

# Dr. Tamar Meshel

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

780-492-3348  
[meshel@ualberta.ca](mailto:meshel@ualberta.ca)  
<http://ssrn.com/author=1595286>

## CURRENT POSITION

---

University of Alberta Faculty of Law | *Assistant Professor* (tenure-track) 2018-present

## EDUCATION

---

University of Toronto Faculty of Law, Toronto, Canada | S.J.D. 2013-2018  
Thesis: *International Law and Transboundary Fresh Water Resources: A Dispute Resolution Perspective*  
(supervisors: Profs. Karen Knop and Jutta Brunnée)  
○ Munk School of Global Affairs, Global Justice Fellow (2013-2018)

University of Toronto Faculty of Law, Toronto, Canada | LL.M. 2012-2013  
Thesis: *Awakening the 'Sleeping Beauty of the Peace Palace' – The Two-dimensional Role of Arbitration in the Pacific Settlement of Interstate Territorial Disputes Involving Armed Conflict*  
(supervisor: Prof. Karen Knop)

University of British Columbia Faculty of Law, Vancouver, Canada | J.D. 2006-2009  
*Business Law Designation*

University of Toronto Faculty of Arts, Toronto, Canada | B.A. Honours 2004-2006

Santa Monica College, Los-Angeles, California, USA 2002-2004

## PUBLICATIONS

---

### Articles

*Procedural Cross-Fertilization in International Commercial and Investment Arbitration: A Functional Approach*, JOURNAL OF INTERNATIONAL DISPUTE SETTLEMENT (accepted, forthcoming) [peer-reviewed].

*Petrowest v. Peace River Hydro: The Revocability and Separability of Commercial Arbitration Agreements*, CANADIAN BUSINESS LAW JOURNAL (accepted, forthcoming).

*Crypto Dispute Resolution: An Empirical Study*, UNIVERSITY OF ILLINOIS JOURNAL OF LAW, TECHNOLOGY & POLICY (accepted, forthcoming) (with Moin A. Yahya) [peer-reviewed].

*Artificial Waterways in International Water Law: An American Law Perspective*, VANDERBILT JOURNAL OF TRANSNATIONAL LAW (accepted, forthcoming).

*Discovery Under § 1782 in International Commercial Arbitration: Recent Developments from a Comparative Perspective*, 54(3) THE INTERNATIONAL LAWYER (accepted, forthcoming) [peer-reviewed].

*Closing the Enforcement Gap: Third Party Discovery Under the FAA and the Federal Rules of Civil Procedure*, 70 UNIVERSITY OF KANSAS LAW REVIEW (accepted, forthcoming).

*From Newsun v. Araya to the CORE: Taking Stock of State-Based Business and Human Rights Grievance Mechanisms in Canada*, 54(1) UBC LAW REVIEW 203 [peer-reviewed].

[\*International Arbitration: The New Frontier of Business and Human Rights Dispute Resolution?\*, 44 DALHOUSIE LAW JOURNAL 101 \(2021\) \[peer-reviewed\].](#)

[\*Mobile Based Transportation Companies, Mandatory Arbitration, and the Americans with Disabilities Act\*, 2021 JOURNAL OF LAW AND MOBILITY 1 \(2021\) \[peer-reviewed\].](#)

[\*DIGging a Deeper Hole in the Doughnut's Hole: SCOTUS and Who Decides Arbitrability\*, 2021 UNIVERSITY OF ILLINOIS LAW REVIEW ONLINE 158 \(2021\).](#)

[\*'A Doughnut Hole in the Doughnut's Hole': The Henry Schein Saga and Who Decides Arbitrability\*, 73\(1\) RUTGERS UNIVERSITY LAW REVIEW 83 \(2021\).](#)

[\*International Water Law and Fresh Water Dispute Resolution: A Coasean Perspective\*, 92\(2\) UNIVERSITY OF COLORADO LAW REVIEW 509 \(2021\) \(with Moin Yahya\).](#)

[\*If Apps Be The Food Of The Future, Arbitrate On!': Mobile-Based Ride-Sharing, Transportation Workers, and Interstate Commerce\*, 15\(1\) VIRGINIA LAW & BUSINESS REVIEW 1 \(2021\).](#)

[\*GE Energy v. Outokumpu: Non-signatories Can Now Enforce International Commercial Arbitration Agreements on Equitable Estoppel Grounds\*, 11 HARVARD BUSINESS LAW REVIEW ONLINE 1 \(2021\).](#)

[\*Of International Commercial Arbitration, Non-Signatories, and American Federalism: The Case for a Federal Equitable Estoppel Rule\*, 56 STANFORD JOURNAL OF INTERNATIONAL LAW 123 \(2020\).](#)

[\*Transboundary Watercourses, Dams, and Human Migration: An International Water Law Perspective\*, 9\(2\) CAMBRIDGE INTERNATIONAL LAW JOURNAL 154 \(2020\) \[peer-reviewed\].](#)

[\*International Commercial Arbitration in Canada After Uber Technologies Inc. v. Heller\*, 37\(1\) ARBITRATION INTERNATIONAL \(2020\) 361 \[peer-reviewed\].](#)

[\*Swimming Against the Current: Revisiting the Principles of International Water Law in the Resolution of Fresh Water Disputes\*, 61 HARVARD INTERNATIONAL LAW JOURNAL 135 \(2020\).](#)

[\*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 \(2020\).](#)

[\*Mobile-Based Transportation Employment Disputes: Corporate Chutzpa and the Potential Resurrection of Class Arbitration\*, UNIVERSITY OF CHICAGO LAW REVIEW ONLINE 1 \(2020\).](#)

[\*225 Years to the Jay Treaty: Interstate Arbitration Between Progress and Stagnation\*, 3 CARDOZO INTERNATIONAL, COMPARATIVE, POLICY & ETHICS LAW REVIEW 1 \(2020\).](#)

[\*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 \(2020\).](#)

[\*Heller v. Uber Technologies Inc.: Can Hard Cases Make Good Law?\*, 50\(4\) ADVOCATES' QUARTERLY 351 \(2020\).](#)

[\*Interstate Fresh Water Dispute Resolution: Some Reflections on River Basin Organizations as Arbitral Institutions\*, 29 YEARBOOK OF INTERNATIONAL ENVIRONMENTAL LAW 55 \(2018\) \(published in 2019\) \[peer-reviewed\].](#)

[\*Environmental Justice in the United States: The Human Right to Water\*, 8 WASHINGTON JOURNAL OF ENVIRONMENTAL LAW & POLICY 264 \(2018\).](#)

[\*The Croatia v. Slovenia Arbitration: The Silver Lining\*, 16\(2\) THE LAW AND PRACTICE OF INTERNATIONAL COURTS AND TRIBUNALS 288 \(2017\) \[peer-reviewed\].](#)

[\*What's in a Name? The Silala Waters and the Applicability of International Watercourse Law\*, 39 QUESTIONS OF INTERNATIONAL LAW 5 \(2017\) \[peer-reviewed\].](#)

[\*A Decade Later and Still on Target: Revisiting the 2006 Israeli Targeted Killing Decision\*, 7\(1\) JOURNAL OF INTERNATIONAL HUMANITARIAN LEGAL STUDIES 88 \(2016\) \[peer-reviewed\].](#)

[\*A New Transboundary Fresh Water Dispute before the International Court of Justice\*, 42\(1\) WATER INTERNATIONAL 92 \(2016\) \[peer-reviewed\].](#)

[\*Teaching an Old Law New Tricks: International Environmental Law Lessons for Cyberspace Governance\*, 58 GERMAN YEARBOOK OF INTERNATIONAL LAW 129 \(2016\) \(with Jutta Brunnée\) \[peer-reviewed\].](#)

[\*Bannai v. Erez and the Jurisdictional Race of the Israeli and English Courts\*, 32\(1\) ARBITRATION INTERNATIONAL 149 \(2016\) \[peer-reviewed\].](#)

[\*The Evolution of Interstate Arbitration and the Peaceful Resolution of Transboundary Freshwater Disputes\*, 2016 JOURNAL OF DISPUTE RESOLUTION 361 \(2016\).](#)

[\*Human Rights in Investor-State Arbitration: The Human Right to Water and Beyond\*, 6 JOURNAL OF INTERNATIONAL DISPUTE SETTLEMENT 277 \(2015\) \[peer-reviewed\].](#)

[\*Commercial Peacemaking - The New Role of the International Commercial Arbitration Legal Order\*, 16 CARDOZO JOURNAL OF CONFLICT RESOLUTION 395 \(2015\).](#)

[\*The Use and Misuse of the Corruption Defense in International Investment Arbitration\*, 30\(3\) JOURNAL OF INTERNATIONAL ARBITRATION 267 \(2013\) \[peer-reviewed\].](#)

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

[\*Where in the World is Canadian International Arbitration? Reflections on Some Interesting ICC Statistics\*, 1\(1\) COMMERCIAL LITIGATION AND ARBITRATION REVIEW 14 \(2012\) \(with Yousuf Aftab\).](#)

### Books and Book Chapters

THE FEDERAL ARBITRATION ACT IN THE UNITED STATES SUPREME COURT: A 100 YEAR JOURNEY (with Louis Kimmelman) (under publication contract with Kluwer International) [work in progress].

*The Attorney General as Guardian of the Public Interest and the Evolution of Private-Public Arbitration in Israel*, in Stephan Schill, ed., THE (COMPARATIVE) CONSTITUTIONAL LAW OF PRIVATE-PUBLIC ARBITRATION (OUP) [accepted, forthcoming].

[\*Water Justice and The Social Pillar of Sustainable Development: The Case of Israel\*, in Sumudu Atapattu, Carmen Gonzalez & Sara Seck, eds., THE CAMBRIDGE HANDBOOK OF ENVIRONMENTAL JUSTICE AND SUSTAINABLE DEVELOPMENT 196 \(CUP, 2021\).](#)

[\*Water Disputes Across Borders\*, in Mariana Valverde, Eve Darian-Smith, Kamari Clarke & Prabha Kotiswaran, eds., ROUTLEDGE HANDBOOK OF LAW AND SOCIETY 242 \(OUP, 2021\).](#)

[A BRIDGE OVER TROUBLED WATERS: DISPUTE RESOLUTION IN THE LAW OF INTERNATIONAL WATERCOURSES AND THE LAW OF THE SEA \(co-editor with H  l  ne Ruiz Fabri, Erik Franckx, and Marco Benatar\) \(Brill-Nijhoff, 2020\).](#)

[Dental Negligence and Malpractice, in Jocelyn Downie, et al, eds., DENTAL LAW IN CANADA, 3rd ed. 227 \(LexisNexis, 2019\).](#)

[The Dual Role of Procedure in International Water Law, in H  l  ne Ruiz Fabri, ed., INTERNATIONAL LAW AND LITIGATION: A LOOK INTO PROCEDURE 65 \(Nomos & Hart Publishing, 2019\).](#)

### Encyclopedia Entries

[Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment, in H  l  ne Ruiz Fabri, ed., MAX PLANCK ENCYCLOPAEDIA OF INTERNATIONAL PROCEDURAL LAW \(OUP, 2019\).](#)

### Conference Proceedings

[Interstate Arbitration and the Peaceful Resolution of Transboundary Freshwater Disputes, ESIL 11<sup>th</sup> Annual Conference, ESIL PAPER SERIES \(2015\).](#)

### Reports

[Water Regulation and Injustice in the United States, THE JUSTICE COLLABORATIVE INSTITUTE \(Aug 2020\).](#)

[International Law Affecting Canada's Jurisdiction over Water, DECOLONIZING WATER PROJECT \(Jul. 2018\).](#)

### Online Publications (Blog Posts and Newsletters)

[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, AFRONOMICSLAW 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 \(Aug. 2014\).](#)

[Darie 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).

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

### Book Reviews

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

### **CONFERENCE & WORKSHOP PRESENTATIONS**

---

‘Water Treaties and Institutions’, *Summer Field School on Mountain Ecosystems & Resource Management*, Grassroots Institute Canada (2021).

‘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, USA (2021).

‘Water Justice and the Human Right to Water in Israel’, *Glasginburgh 2021 Conference*, Scotland (2021).

‘Efficiency in the 2021 ICC Rules’, *Launch of the 2021 ICC Rules in Israel*, Israel (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).

‘FinTech Arbitration: A View on New Challenges and Old Solutions’, *Purdy Crawford Emerging Business Scholars Workshop*, Dalhousie University Schulich School of Law, Canada (2020).

‘International Business and Human Rights Dispute Settlement: Beyond Domestic Litigation’, *Loyola Chicago International Law Colloquium*, USA (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).

‘International Business and Human Rights Dispute Settlement: Beyond Domestic Litigation’, *Alberta Early Career Legal Scholars Workshop*, Calgary, 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 (2015).

‘The ‘Commercial Peacemaking’ Role of the International Commercial Arbitration Legal Order,’ *UK IVR Annual Conference*, Belfast, 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*, Ottawa, Canada (2014).

‘The ‘Norm-Creating’ Role of the International Commercial Arbitration Legal Order,’ *Sociological and Constructivist Approaches to International Norms Workshop*, Hebrew University Law Faculty, 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).

‘Dispute Resolution in the Middle East,’ *Canadian International Law Students’ Conference*, University of Toronto Faculty of Law, Canada (2013).

## PROFESSIONAL EXPERIENCE & BAR ADMISSIONS

---

Max Planck Institute for Procedural Law, Luxembourg   <i>Research Fellow</i>	2015-2017
The Carter Center, Atlanta, USA   <i>Graduate Fellow</i>	2013
Jerusalem Arbitration Center, Israel and Palestine   <i>Pro-bono Legal Advisor</i>	2012-2013
ICC International Court of Arbitration, Paris, France   <i>Deputy Counsel</i>	2010-2012
Fasken Martineau DuMoulin LLP, Vancouver, Canada   <i>Student &amp; Associate</i>	2008-2010
Member of the Law Society of British Columbia	2010-2013
Member of the Law Society of Ontario (non-practicing status)	2013-present

## TEACHING

---

University of Alberta Faculty of Law, *Tort law* (2018-2019; 2019-2020; 2020-2021)

University of Alberta Faculty of Law, *Corporations Law* (2018; 2019; 2020)

University of Alberta Faculty of Law, *Corporate Securities* (2020; 2021)

Schulich School of Law, Dalhousie University, *Tort Law* (2017-2018)

- o Nominated for the DLAA & LSS Award for Excellence in Teaching Law

University of Toronto Faculty of Law, *Canadian Legal Methods and Writing* (Co-instructor) (2014-2015)

York University, Osgoode Hall Law School, *Introduction to Graduate Legal Studies* (Co-instructor) (2014)

## **SERVICE**

---

Board member, Canadian Council on International Law (2018-present)

Board Member, Canadian Association of Law Teachers (CALT) (2019-present)

Co-translator, [International Chamber of Commerce 2020 Arbitration Rules \(2021\) \(Hebrew adaptation\)](#)

Sounding Board Member, The Hague Rules on Business and Human Rights Arbitration: Consultation Procedure (2018-2020)

Invited Lecturer, 'Environmental Disputes and Treaty Compliance Mechanisms', *International Tribunal for the Law of the Sea (ITLOS) Nippon Program* (2020).

Guest Speaker, 'Uber v. Heller', *Carleton University, Department of Law and Legal Studies, 'Obligations' course* (2020).

Committee Member, Alberta Law Reform Institute Project Advisory Committee on the Uniform Law Conference of Canada's Uniform International Commercial Arbitration Act (2019)

Translator, [ICCA GUIDE TO THE INTERPRETATION OF THE 1958 NEW YORK CONVENTION \(2017\) \(Hebrew adaptation\)](#).

Country Reporter, Board of Reporters of the Institute for Transnational Arbitration (2011-2018)

Peer reviewer: Utrecht Journal of International and European Law; Asper Review of International Business and Trade Law; Windsor Review of Legal and Social Issues; Utilities Policy; Review of European, Comparative & International Environmental Law