

# Yearbook Commercial Arbitration Volume Xxix 2004 Yearbook Commercial Arbitration Set

*Yearbook Commercial Arbitration, Volume XLV (2020)* **Yearbook Commercial Arbitration: Volume XL 2015** *Yearbook Commercial Arbitration, Volume XLV (2020)* *Yearbook Commercial Arbitration Volume Xxxv 2010 (Crc) Rev* *Yearbook Commercial Arbitration Volume XXXV - 2011* *International Commercial Arbitration. Volume I: International Arbitration Agreements* *International Commercial Arbitration* **International Arbitration: Law and Practice** *Yearbook Commercial Arbitration, Volume XLVI (2021).* **International Commercial Arbitration** *Yearbook Commercial Arbitration, Volume XLVI (2021)* **Yearbook Commercial Arbitration, Volume XLVII (2022).** *Party-Appointed Arbitrators in International Commercial Arbitration* *The Evolution and Future of International Arbitration* **New Frontiers in Asia-Pacific International Arbitration and Dispute Resolution** *Document Production in International Arbitration* *International Commercial Arbitration* *The Public Order Exception in International Trade, Investment, Human Rights and Commercial Disputes* **The Function of Equity in International Law** *Yearbook Commercial Arbitration Vol Xxxii 2007* *Yearbook Commercial Arbitration* *Yearbook Commercial Arbitration* *International Commercial Arbitration* **Arbitral Awards as Investments** *Complex Arbitrations* **Arbitrators as Lawmakers** *The Roles of Psychology in International Arbitration* **Economic Analysis of the Arbitrator's Function** *Arbitration in Africa* **International Arbitration** *International Arbitration and the COVID-19 Revolution* **Selected Papers on International Arbitration Volume 4** **The Functions of Arbitral Institutions** **Third-Party Funding in International Arbitration and Its Impact on Procedure Towards a Uniform Approach to Confidentiality of International Commercial Arbitration** **Selected Papers on International Arbitration** **International Commercial and Investor-State Arbitration** **Yearbook on International Arbitration** *Investment Treaty Arbitration and International Law - Volume 7* **Challenge and Disqualification of Arbitrators in International Arbitration**

Eventually, you will very discover a further experience and attainment by spending more cash. yet when? reach you receive that you require to get those every needs subsequent to having significantly cash? Why dont you try to acquire something basic in the beginning? Thats something that will guide you to comprehend even more re the globe, experience, some places, in imitation of history, amusement, and a lot more?

It is your completely own become old to decree reviewing habit. accompanied by guides you could enjoy now is **Yearbook Commercial Arbitration Volume Xxix 2004 Yearbook Commercial Arbitration Set** below.

**International Arbitration: Law and Practice** May 21 2022 *International Arbitration: Law and Practice (Third Edition)* provides comprehensive and authoritative coverage of the basic principles and legal doctrines, and the practice, of international arbitration. The book contains a systematic, but concise, treatment of all aspects of the arbitral process, including international arbitration agreements, international arbitral proceedings and international arbitral awards. The Third Edition guides both students and practitioners through the entire arbitral process, beginning with drafting, enforcing and interpreting international arbitration agreements, to selecting arbitrators and conducting arbitral proceedings, to recognizing, enforcing and seeking to annul arbitral awards. The book is written in clear, accessible language, suited for both law students and non-specialist practitioners, as well as more experienced readers. This highly regarded work addresses both international commercial arbitration and the related fields of investment and state-to-state arbitration and is essential reading for any student of international arbitration and any practitioner seeking a complete introduction to the field. The Third Edition has been comprehensively updated to include recent legislative amendments, judicial decisions and arbitral awards. Among other things, the book provides detailed treatment of the New York Convention, the UNCITRAL Model Law on International Commercial Arbitration, all leading institutional arbitration rules (including ICC, SIAC, LCIA, AAA and others), the ICSID Convention and ICSID Arbitration Rules, and judicial decisions from leading jurisdictions. The Third Edition is integrated with the author's classic *International Commercial Arbitration* and with the online Born

International Arbitration Lectures, enabling students, teachers and practitioners to explore particular topics in more detail. About the Author: Gary B. Born is the world's leading authority on international arbitration and litigation. He has practiced extensively in both fields in Europe, the United States, Asia and elsewhere. He is the author of International Commercial Arbitration (Kluwer Law International 3rd ed. 2021), International Arbitration and Forum Selection Agreements: Drafting and Enforcing (Kluwer Law International 6th ed. 2021), International Commercial Arbitration: Cases and Materials (Aspen 3rd ed. 2021) and International Civil Litigation in United States Courts (Aspen 6th ed. 2018).

Yearbook Commercial Arbitration Vol Xxxii 2007 May 09 2021 Annotation The Yearbook Commercial Arbitration continues its longstanding commitment to serving as a primary resource for the international arbitration community with reporting on arbitral awards, arbitration legislation and rules throughout the world as well as on court decisions applying the leading arbitration conventions. Volume XXXII includes\* excerpts of arbitral awards made under the auspices of, inter alia, the International Chamber of Commerce (ICC);\* notes on new and amended arbitration rules, including references to their online publication;\* notes on recent developments in arbitration law and practice in Bolivia, China, Mongolia, New Zealand and Switzerland;\* excerpts of 89 court decisions applying the 1958 New York Convention from 18 countries - including, for the first time, decisions from Pakistan, Portugal and Venezuela - all indexed by subject matter and linked to the General Editor's published commentaries on the New York Convention;\* an extensive Bibliography of recent books and journals on arbitration. Edited by the International Council for Commercial Arbitration (ICCA), the world's leading organization representing practitioners and academics in the field, the Yearbook is an essential tool for lawyers, business people and scholars involved in the practice and study of international arbitration.

Yearbook Commercial Arbitration Mar 07 2021

**The Function of Equity in International Law** Jun 10 2021 This book provides a systematic and comprehensive study of the legal concept of equity as it operates in contemporary international law. A principle with a long pedigree, equity has been present in legal thought and in municipal legal systems since antiquity. Introduced in international legal decisions through claims commissions and arbitral tribunals, equity became progressively part and parcel of the international law mainstream. From international cultural heritage law to the law on climate change, from maritime boundary delimitations to decisions on security for costs in investment arbitration, the relevance of equity is more far-reaching than has previously been acknowledged. In contrast with earlier studies on the topic, this book is informed by a body of judicial and arbitral case law that has never been so substantial and varied. It also draws extensively on the prolific case law of investment tribunals, gaining insights from a valuable source that is typically overlooked in public international law scholarship. As the importance of international law increases, covering continuously new domains, the value of equity increases with it. It is this new equity in the international law of the 21st century that this book explores.

**New Frontiers in Asia-Pacific International Arbitration and Dispute Resolution** Oct 14 2021 International Arbitration Law Library Volume 59 The eastward shift in international dispute resolution has already involved initiatives not only to improve support for international commercial arbitration (ICA) and investor-state dispute settlement (ISDS) but also to develop alternatives such as international commercial courts and mediation. Focusing on these initiatives and their accompanying case law and trends in the Asia-Pacific region, this invaluable book challenges existing procedures and frameworks for cross-border dispute resolution in both commercial and treaty arbitration. Specially assembled for this project, an outstanding team of experienced and insightful arbitrators and scholars describes pertinent developments including: ICA and ISDS in the context of China's Belt and Road Initiative; the Singapore Convention on Mediation; the shift to virtual hearings and other challenges from the COVID-19 pandemic; mistrust of the application of the rule of law in certain East Asian jurisdictions; growing public concern over ISDS arbitration; tensions between confidentiality and transparency; and potential regional harmonisation of the public policy exception to arbitral enforcement. The contributors chart evolving practices and high-profile cases to make informed observations about where changes are needed, as well as educated guesses about the chances of reforms being successful and the consequences if they are not. The main jurisdictions covered are China, Hong Kong, Japan, Malaysia, India, Australia and Singapore. The first in-depth study of recent trends in dispute resolution practice related to business in the Asia-Pacific region, the book's practical analysis of new resources for dealing with the increasing competition among countries to become credible regional dispute resolution hubs will prove to be of great value to specialists in the international business law sector. Lawyers will be enabled to make informed decisions on which venue and dispute resolution methods are the most suitable for any specific dispute in the region, and policymakers will confidently assess emerging trends in international dispute resolution policy development and treaty-making.

**Arbitrators as Lawmakers** Nov 03 2020 This book analyses how arbitrators make rules that guide, constrain, and define the process and substance of international arbitration. Providing a thorough and multidisciplinary analysis of the actors, process, and outcome of arbitral lawmaking, the study shows how arbitrators create principles of law through consistent arbitral decision-making and through interacting with other members of the arbitral community. This book investigates and responds to the following questions: - What is the relationship between international arbitration and the law and courts of the seat? - What is the role of international tribunals in assisting and controlling investment arbitration? - What is the scope of arbitrators' freedom in decision-making? - What constraints limit arbitrators' decision-making and contribute to consistency? - Is international arbitration capable of paying deference to past arbitral decisions? - Which rules have arbitrators created in procedural and substantive matters? - What is the role and status of consistent arbitral decisions? - Is there an arbitral legal system? The answers to these questions are drawn from actual arbitral decisions made available to the public, clarifying important issues about jurisdiction,

procedure, applicable law, interpretation of substantive rules and instruments, and remedies. This is the first overarching study of whether and to what extent international commercial, and investment arbitrators create norms and even generate a legal system. As such, it will be of immeasurable and lasting value to arbitrators, practitioners, scholars, arbitral institutions, and international organizations worldwide, for all of whom it will not only clarify our understanding of arbitral decision-making and arbitrator-made rules, but also foster transparency and accountability in arbitral decision-making

**Arbitral Awards as Investments** Jan 05 2021 The rise of international investment arbitration has resulted in the emergence of a number of intriguing legal and political challenges. One of those is the question of whether or not arbitral awards may constitute investments pursuant to existing investment treaties. In approaching the problem, it is the interconnection between theory and practice that delivers solutions. This book presents the first detailed analysis of the existing tribunals' approaches to date. In examining the principles of treaty interpretation, their application in arbitral practice, shortcomings and their ramifications and possible routes to improvement, the book addresses the following questions: - What is the foundation of interpretation in public international law and when is it adequately carried out? - Can arbitral awards constitute investments, offering relief from frustrated enforcement attempts? - Is there a trend of convergence of commercial and investment arbitration? - Do respective interpretative outcomes stem from adequate interpretation? - What are the ramifications, if interpretation is not fully adequate? - What are the feasible routes to greater interpretive discipline? The book is mindful of the underlying public international law principles, such as state sovereignty and the increasing legal and political dynamics of international investment law. This is the first in-depth treatise on arbitral awards' qualification as investments within international investment law. Its detailed analysis of the interpretive approaches, their foundation and consequences will, from a theoretical and practical point of view, prove of great value to international tribunals, counsel and sovereign entities. Maximilian Clasmeier has gained international arbitration experience in the dispute resolution practices of international law firms in Frankfurt, Düsseldorf and Singapore and worked for the World Bank Group in Washington, D.C.

**Third-Party Funding in International Arbitration and Its Impact on Procedure** Feb 24 2020 Pursuing international arbitration proceedings can be costly. As a result, it is becoming increasingly common for parties to transfer the costs and risks associated with international arbitration disputes to third-party funders. In recent years, institutional speciality providers of capital for dispute resolution - litigation funders - have entered the market for international arbitration claims. International arbitral procedures involving parties supported by litigation funders and other third-party funders have become a reality - one that has left many in the arbitration community puzzled until now. In this book, the author describes and analyses the role of third-party funding, notably litigation funding, in the context of international arbitration, taking into account contractual, industry-related, economic, empirical, ethical, regulatory, and procedural aspects. The book's focus is on procedure - that is, to examine which issues are likely to arise in the course of international arbitral proceedings involving funded parties, and to provide guidance on how these issues can be solved. Among these crucial issues covered are the following: - disclosure of third-party funding; - privilege protection of documentary evidence; - jurisdictional issues; - impartiality and independence of arbitrators; - confidentiality; - security for costs; and - awarding of costs. Each chapter offers concrete guidelines on how to deal with the respective procedural issues and situations. As the most comprehensive and systematic study of third-party funding in international commercial and investment arbitration to date, this book will be welcomed by professionals in the arbitral community worldwide as well as by funders, funded parties, corporate counsel, and academics.

*Yearbook Commercial Arbitration, Volume XLV (2020)* Dec 28 2022 The Yearbook Commercial Arbitration continues its longstanding commitment to serving as a primary resource for the international arbitration community, with reports on arbitral awards and court decisions applying the leading arbitration conventions and decisions of general interest to the practice of international arbitration as well as announcements of arbitration legislation and rules. Volume XLV (2020) includes: excerpts of arbitral awards made under the auspices of the International Chamber of Commerce (ICC) and the Milan Chamber of Arbitration (CAM), as well as twelve awards reflecting the practice of tribunals constituted under the auspices of the Arbitration Institute of the Stockholm Chamber of Commerce (SCC); notes on new and amended arbitration rules, including references to their online publication; notes on recent developments in arbitration law and practice in Ethiopia, Lithuania, Macao SAR, Palau, Peru, Poland, Portugal, Russian Federation, Seychelles, Sierra Leone, Singapore, Switzerland, Tanzania, Thailand, and Tonga; excerpts of 87 court decisions applying the 1958 New York Convention from 27 countries – including, for the first time, a selection of seven cases from Egypt, and cases from Tanzania and Uzbekistan – all indexed by subject matter and linked to the commentaries on the New York Convention published in the Yearbook, authored by former General Editor and leading expert Prof. Dr. Albert Jan van den Berg; excerpts from two decision applying the 1965 Washington (ICSID) Convention and seven decisions applying the 1975 Panama (Inter-American) Convention, as well as a selection of four court decisions of general interest; an extensive Bibliography of recent books and journals on arbitration. The Yearbook is edited by the International Council for Commercial Arbitration (ICCA), the world's leading organization representing practitioners and academics in the field, under the general editorship of Prof. Dr. Stephan W. Schill and with the assistance of the Permanent Court of Arbitration, The Hague. It is an essential tool for lawyers, business people and scholars involved in the practice and study of international arbitration.

International Commercial Arbitration Feb 06 2021 The collected papers in ICCA Congress Series no. 11, as reflected in its title, address important contemporary questions in international commercial arbitration. Included are contributions written by participants in the UNCITRAL Working Group on Arbitration and Conciliation on its current work on the

requirement of a written form for an arbitration agreement, interim measures of protection and UNCITRAL's Model Law on International Commercial Conciliation. Further contributions give leading practitioners' views on illegality in the formation and performance of contracts or in the conduct of the arbitration, examining questions on how the arbitral tribunal should deal with these vexed issues and how forgery and fraud may be detected. The factors that lead to acceptance by parties of the decisions of arbitrators are dealt with in contributions on the psychological aspects of dispute resolution. The volume concludes with a series of articles on arbitration under investment treaties written by experienced arbitrators and practitioners, with special emphasis on ICSID and NAFTA and the emerging issues of transparency, accountability and review. Contains lengthy articles on the ongoing work of UNCITRAL on proposed amendments to the UNCITRAL Model Law on International Commercial Arbitration and the recently adopted Model Law on International Commercial Conciliation Details the current thinking on the requirement of an arbitration agreement in writing and how this can be accommodated by the UNCITRAL Model Law and the 1958 New York Convention Addresses the granting of interim measures by arbitral tribunals and their enforcement by national and foreign courts Analyzes issues raised by illegality in the formation and performance of contracts and in the conduct arbitrations and provides a systematic overview of the answers given by legislation, arbitrators and courts Provides insight into the attitudes of arbitrators and parties regarding dispute settlement processes Addresses the changing public perception of arbitration under investment treaties Investment Treaty Arbitration and International Law - Volume 7 Sep 20 2019 Is it Time for a Regime Change? Protecting International Energy Investments against Political Risk. The 2013 seventh annual Juris investment arbitration conference put in issue the special role of international energy projects in the development of investor-state arbitration. It is currently one of the most active sectors of investor-state arbitration. The "facts" of the energy sector therefore are particularly well-developed in international jurisprudence. The similarities in the applicable law of investment protection between the energy sector and other sectors tend to hide from view what our panelists repeatedly uncovered: it is the facts of energy disputes that significantly set them apart. The concerns of sovereign dominion over national energy production and the protection of foreign investors in the energy sector against stranding large investments served as a key point of departure for discussions. The four questions that the Conference addressed include: The Energy Sector, Investment Arbitration and the ECT: Carving out a Special Regime? Energy Contracts and BITS – Is it Fair and Equitable to be Under the Umbrella? Multiparty Investor Disputes in the Energy Sector – Preclusion, Consolidation or Free-For-All? Measure by Measure? Calculating Damages in Energy Disputes The discussion and debate that followed is provided in this book and sure to be of tremendous value to the international business lawyer, litigation specialist or trade and investment law policy expert.

Yearbook Commercial Arbitration Apr 08 2021

Party-Appointed Arbitrators in International Commercial Arbitration Dec 16 2021 The agreement of disputing parties to each make a unilateral appointment of an arbitrator is among the most distinctive features of arbitral practice. A detailed examination, long overdue, of how this feature affects the actual process of arbitration is presented in this book. The study includes a historical analysis of unilateral nominations, a critical assessment of how the unilateral appointments system currently works and an empirical study of challenges of arbitrators. The author's critical assessment addresses several issues including: - limits to the right of the parties to make unilateral appointments; - the principle of equality of the parties in the constitution of the arbitral tribunal; - arbitrators' duty to be impartial and independent; - specific problems of bias in tribunals with party-appointed members; - the question of whether a different standard of impartiality and independence in party-appointed arbitrators makes any sense; - the presumption that party-appointed arbitrators can do things that presiding arbitrators cannot; and - the question of whether it is worth keeping the system of unilateral appointments as the default method for the constitution of multiple-member tribunals, or keeping it at all. The empirical study, in which the author offers a comparative analysis of challenges of arbitrators taking into account the method of appointment of the arbitrator, reveals interesting differences and coincidences between party-appointed and non-party-appointed arbitrators. The book ends with some suggestions on how the system of unilateral appointments could be improved, namely in order to increase the trust of each party in the arbitrator appointed by the other party and to allow an accurate match between what arbitration end-users may want from party-appointed arbitrators and what they ultimately get. For both its thorough and well-informed analysis and its sound recommendations, the book is sure to be welcomed by professionals in the arbitral community worldwide, as well as by arbitration law academics.

*Yearbook Commercial Arbitration, Volume XLVI (2021)* Feb 18 2022 The Yearbook Commercial Arbitration continues its longstanding commitment to serving as a primary resource for the international arbitration community, with reports on arbitral awards and court decisions applying the leading arbitration conventions and decisions of general interest to the practice of international arbitration as well as announcements of arbitration legislation and rules. Volume XLVI (2021) includes: \* excerpts of arbitral awards made under the auspices of the International Chamber of Commerce (ICC) and the Cairo Regional Centre for International Commercial Arbitration (CRCICA), as well as awards rendered in accordance with the rules of the Stockholm Chamber of Commerce (SCC); \* notes on new and amended arbitration rules, including references to their online publication; \* notes on recent developments in arbitration law and practice in Belize, Brazil, Ecuador, Ethiopia, Hong Kong SAR, India, Iran, Iraq, Malawi, Ukraine, and Uzbekistan ; \* excerpts of 85 court decisions applying the 1958 New York Convention from 28 countries - including, for the first time, cases from Costa Rica, Cuba, and Iran - all indexed by subject matter and linked to the commentaries on the New York Convention published in the Yearbook, authored by former General Editor and leading expert Prof. Dr. Albert Jan van den Berg; \* excerpts from three decisions applying the 1965 Washington (ICSID) Convention and three decisions applying the 1975 Panama (Inter-American) Convention, as well as a selection of nine court

decisions of general interest; \* an extensive Bibliography of recent books and journals on arbitration. The Yearbook is edited by the International Council for Commercial Arbitration (ICCA), the world's leading organization representing practitioners and academics in the field, under the general editorship of Prof. Dr. Stephan W. Schill and with the assistance of the Permanent Court of Arbitration, The Hague. It is an essential tool for lawyers, business people and scholars involved in the practice and study of international arbitration.

The Roles of Psychology in International Arbitration Oct 02 2020 The system of international arbitration is built on private contractual relations, yet has been endorsed by governments around the world as a fair and reliable alternative to litigation in State courts. As a private process, however, its authority and legitimacy derive entirely from the views and actions of those involved in the arbitral process, whether arbitrators, counsel, or parties. It is, though increasingly clear that psychological factors complicate, and in some cases radically change, every arbitral proceeding. In this context, psychological insights are crucial for understanding how international arbitration genuinely operates, and whether the legal framework currently applied to it is well-suited to achieving the aims of ensuring a fair and reliable dispute resolution procedure. This is the first book to focus on this important issue: the insights into international arbitration that can be gained from contemporary psychology. With contributions from nineteen internationally known figures in their fields – arbitrators, mediators, lawyers, law professors, psychology professors, psychologists – and drawing from a longer term project on the role of psychology in arbitration, this ground-breaking volume addresses a range of topics, including the following: - the decision-making processes of arbitrators; - the ability of arbitration to serve as a genuine dispute resolution mechanism; - the impact of particular procedures on the arbitral process; - bias, self-deception and vested interests in judgment and decision-making; - the role of arbitrators in managing the arbitral process; - cultural differences in the evaluation of arguments; - psychological influences on witness testimony; - the impact of tribunal composition on arbitral decision-making; - the influence of arbitration's professional context on arbitrators and legal counsel; and - methods for arbitrators and legal counsel to more effectively manage the arbitral process. Informed by the behavioural insights in these essays, counsel and arbitrators will be enabled to think critically about the underlying assumptions and the potential behavioural effects of a prospective arbitration, while individuals researching arbitration will gain a greater understanding of the psychological context in which every arbitration occurs. This book meets the increasingly recognized need for understanding the role of psychology in arbitral proceedings, and forms an indispensable foundation for subsequent work in this area. Its innovative and forward-thinking analysis will be of immeasurable value to the international arbitration community, as well as to institutions supporting arbitration and to academics in the field.

*Document Production in International Arbitration* Sep 13 2021 Because document production can discover written evidence that would otherwise not be available, it is often the key to winning a case. However, document production proceedings can be a costly and time-consuming exercise, and arbitral awards in particular are often challenged on grounds that relate to document production orders. The task of balancing the conflicting interests of the parties in this context is a major responsibility of arbitral tribunals. This book's analysis focuses on whether there exist legal principles on which arbitrators should establish rules of document production in both civil law and common law countries, and shows how international arbitration is affected. The author examines the relevant discretion of arbitral tribunals under US, English, Swiss, German, and Austrian law, and under nine of the most important sets of institutional rules, including the ICC Rules, the LCIA Rules, and the Swiss Rules. The presentation mines case law and legal literature for concepts based on the common expectations of the parties, the legitimate expectations of a party, the duty to balance different procedural expectations of the parties, the presumed intent of the parties, the underlying hypothetical bargain, implied terms, and the arbitrators' discretion. Among the topics and issues investigated are the following: - procedural rules on document production versus procedural flexibility; - how arbitral tribunals can modify the IBA Rules on a case-by-case basis; - discretion granted by legislation in each country covered; - electronic document production; - how to deal with privilege and confidentiality objections; - how to formulate or answer document production requests; - effective sanctions in case of non-compliance with procedural orders of the arbitral tribunal; - what grounds for annulment and non-enforcement a losing party can raise in what countries. Perhaps the greatest benefit of the book is the inclusion of model clauses, commensurate with both civil law and common law expectations. The author explicates the advantages and inconveniences of each model clause, and clarifies the influence of each clause on the efficiency of the proceedings and the enforcement risk. For practitioners, the book not only gives counsel a thorough overview of possible arguments for and against document production, but also assists arbitrators find a way through the jungle of opinions on the interpretation of the IBA Rules. Legal academics will appreciate the author's deeply informed analysis and commentary and the book's contribution to increasing the predictability of arbitral decisions on document production and showing how issues in dispute can be narrowed by tailor-made rules, thus helping to raise the efficiency and reduce the costs of arbitral proceedings.

*International Commercial Arbitration* Jun 22 2022 V.3: " ... provides a detailed discussion of the issues arising from international arbitration awards. It includes chapters covering the form and contents of awards; the correction, interpretation and supplementation of awards; the annulment and confirmation of awards; the recognition and enforcement of arbitral awards; and issues of preclusion, lis pendens and stare decisis."--Descripción del editor.

**The Functions of Arbitral Institutions** Mar 27 2020 While thousands of cross-border disputes are successfully resolved each year through institutional arbitration, there appears to be little understanding of the functions exercised by arbitral institutions and their impact on the proceedings they administer. Much like the user of a computer may operate, with relative success, a machine which he does not fully comprehend, users of institutional arbitration have for many decades resolved their disputes successfully through institutional arbitration without fully understanding the precise nature of the functions of what is a key player in the process. This book rectifies this paradoxical gap. It offers a clear yet nuanced overview of

the diverse and complex reality of institutional arbitration, while challenging the assumptions conventionally held as to the role of arbitral institutions. This book is the product of a systematic study of the activities performed by over forty leading international arbitration institutions worldwide in their administration of cases (including the ICC, LCIA, ICDR, SCC, SIAC, HKIAC, JAMS, CIETAC, KLRCA, DIS, DIA, NAI, CEPANI etc.). This book also examines a wealth of court decisions and bibliographical sources from the leading civil law and common law jurisdictions (e.g., France, England & Wales, the United States, Switzerland, Germany). This book is invaluable to academics and practitioners interested in furthering their theoretical and practical understanding of institutional arbitration and arbitral institutions.

**International Commercial Arbitration** Aug 12 2021 There has been an exponential rise in the use of ICA for resolving international business disputes, yet international arbitration is a scarcely regulated, specialty industry. *International Commercial Arbitration: An Asia Pacific Perspective* is the first book to explain ICA topic by topic with an Asia Pacific focus. Written for students and practising lawyers alike, this authoritative book covers the principles of ICA thoroughly and comparatively. For each issue it utilises academic writings from Asia, Europe and elsewhere, and draws on examples of legislation, arbitration procedural rules and case law from the major Asian jurisdictions. Each principle is explained with a simple statement before proceeding to more technical, theoretical or comparative content. Real-world scenarios are employed to demonstrate actual application to practice.

*International Commercial Arbitration* is an invaluable resource that provides unique insight into real arbitral practice specific to the Asia Pacific region, within a global context.

**International Commercial Arbitration** Mar 19 2022 The second edition of Gary Born's *International Commercial Arbitration Volume II: International Arbitration Procedures*, provides a detailed discussion of international arbitral procedures. It includes chapters dealing with the legal framework for international arbitral proceedings; the selection, challenge and replacement of arbitrators; the rights and duties of international arbitrators; selection of the arbitral seat; arbitration procedures; disclosure and discovery; provisional measures; consolidation, joinder and intervention; choice of substantive law; confidentiality; and legal representation and standards of professional conduct. *International Commercial Arbitration Second Edition Volume II: International Arbitration Procedures* is part of his authoritative 3 volume treatise, *International Commercial Arbitration, Second Edition*, ISBN 9789041152190. The first edition of *International Commercial Arbitration* is widely acknowledged as the preeminent commentary in the field. It was awarded the 2011 Certificate of Merit by the American Society of International Law and was voted the International Dispute Resolution Book of the Year by the Oil, Gas, Mining and Infrastructure Dispute Management list serve in 2010. The first edition has been extensively cited in national court decisions and arbitral awards around the world. The second edition of *International Commercial Arbitration* has been extensively revised, expanded and updated, to include all material legislative, judicial and arbitral authorities in the field of international arbitration prior to January 2014.

**International Commercial and Investor-State Arbitration** Nov 22 2019 This thought-provoking book combines analysis of international commercial and investment treaty arbitration in order to examine how they have been framed by the twin tensions of 'in/formalisation' and 'glocalisation'. Taking a comparative approach, the book focuses on Australia and Japan in their attempts to become regional hubs for international arbitration and dispute resolution services in the increasingly influential Asia-Pacific context as well as a global context.

*Yearbook Commercial Arbitration, Volume XLV (2020)* Oct 26 2022 The *Yearbook Commercial Arbitration* continues its longstanding commitment to serving as a primary resource for the international arbitration community, with reports on arbitral awards and court decisions applying the leading arbitration conventions and decisions of general interest to the practice of international arbitration as well as announcements of arbitration legislation and rules. Volume XLV (2020) includes: excerpts of arbitral awards made under the auspices of the International Chamber of Commerce (ICC) and the Milan Chamber of Arbitration (CAM), as well as twelve awards reflecting the practice of tribunals constituted under the auspices of the Arbitration Institute of the Stockholm Chamber of Commerce (SCC); notes on new and amended arbitration rules, including references to their online publication; notes on recent developments in arbitration law and practice in Ethiopia, Lithuania, Macao SAR, Palau, Peru, Poland, Portugal, Russian Federation, Seychelles, Sierra Leone, Singapore, Switzerland, Tanzania, Thailand, and Tonga; excerpts of 87 court decisions applying the 1958 New York Convention from 27 countries - including, for the first time, a selection of seven cases from Egypt, and cases from Tanzania and Uzbekistan - all indexed by subject matter and linked to the commentaries on the New York Convention published in the *Yearbook*, authored by former General Editor and leading expert Prof. Dr. Albert Jan van den Berg; excerpts from two decision applying the 1965 Washington (ICSID) Convention and seven decisions applying the 1975 Panama (Inter-American) Convention, as well as a selection of four court decisions of general interest; an extensive Bibliography of recent books and journals on arbitration. The *Yearbook* is edited by the International Council for Commercial Arbitration (ICCA), the world's leading organization representing practitioners and academics in the field, under the general editorship of Prof. Dr. Stephan W. Schill and with the assistance of the Permanent Court of Arbitration, The Hague. It is an essential tool for lawyers, business people and scholars involved in the practice and study of international arbitration.

**Challenge and Disqualification of Arbitrators in International Arbitration** Aug 20 2019 In this thoroughly researched study of the grounds and procedures involved in challenging an arbitrator, the author provides the first in-depth analysis of the pertinent rules, guidelines, and standards of all the major international arbitration tribunals, as well as relevant issues raised in national case law in the United States, France, England, Sweden and Switzerland. Among the matters addressed are the following: the arbitrator's duty to disclose and

investigate conflicts of interest; the duty of the parties to investigate and inform the arbitrator of conflicts of interest; the formal and timing requirements of making a challenge; the challenge procedure and effect on the arbitral proceeding; the standard for disqualifying arbitrators; the consequences of a successful challenge; issues of independence giving raise to challenges, including multiple appointments, the arbitrator's relationship with a party/counsel in the arbitration and the relationship between the arbitrator's law firm and a party/counsel; issues of impartiality giving raise to challenges, including the membership of other tribunals, the conduct of the arbitration and the failure to disclose. In light of the continuing growth of international business and the manner in which it is conducted, this book will be of immeasurable practical value to parties in both business and government, as well as to international law firms and the arbitral community. As a detailed guide to evolving best practice and the general obligation to arbitrate in good faith, it has no peers.

International Commercial Arbitration. Volume I: International Arbitration Agreements Jul 23 2022

Yearbook Commercial Arbitration, Volume XLVI (2021). Apr 20 2022

**Economic Analysis of the Arbitrator's Function** Sep 01 2020 Economic Analysis of the Arbitrator's Function Bruno Guandalini Arbitration has become an important market, where arbitrators are rational economic agents maximizing their utility. Although this is self-evident, it is rarely discussed. This penetrating book is the first to comprehensively analyze the market for arbitrators and arbitrators' economic role within it. In great depth, the author tackles such salient issues as the following: effect of perceived inefficiencies and high costs on arbitration legitimacy; alleged commercialization of the arbitrator's function; possible ethical problem raised by financial remuneration for rendering justice; what motivates a person to arbitrate; market for arbitrators' functioning and failures, providing a better understanding of how actors could behave in such a specific market; structural and artificial entry barriers; effect of an arbitrator's strategic behavior on the arbitrator's function; limitations on an arbitrator's rationality; and preventing and correcting these limitations. Numerous references to customs and procedures in major arbitral jurisdictions and to international laws and conventions affecting the efficiency of the arbitrator's function are included. Pursuing a non-prescriptive analysis, the author draws on the discipline of law and economics, rational choice theory, behavioral economics, and psychological work on bounded rationality. Understanding the arbitrator's function as a legal institution that is influenced by the market, this pioneer in developing and systematizing the study of the market for arbitrators and how it works will prove of inestimable value to all stakeholders in the arbitration market. Arbitrators, policymakers, regulators, and academics will be enabled to open the way to a more efficient market for arbitrators and betterment in arbitration worldwide.

**International Arbitration** Jun 29 2020 Considers the vitality of the international arbitral process through an updated examination of three salient problems.

*Yearbook Commercial Arbitration Volume XXXV - 2011* Aug 24 2022 The Yearbook Commercial Arbitration continues its longstanding commitment to serving as a primary resource for the international arbitration community with reporting on arbitral awards and court decisions applying the leading arbitration conventions, as well as on arbitration legislation and rules.

The Public Order Exception in International Trade, Investment, Human Rights and Commercial Disputes Jul 11 2021 In the process of resolving disputes, it is not uncommon for parties to justify actions otherwise in breach of their obligations by invoking the need to protect some aspect of the elusive concept of public order. Until this thoroughly researched book, the criteria and factors against which international dispute bodies assess such claims have remained unclear. Now, by providing an in-depth comparative analysis of relevant jurisprudence under four distinct international dispute resolution systems – trade, investment, human rights and international commercial arbitration – the author of this invaluable book identifies common core benchmarks for the application of the public order exception. To achieve the broadest possible scope for her analysis, the author examines the public order exception's function, role and application within the following international dispute resolution systems: relevant World Trade Organization (WTO) agreements as enforced by the organization's Dispute Settlement Body and Appellate Body; international investment agreements as enforced by competent Arbitral Tribunals and Annulment Committees under the International Center for Settlement of Investment Disputes; provisions under the Inter-American Convention of Human Rights and the European Convention of Human Rights as enforced by the Inter-American Court of Human Rights and the European Court of Human Rights, respectively; and the New York Convention as enforced by national tribunals across the world. Controversies, tensions and pitfalls inherent in invoking the public order exception are elucidated, along with clear guidelines on how arguments may be crafted in order to enhance prospects of success. Throughout, tables and graphs systematize key aspects of the relevant jurisprudence under each of the dispute resolution systems analysed. As an immediate practical resource for lawyers on any side of a dispute who wish to invoke or strengthen a public order exception claim, the book's systematic analysis will be welcomed by lawyers active in WTO disputes, international investment arbitration, human rights law or enforcement of foreign arbitral awards. Academics and policymakers will find a signal contribution to the ongoing debate on the existence, legal basis, content and functions of the transnational public order.

**Arbitration in Africa** Jul 31 2020 The Second Edition of this unprecedented volume assembles an updated and expanded country-by-country analysis – both practical and insightful – of how arbitration is conducted in forty-nine African countries, providing essential information about legislative provisions, treaty adherence, and arbitral procedure. Contributors include sought-after African arbitrators, distinguished practitioners, academics and institution-builders, all of whom are active in promoting the use of arbitration as a viable means of dispute resolution in Africa. Five sections representing the main regions of the continent, each with a substantive introductory chapter covering the major trends within that region,

offer country overviews addressing issues such as the following: adherence to the key arbitration conventions; modernity of a State's arbitration legislation and its compatibility with the UNCITRAL Model Law; particular features of arbitral practice in that jurisdiction (including responses to the COVID-19 pandemic); access to and (where available) statistics from local and regional arbitral institutions; significant arbitration-related national case law; and enforcement of foreign arbitral awards. A sixth section focuses on treaty-based investor-State arbitration against African States under the ICSID Convention, providing an empirical analysis of the experience and record of African States with investor-State arbitration in the period between 2010 and 2020. Useful tables and graphics of intra-African bilateral investment treaties, a list of ICSID proceedings involving African States, a list of treaty accession by African States, and other tabular features round out the volume. The first edition of this volume was welcomed by arbitration practitioners and legal academics everywhere as an essential guide to an emerging and important area of international arbitration practice. This second edition tracks the significant developments (in treaty accession, reform of arbitration legislation and developing case law) that have taken place over the past decade, and confirms that arbitration as a preferred method of dispute resolution is now firmly entrenched on the African continent.

**Selected Papers on International Arbitration** Dec 24 2019 Das Werk Series on International Arbitration, Volume 5, enthält die besten Abschlussarbeiten aller Teilnehmer, die das Nachdiplomstudium in internationaler Schiedsgerichtsbarkeit der Swiss Arbitration Academy SAA erfolgreich abgeschlossen haben. Die Arbeiten decken verschiedene wichtige Aspekte der internationalen Schiedsgerichtsbarkeit ab. Die Swiss Arbitration Academy ist eine private Institution, deren Mitbegründer die Herausgeber des vorliegende Heftes sind. Sie führt jedes Jahr einen intensiven und praxisorientierten Kurs in internationaler Schiedsgerichtsbarkeit durch. Der Kurs richtet sich an Anwältinnen und Anwälte, Unternehmensjuristinnen und -juristen und weitere Fachleute, die an einer innovativen und praxisnahen Ausbildung im Bereich der internationalen Streitbeilegung interessiert sind. Alle Teilnehmer, die den Kurs mit der Einreichung der Abschlussarbeit erfolgreich abschließen, erhalten das SAA-Zertifikat und den Titel "Arbitration Practitioner ArbP". The SAA Series on International Arbitration contains the best graduation papers of all participants who successfully completed the post-graduate studies in international arbitration of the SAA Swiss Arbitration Academy. The papers cover different important aspects of international arbitration. The Swiss Arbitration Academy is a private institution co-founded and managed by the editors of this volume. Each year, the SAA offers and conducts an intensive and practical course in international arbitration. The training has been designed for lawyers, in-house counsel, and other professionals interested in cutting-edge international dispute resolution education. All participants who successfully complete the course, which includes the submission of the final paper, are awarded the SAA Certificate and the title Arbitration Practitioner ArbP.

*Complex Arbitrations* Dec 04 2020 Provides an analysis of the issues arising from multiparty-multicontract arbitrations, including those involving States and groups of companies. This work analyses theories on the basis of which courts and arbitral tribunals determine who are parties to the arbitration clause; and whether an arbitration clause may be extended to non-signatories.

**Towards a Uniform Approach to Confidentiality of International Commercial Arbitration** Jan 25 2020 The book deals with confidentiality as one of the most controversial issues in international commercial arbitration. On the one hand, it is widely recognized that confidentiality is an important advantage of arbitration which contributes to its attractiveness. On the other hand, there is no uniform regulation in national legislations, arbitration rules, and other relevant sources as to the scope or even to the existence of a duty of confidentiality. A uniform approach to confidentiality of international commercial arbitration is possible. The best way to achieve it would be through harmonization of national arbitration laws which should impose a confidentiality obligation subject to certain exceptions. The purpose of maintaining confidentiality would be to protect primarily the parties from undesirable leaks that can be avoided and to protect arbitration as an institution. As to a systematic publication of arbitral awards without identifying the parties' identity, it is desirable and should be the goal.

*The Evolution and Future of International Arbitration* Nov 15 2021 The School of International Arbitration of the Centre for Commercial Law Studies at Queen Mary University of London celebrated its 30th anniversary in April 2015 with a major conference featuring presentations by 35 international arbitration practitioners and scholars from many countries representing a variety of legal systems. This volume has emerged from that conference. What is striking is not only the range and diversity of the topics examined but also the emergence of new subjects for examination, demonstrating that arbitration law and practice do not stand still but are constantly evolving. The issues and topics covered include the following: - Evolution of case law and practice in international arbitration; - The concept and autonomy of arbitral award; - Parties in international arbitration; - Parallel proceedings in international arbitration; - Court review of arbitration awards; - Geographic expansion of international arbitration; - Counsel regulation and conflicts disclosures; - The use of technology in international arbitration; - Teaching and research in international arbitration. This superbly organised and edited volume, like earlier conference volumes from the School of International Arbitration, is sure to be welcomed and acclaimed, and like them will prove of lasting value.

**Yearbook Commercial Arbitration, Volume XLVII (2022).** Jan 17 2022

Yearbook Commercial Arbitration Volume Xxxv 2010 (Crc) Rev Sep 25 2022 Annotation Volume XXXV (2010) of the Yearbook marks a profound change in the way materials are presented to the reader. As of this Volume, the Yearbook's selection of arbitral awards and court decisions - made accessible by translations, indices and categorized lists - is available



to the reader in a combination of print edition and online publishing which takes into account the needs of an increasingly mobile work environment.

*International Arbitration and the COVID-19 Revolution* May 29 2020 International Arbitration and the COVID-19 Revolution Edited by Maxi Scherer, Niuscha Bassiri & Mohamed S. Abdel Wahab The impact of the COVID-19 pandemic on all major economic sectors and industries has triggered profound and systemic changes in international arbitration. Moreover, the fact that entire proceedings are now being conducted remotely constitutes so significant a deviation from the norm as to warrant the designation 'revolution'. This timely book is the first to describe and analyse how the COVID-19 crisis has redefined arbitral practice, with critical appraisal from well-known practitioners of the pandemic's effects on substantive and procedural aspects from the commencement of proceedings until the enforcement of the award. With practical guidance from a variety of perspectives – legal, practical, and sector-specific – on the conduct of international arbitration during the COVID-19 pandemic and beyond, the chapters present leading practitioners' insights into the unprecedented and multifaceted issues that arise. They provide expert tips and challenges in such practical matters as the following: preventing and resolving disputes of particular types – construction, energy, aviation, technology, media and telecommunication, finance and insurance; arbitrator appointments; issues of planning, preparation and sample procedural orders; witness preparation and cross-examination; e-signature of arbitral awards; setting aside and enforcement proceedings; and third-party funding. Also included are an empirical survey of users' views and an overview of how the COVID-19 revolution has affected the arbitration rules of leading arbitral seats. With this timely and practical book, arbitration practitioners and scholars will gain up-to-date knowledge of sector-specific challenges brought about by the COVID-19 pandemic and approach arbitration proceedings with an understanding of the most important legal and practical considerations during the crisis and beyond.

**Yearbook on International Arbitration** Oct 22 2019 Arbitration is one of the most successful dispute resolution devices in the international arena, be it in the context of commercial disputes, investor-state conflicts, or sports controversies. This actual importance is attended by fast developing legal rules and practices concerning the various kinds and stages of arbitral proceedings. Volume III comprises 25 up-to-date contributions by 34 renowned scholars and practitioners from 13 countries all over the world. It contains inter alia an analysis of the relationship between the increase in trade and the creation of dispute resolution institutions in MERCOSUL/R, an examination of mass procedures in investment arbitration, and a call for reasoned decisions regarding arbitrator challenges. Moreover, volume III delivers valuable information on topical issues such as the applicable law and the interrelation of European Union law, the delimitations of confidentiality, the handling of set off and counterclaims, trends regarding interim relief and the enforcement of arbitral awards in selected jurisdictions. Recent cases and developments in investment arbitration, sports arbitration, and alternative dispute resolution complete the truly international survey.

**Selected Papers on International Arbitration Volume 4** Apr 27 2020 The SAA Series on International Arbitration contains the best graduation papers of all participants who successfully completed the post graduate studies in international arbitration of the SAA Swiss Arbitration Academy. The papers cover different aspects of international arbitration. The SAA Series is published on a yearly basis. The Swiss Arbitration Academy is a private institution founded and managed by the editors. Each year, the SAA offers and conducts an intensive and practical course in international arbitration. The training is designed for lawyers, in-house counsel, and other professionals interested in cutting edge international dispute resolution education. All participants, who successfully complete the course, which includes the submission of the final paper, are awarded the SAA Certificate and the title Arbitration Practitioner ArbP.

**Yearbook Commercial Arbitration: Volume XL 2015** Nov 27 2022 The Yearbook Commercial Arbitration continues its longstanding commitment to serving as a primary resource for the international arbitration community with reporting on arbitral awards and court decisions applying the leading arbitration conventions, as well as on arbitration legislation and rules. Volume XL (2015) includes: • excerpts of arbitral awards made under the auspices of the International Chamber of Commerce (ICC) and the Paris International Arbitration Chamber (CAIP); • notes on new and amended arbitration rules, including references to their online publication; • notes on recent developments in arbitration law and practice in Andorra, Australia, Belarus, Brazil, Comoros, the Democratic Republic of the Congo, the Dubai International Financial Centre (DIFC), Latvia, Slovakia, the State of Palestine, Turkey and the United States; • excerpts of 68 court decisions applying the 1958 New York Convention from 24 countries – including, for the first time, cases from Anguilla, Belarus and Latvia – all indexed by subject matter and linked to the General Editor's published commentaries on the New York Convention;; • an extensive Bibliography of recent books and journals on arbitration. The Yearbook is edited by the International Council for Commercial Arbitration (ICCA), the world's leading organization representing practitioners and academics in the field, with the assistance of the Permanent Court of Arbitration, The Hague. It is an essential tool for lawyers, business people and scholars involved in the practice and study of international arbitration.