# Arbitration Of Commercial Disputes: International And English Law And Practice

This is the first of a regular compilation of arbitration awards in cases administered by the International Centre for Dispute Resolution (ICDR) of the American Arbitration Association. The book features articles and commentaries by many leading figures in international arbitration and summaries of important court decisions concerning ICDR arbitration cases in the United States and enforcement of ICDR awards outside the United States. Featuring over a dozen ICDR awards with commentaries, the ICDR Awards & Commentaries also includes articles and casenotes from a prestigious group of authors.

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.

The chapters of this volume represent the majority of Professor Carbonneau ' s scholarly writings on the subject of international commercial arbitration. They reflect his interest over the course of thirty years of law-teaching in international litigation, comparative law, and-of course - international arbitration. Some of the chapters are of a recent vintage, while others were written a decade or two ago. Whatever their date of production, the chapters have a continuing professional interest. Each addresses some of the major issues of trans-border arbitration law. A number of chapters emphasize the importance of courts in developing and maintaining a legal culture that is hospitable to arbitration. The work of the courts has been instrumental to the reception of arbitration in the United States and in several European jurisdictions. The courts can " make or break " arbitration by upholding arbitration agreements and enforcing arbitral awards. Other chapters underscore that arbitration can operate as a complete legal system. It not only provides workable trial procedures, but arbitrators can also create law in their rulings. With the addition of an internal arbitral appellate mechanism, arbitrations can function with almost absolute independence. The world law on arbitrations seems to favor the " a-national " and " a-juridical " operation of the arbitral process. A few of the chapters recognize that arbitration is being increasingly employed to resolve political or mixed political and commercial disputes. Investment arbitration and BITs are the most recent expression of this development; it had been apparent in WTO and NAFTA dispute resolution. The Iran-U.S. Claims Tribunal presented the first great occasion for assessing the vocation of arbitration in a mixed dispute situation. While arbitration has made significant inroads in this area, political sovereignty remains resistant to the imposition of limitations. In many less visible " political " cases, determinations are nonetheless made and rendered enforceable. The concluding chapters address more specific developments in the field of ICA. A number of cases point to the strong, perhaps overweening, support of the judiciary for arbitration. The courts in some jurisdictions support arbitration unequivocally and are bent upon a single outcome no matter the impact on doctrine. Lawyer presence in the arbitral process has lead to increased formalization in some proceedings. The " judicialization " of arbitration tilts the process toward the protection of rights and hinders its ability to function effectively and reach finality. Lawyers can readily misunderstand and undermine the gravamen of arbitration. The concluding chapters also establish that the UK Arbitration Act 1996 is one of the world ' s outstanding arbitration statutes. It rivals and bests the UNCITRAL Model Law on ICA and is the equal of the French codified law on arbitration. Finally, the express text of the New York Arbitration Convention appears to have been altered significantly by court practice. The possible limitations of national law have been neutralized and the provisions of the Convention articulate a truly trans-border regulation of the enforcement of awards. In sum, the chapters in this book reflect the author's lifetime work in the area of international arbitration and are required reading for all those practicing in the field- law students, arbitrators, academics and practicing lawyers.

Written from a comparative perspective, with an eye for international conventions and instruments, this book deals with the particulars of international commercial arbitration. In an easily accessible manner it amongst others considers: • the characteristics of international commercial arbitration • advantages and perceived disadvantages of international commercial arbitration • pros and cons of ad hoc and institutional arbitration • laws applicable in international commercial arbitration • essentials of the arbitration agreement and questions of arbitrability • the establishment and composition of the tribunal • the duty to disclose conflicts of interests and the challenge of arbitrators • the end of the arbitrators ' mandate and their replacement • the organisation of the arbitration • powers, duties and liability of arbitrators • the jurisdiction of arbitrators • the course of the arbitration proceedings, from the request for arbitration to the award, including questions of evidence and document production • the form and contents of awards • recognition, enforcement and annulment of awards Everything is presented practically and analytically, amongst others drawing on case law different and the experience of the author. Where indicated national arbitration acts as well as various predrafted arbitration rules are compared and differences are highlighted. For those who want to get acquainted with international commercial arbitration or seek guidance with regard to a specific question that may arise in the course of an international commercial arbitration this book provides a convenient work.

International and English Law and Practice

A Handbook for Hong Kong Arbitrators

Towards a Science of International Arbitration

Arbitration of Commercial Disputes

Commercial Dispute Processing and Japan

This treatise describes the practice of international commercial arbitration with reference to the major international treaties and instruments, arbitration rules and national laws. It provides an analysis of the interaction between party autonomy and arbitration practice.

Focusing on practical principles or guidelines for arbitrators, this book covers everything a prospective international commercial arbitrator should know about conducting an arbitration in Hong Kong. Specifically geared to those interested in or starting work as an international commercial arbitrator in Hong Kong, the book takes readers step-by-step through the problems that are likely to arise in the conduct of a commercial arbitration and in the development of their careers as international commercial arbitrators.

This handbook will assist the practitioner, whether lawyer, counsel or arbitrator, in some of the practical minefields of international commercial arbitration. It considers the typical course of an international commercial arbitral proceeding, from deciding what claims may be arbitrated to calculating damages and the contents of an award, giving guidance and sample documents for each step. It also provides an extensive discussion of discovery and the presentation of evidence during hearings. This will work in aid the efficiency of the arbitral process, especially by reducing time and cost. For counsel and arbitrators alike, it provides a convenient reference work for the problems that inevitably arise in the procedural and substantive steps in arbitration. Analyzing the relevant law and rules from a range of jurisdictions and international arbitral institutions, the Handbook is a truly invaluable companion for everyone involved in international commercial arbitration.

The Practitioner's Guide to Arbitration in the Middle East and North Africa is the culmination of the real experience and expertise from those experts and authorities directly involved with arbitration in their respective countries. The book is the first of its kind to target the Mena region specifically and is essential for anyone working in the area of arbitration both in the Middle East and world-wide. The practice of arbitration of private disputes is not new to MENA countries. Arbitration has long been recognized as a legitimate and culturally accepted practice of dispute resolution, dating back to dispute resolution practices of the early Islamic period, and even the pre-Islamic era. International commercial arbitration, and its cultural and juridical acceptance, is a more recent and complex phenomenon nonetheless on the rise in MENA countries. It is now standard for arbitration clauses to be included in contracts governing international transactions and there is a growing consensus among MENA merchants engaged in international trade, along with their commercial counterparts in the rest of the world, that international arbitration is preferable to litigation in domestic courts for purposes of resolving private commercial disputes. While subject to some qualifications and restrictions in some instances, in many, if not most, MENA countries, arbitration clauses can be included in contracts with government entities engaging in commercial transactions. Additionally, conferences, seminars, and training programs in international arbitration are on the rise, and various international arbitration centres have been established. The advantages from the perspective of private parties are tremendous: Parties can elect which law will apply to disputes arising from their transactions, and they can remove themselves from the constraints and biases of parochial attitudes in national courts. There is also an increasing acceptance by national courts of international arbitration standards, such as the principle of Kompetenz-Kompetenz, recognising the right of arbitrators to decide their own jurisdiction and the separability of the arbitration clause. More frequently, courts are granting assistance and support to international arbitrations and are more receptive to enforcing foreign awards. This book is a comprehensive guide to arbitration in Algeria, Bahrain, Egypt, Iran, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, UAE, and Yemen. Written in question/answer format by leading practicioners and firms from the region, it elicits the most salient features of the legal framework for arbitration and international arbitration in each of the respective countries.

Rethinking International Commercial Arbitration

Practitioner's Guide to Arbitration in the Middle East and North Africa

International Commercial Arbitration Practice: 21st Century Perspectives

AAA Handbook on International Arbitration and ADR - Second Edition

China and International Commercial Dispute Resolution

Under globalization, the resolution of commercial disputes across national borders is assuming ever greater importance. This groundbreaking study explores a range of possible approaches, both within the established legal infrastructure, and through alternative, not only arbitration, but also non-confrontational means such as negotiation and mediation/conciliation. The Japanese experience in dispute processing is taken as a means of exploring the ways in which international harmonization efforts such as the UNCITRAL Model Law impact on individual nations. As an Asian nation which has adopted and adapted a variety of Western practices under modernization and democratization, Japan is in a unique position to offer a balanced global example--a model for a more comprehensive approach to disputes as an integrated multi-layered system. The book will be of interest to the scholar and practitioner of trans-national/cultural commercial dispute processing as well as those who are involved in the law reform technical cooperation.

" The various developments and changes in the field of arbitration, coupled with the large sums and important issues which are so often at stake in them, mean that a new book providing a comprehensive overview on the topic from an authoritative source is not merely very welcome: it is positively needed by professionals involved in arbitration and their clients. It is hard to think of an organisation better qualified to sponsor such a book than the Chartered Institute of Arbitrators, with its enormous experience and authority in the field. It is also hard to conceive of a more impressive and well qualified group of contributors to such a book than the list of people who Julio CEsar Betancourt and Jason A. Crook have included in this volume. Lord Neuberger of AbbotsburyPresident of the Supreme Court of the United Kingdom The Chartered Institute of Arbitrators is a learned society that works in the public interest to promote and facilitate the use of alternative dispute resolution (ADR) mechanisms. Founded in 1915 and with a Royal Charter granted in 1979, it is a UK-based institution that has gained international presence in more than 100 countries and has more than 13,000 professionally qualified members around the world. Chartered Institute of Arbitrators 12 Bloomsbury Square London, United Kingdom WC1A 2LP T: +44 (0)20 7421 7444 www.ciarb.org Registered Charity: 803725 International Commercial Arbitration is the fastest growing dispute settlement discipline. The complexities surrounding its regulatory framework combined with an ever-increasing and constantly evolving set of acts, rules, guidelines, protocols, regulations, national legislation, international treaties, and so on may appear daunting at first glance. This ""collection of documents"" or ""supplementary material"" is designed to provide the essential reading for all those who are eager to pursue a career in international arbitration. It will also appeal to arbitration practitioners wishing to have easy access to over 700 pages of arbitration-related resources.""

Arbitration of Commercial DisputesInternational and English Law and PracticeOxford University Press, USA

New York is a leading venue for international commercial arbitration, home to the headquarters for the International Centre for Dispute Resolution, the international branch of the American Arbitration Association, and many leaders in the international arbitration field. New York also serves as the locus of several prominent arbitration firms' central offices. International Commercial Arbitration in New York focuses on the distinctive aspects of international arbitration in New York. Serving as an essential strategic guide, this book allows practitioners to represent clients more effectively in cases where New York is implicated as either the place of arbitration or evidence or assets are located in New York. This collaborative work boasts contributors of pre-eminent stature in the arbitration field. Each chapter elucidates a vital topic, including the existing New York legal landscape, drafting considerations for clauses designating New York as the place of arbitration, and material and advice on selecting arbitrators. The book also covers a series of topics at the intersection of arbitral process and the New York courts, including jurisdiction, enforcing arbitration agreements, and obtaining preliminary relief and discovery. Class action arbitration, challenging and enforcing arbitral awards, and biographical materials on New York-based international arbitrators is also included, making this a comprehensive, valuable resource for practitioners. This new in paperback edition provides a Preface prepared by the editors that briefly discusses several developments in the field of arbitration in New York since the publication of the hardback version in 2010. It also contains in Appendix 6.1, the International Chamber of Commerce ("ICC") Rules of Arbitration (In force as from January 1, 2012).

ICDR Awards and Commentaries

International Arbitration and Conflict of Laws

The Principles and Practice of International Commercial Arbitration

International Commercial Arbitration

Arbitration in Asia - 2nd Edition

The great strength of the arbitration process lies in its independence from any particular legal culture. Inevitably, its cross-cultural perspective has brought it to the fore as the preferred means of resolving international commercial disputes. The Institute of Advanced Legal Studies in London has done more than any other group to promote and sustain the development of international arbitration and to define the law and practice that has grown up around it. In a series of remarkable public lectures held during its jubilee year, the Institute reasserted its preeminent and creative role in the field of alternative dispute resolution at the international level. These lectures form the basis of the insightful papers assembled in this book. The nine authors bring a truly international perspective to their work. Their combined experience has involved them in arbitration in many countries in Europe, Asia, North America and South America; several of them have in addition had various posts in international diplomacy and in major international organisations. They include Dr Christian Borris, on the civil law versus common law in arbitration culture; Professor Andreas F. Lowenfeld, on the `mix' that creates the international arbitration process; Dr Serge Lazareff, on the search for a common procedural approach; Sigvard Jarvin, who compares the leading international arbitration seats; Jonathon Crook, on arbitration seats in the Far East; Ambassador Malcolm R. Wilkey, on the practicalities of cross-cultural arbitration; Jean Reed Haynes, on the confidentiality of international arbitration; Dr Horacio A. Grigera Naand Ó n, on Latin American arbitration Culture; and Dr Bernardo M. Cremades, on how interactive arbitration overcomes the clash of legal cultures. Conflicting Legal Cultures in Commercial Arbitration brings international arbitration as it is currently practised into sharp focus, and will be of great value to all practitioners, academics and students in the field.

This book explains how and why arbitration works. offering comprehensive coverage of the basic requirements, including recent changes in arbitration laws, rules, and guidelines.

Securing fast, inexpensive, and enforceable redress is vital for the development of international commerce. In a changing international commercial dispute resolution landscape, the combined use of mediation and arbitration has emerged as a dispute resolution approach which offers these benefits. However, to date there has been little agreement on several aspects of the combined use of processes, which the literature often explains by reference to the practitioner ' s legal culture, and there is debate as to how appropriate it is for the same neutral to conduct both mediation and arbitration. Identifying the main ways of addressing concerns associated with the same neutral conducting both mediation and arbitration (same neutral (arb)-med-arb), this book examines how effectively these methods achieve the goal of fast, inexpensive, and enforceable dispute resolution, evaluating to what extent the perception and use of the same neutral (arb)-med-arb depends on the practitioner ' s legal culture, arguing that this is not a ' one-size-fits-all ' process. Presenting an empirical study of the combined use of mediation and arbitration in international commercial dispute resolution, this book synthesises existing ways of addressing concerns associated with the same neutral (arb)-med-arb to provide recommendations on how to enhance the use of combinations in the future.

Pr é sentation de l' é diteur : "In recent years, a growing body of provisions called "protocols," "guidelines," "checklists" or even "rules" has emerged in international arbitration. Unlike national or international law, or institutional arbitral rules, these provisions are not "mandatory" for arbitration participants. They range from provisions that can be incorporated into the parties' agreement to arbitrate to suggestions as to the best practices that arbitrators and other arbitration participants may choose to follow. These materials are often collectively referred to as "soft law." Soft Law in International Arbitration provides a guide to what the editors consider to be the most useful of such materials. The book organizes these materials into five categories, each introduced with commentary by a prominent member of the international arbitration community. Thus, the eighteen documents contained in this book can be regarded as helping to fill in the spaces that substantive law and arbitration rules have intentionally left blank. Soft Law in International Arbitration is an indispensable commentary for practitioners and academics alike."

International Commercial Arbitration in New York

Jurisdiction and Arbitration Agreements in International Commercial Law

Collected Empirical Research

The Three Ages of International Commercial Arbitration

Litigation and Arbitration of International Commercial Disputes

**Most books on international commercial arbitration approach the subject through legal theory supported by anecdotal evidence. This remarkable book is distinguished by its focus on the application of quantitative empirical research to the study of international arbitration. It collects, together with commentary, the existing empirical literature on the subject, and also presents several studies published here for the first time. Beginning with a basic overview of the methods of empirical research (surveys, observational studies, experimental studies), the book goes on to reprint the existing empirical studies under six headings: why parties agree to arbitrate; arbitration clauses; arbitral procedures; arbitrator selection; rules of decision and applicable law; and, arbitration awards. Written in an easily accessible, non-technical manner, Towards a Science of International Arbitration provides the starting point for future empirical research on international arbitration by collecting the existing empirical literature in one place and by suggesting possible topics for research. It will be of inestimable value to lawyers and others involved in international dispute resolution, whether as arbitrators, parties, party representatives, or in-house counsel, as well as to academics interested in methods of resolving disputes in international commerce.**

**Drawing on a wide range of previously unpublished sources, this unique history of international commercial arbitration in the modern era identifies three periods in its development: the Age of Aspirations (c. 1780–1920), the Age of Institutionalization (1920s–1950s), and the Age of Autonomy (1950s–present). Mikaël Schinazi analyzes the key features of each period, arguing that the history of international commercial arbitration has oscillated between moments of renewal and anxiety. During periods of renewal, new approaches, instruments, and institutions were developed to carry international commercial arbitration forward. These developments were then reined in during periods of anxiety, for fear that international arbitration might be overstepping its bounds. The resulting tension between renewal and anxiety is a key thread running through the evolution of international commercial arbitration. This book fills a key gap in the scholarship for anyone interested in the fields of international arbitration, legal history, and international law.**

**The scope and importance of International Commercial Arbitration (ICA) has expanded exponentially in the last few decades and has become the natural and logical method to resolve international business and economic disputes. This collective work captures the development of ICA from different perspectives and uniquely brings together the ideas, suggestions and perspectives of in-house counsel as the most important users of ICA, along with outside counsel, arbitrators themselves, and major arbitration organizations who all help provide the service. Most, if not all, of the contributing authors have served as counsel or arbitrator in arbitrations and have further contributed, through their writings, teachings or activities in arbitral and other institutions, to the evolution of ICA covered by this collective work. Accordingly, International Commercial Arbitration Practice: 21st Century Perspectives is an indispensable tool for the reader–practitioner, arbitrator, academic, magistrate or student–not only to obtain useful general information on ICA practice today but to gain insightful views as to the influence of this institution in the settlement of international commercial disputes in specific economic areas, industries and commercial activities. International Commercial Arbitration Practice: 21st Century Perspectives**

**brings the process alive and provides the reader with a useful practice guide whether he or she represents a client participating in an international commercial arbitration, is in-house counsel for a company considering arbitration as a possible method of dispute resolution, or is an arbitrator with cases at hand. The book is organized by Parts which contain thematically related chapters. Part I deals with an overview of key elements in ICA practice and includes chapters on how arbitration is conducted under different legal systems such as common law, civil law, and shari'a law, as well as a chapter on cultural issues in international arbitration. Part II contains geographical regional overviews covering most regions of the world (Western Europe, Russia/NIS countries, Asia (particularly China & Hong Kong and the Indian Subcontinent), Middle East & North Africa, Latin America, the U.S., Canada, and Australia & New Zealand. Part III includes individual industry sector views of how ICA is conducted in individual industry and business sectors such as oil & gas, LNG, mining, construction, telecommunications, satellite communications, intellectual property, sports, banking & finance, insurance & reinsurance, securities, shipping & maritime, corporate shareholder and bankruptcy settings. These chapters are highly instructive because many of them were written by current or former in-house counsel in these industries or, in some cases, by outside counsel who focus on these industries. Part IV of the book describes recent trends at several major global commercial arbitration institutions such as the ICC, ICDR, LCIA, CPR and WIPO. Part V deals with questions of how technology has been changing ICA practice in recent years, including chapters relating to the use of technology by some major arbitral institutions, videoconferencing in ICA, and online arbitration of internet domain name and e-commerce cases.**

**An examination of the techniques or arbitration and mediation.**

**The Practice of International Commercial Arbitration**

**Comparative International Commercial Arbitration**

**International Arbitration and Mediation - From the Professional's Perspective**

**Dispute Resolution in China**

**A Comparative Introduction**

Arbitration and jurisdiction agreements are frequently used in transnational commercial contracts to reduce risk, gain efficacy and acquire certainty and predictability. Because of the similarities between these two types of procedural autonomy agreements, they are often treated in a similar way by courts and practitioners. This book offers a comprehensive study of the prerequisites, effectiveness, and enforcement of exclusive jurisdiction and arbitration agreements in international dispute resolution. It examines whether jurisdiction and arbitration clauses have identical effects in private international law and whether they have been or should be given the same treatment by most countries in the world. By comparing the treatment of these clauses in the US, China, UK and EU, Zheng Sophia Tang demonstrates how, in practice, exclusive jurisdiction and arbitration agreements are enforced. The book considers whether the Hague Convention on Choice of Court Agreements could be treated as a litigating counterpart to the New York Convention, and whether it could work successfully to facilitate judicial cooperation and party autonomy in international commerce. This book breaks new ground in combining updated materials in EU, US and UK law with unique resources on Chinese law and practice. It will be valuable for academics and practitioners working in the field of private international law and international arbitration.

China and International Commercial Dispute Resolution is a unique collection of papers which deal expertly with legal issues arising from international commercial dispute resolution in China, utilizing a multiplicity of approaches including doctrinal, comparative, empirical, economic and legal analyses.

Dispute Resolution in China provides an up-to-date summary, commentary and analysis of how disputes are settled in today’s China. Like in many other jurisdictions, litigation and arbitration are the main dispute resolution methods to settle large commercial disputes in China. While litigation is more commonly used in domestic commercial disputes, arbitration is the most popular dispute resolution method among foreign parties who conduct business in China or with Chinese parties. Each of the chapters contained in this book deals with a selected topic in dispute resolution and is authored by a leading expert in the field. This book is a necessary resource for arbitration and litigation attorneys, as well as other professionals conducting business in China’s increasingly regulated and complex business environment.

This indispensable book offers a concise comparative introduction to international commercial arbitration (ICA). With reference to recent case law from leading jurisdictions and up-to-date rules revisions, International Commercial Arbitration offers a thorough overview of the issues raised in arbitration, from the time of drafting of the arbitration clause to the rendering of the arbitral award and the post-award stage.

Arbitration of International Business Disputes

Combining Mediation and Arbitration in International Commercial Dispute Resolution

An Asia-Pacific Perspective

Arbitration and Alternative Dispute Resolution

Soft Law in International Arbitration

Private international law is the most prevalent and continuous area of legal scholarship and practice. It includes international arbitration, investment and commercial. The dependence of arbitration on private international law is evident throughout the arbitration process. International arbitration presents both courts and arbitral tribunals with constant challenges. While courts may be equipped with long-standing assumptions in international law, international arbitrators will need to navigate the complex world of private international law. Courts and arbitrators draw guidance from multiple sources when conducting private international law inquiries. These include party agreements, institutional rules and treaties, national laws of competing jurisdictions, and a variety of "soft" law, some of which could even be considered an international standard. Private international law resourcefulness is essential in a world like this. Sir Robert Jennings correctly observed that international commercial disputes don't fit into traditional dispute procedures. They lie at the border of foreign and domestic laws and raise questions that are not easily covered by the category of private international. Inter-national arbitration, and especially international commercial arbitration, will be closely associated to private law as well as any other division of the law. Arbitration may be considered the most important private international law endeavor due to its international nature and core mission of resolving disputes among private parties. This course aims to identify the international arbitration's. The two fields can be viewed as mutually useful prisms. Private International Law is used to view inter-national arbitration. Cheshire states that "private international law can only function when this [foreign] element exists." There are many functions of private international law within the context of private dispute settlement. It determines whether a claim or person with important ties to a particular jurisdiction can still be brought before a court in another jurisdiction ("international jurisdiction"), and vice versa. It decides whether or not courts or parties appearing in court can expect assistance from foreign courts in form of interim or proviso relief to aid their litigation. And conversely, it determines how open they are to the idea that other courts might offer reciprocal assistance ("transnational provisional relieve"). In cases involving multiple jurisdictions, it determines which juris-diction's substantive and procedural laws will apply to the different issues in dispute ("choice law", also known as "conflict between laws"), and determines whether judgments made by courts in one country will be recognized by other courts when similar or related issues arise.

Asia has witnessed an extraordinary growth in the use of international arbitration in the past two decades. Arbitration in Asia is an ideal reference to guide practitioners and business people in the proper selection of a suitable arbitral seat or jurisdiction in Asia. The book includes substantive chapters reflecting detailed commentary and analysis on 18 Asian jurisdictions from the area's leading arbitration practitioners and experts. The materials in this looseleaf volume provide a practical reference guide and resource tool for the law and practice of international commercial arbitration in Asia.

Arbitration is the normal and preferred mode for resolving international commercial disputes. It presents an essential advantage over national courts by offering neutrality of adjudication, but is currently only available where both parties have consented to it. This innovative book proposes a fundamental rethink of this assumption and argues that arbitration should become the default mode of resolution in international commercial disputes.

ICCA's Congress Series No. 12, reflecting the contributions of numerous renown arbitration experts to the 2004 ICCA Beijing Conference, commences with an overview of the current international arbitration regime in China and Hong Kong, noting both the progress that has been achieved and the work that remains to be done there. The remainder of the volume comprises two sets of papers on contemporary substantive and procedural issues in international commercial arbitration. The first set contains in-depth reports on the topical subjects of arbitration of foreign investment disputes, the granting of provisional or interim measures with respect to arbitration and the enforceability of awards, supplemented by commentary from the point of view of various specializations and regions. The second, also using the format of reports and commentary, addresses modalities of conciliation and settlement in relation to arbitration, including various non-binding (ADR) processes, issues (drafting step clauses and confidentiality) in integrated dispute resolution systems, which may combine conciliation and arbitration, and the role of arbitrators as settlement facilitators.

Second Edition

Conflicting Legal Cultures in Commercial Arbitration:Old Issues and New Trends

Carbonneau on International Arbitration

International Commercial Disputes

The Public Order Exception in International Trade, Investment, Human Rights and Commercial Disputes

**This significant work is now reissued in paperback, without appendices. The text provides a detailed yet clear and accessible guide to English and international arbitration law. The book initially deals with the principles of arbitration as examined from an international perspective. The authors identify fundamental principles of arbitration law that are common to all jurisdictions, and show how some principles of arbitration law are treated differently in various jurisdictions. The bookalso examines some of the key jurisprudential questions, such as whether an international commercial arbitration is anchored to the place or seat of the arbitration, whether an arbitral award can be enforced even it has been annulled, and the continuing development and use of the lex mercatoria to resolve international commercial arbitrations. The sections on English arbitration law are structured around the provisions of the English Arbitration Act 1996. The work examines in turn the parties to the arbitration, the arbitration agreement, the powers and jurisdiction of the arbitral tribunal, the making of an award and its enforcement. In order to assist practitioners the authors have particularly focused on areas of the law which have changed over recent years and which are still developing. The book gives detailed analysis of court decisions and trends in areas where no clear authority exists, such as in the incorporation of arbitration clauses, and the drafting of arbitrationnotices. The book also deals thoroughly with costs and appeals. The final section of Arbitration of Commercial Disputes provides a comprehensive set of precedents. The precedents section includes both standard arbitration clauses and bespoke agreements, plus examples of clauses dealing with other forms of ADR prior to arbitration. There are also a number of procedural precedents including a set of Terms of Reference, Directions and a confidentiality agreement. There is finally a set of Awards and a section on applications to the English courts.**

**Assembled from Dispute Resolution Journal - the flagship publication of the American Arbitration Association - the chapters in the Handbook have all, where necessary, been revised and updated prior to publication. The book is succinct, comprehensive and a practical introduction to the use of arbitration and ADR, written by leading practitioners and scholars. The Handbook begins with an exploration of drafting commercial arbitration clauses and provides advice on selecting the right arbitrator for any given commercial arbitration dispute. It supplies practitioners with guidelines for use in their arbitration practice and covers such topics as evidence and discovery, arbitral subpoena powers, procedural and interim orders. It also offers guidance on witness preparation, expert testimony, and cross-examination. There are chapters that specifically address the arbitration of large complex cases, healthcare disputes, and entertainment industry disputes. Arbitrators are provided with recommendations regarding professional conduct and responsibility. Arbitral awards and remedies are covered extensively and arbitrators are provided with practical approaches and information on drafting awards, punitive damages, the finality of awards and, post-decision debriefing. Lastly, this book discusses commercial arbitration as it relates to the legal system. The chapters were selected from an extensive body of writings and, in the main, represent world-class assessments of arbitration and ADR practice. All the major facets of the field are addressed and provide the reader with comprehensive and accurate information, lucid evaluations, and an indication of future developments. They not only acquaint, but also ground the reader in the field.**

**Arbitration of International Business Disputes 2nd edition is a fully revised and updated anthology of essays by Rusty Park, a leading scholar in international arbitration and a sought-after arbitrator for both commercial and investment treaty cases. This collection focuses on controversial questions in arbitration of trade, financial, and investment disputes. The essays address some of the most interesting topics in cross-border business dispute resolution, many of which have endured over several decades and remain subject to radically different views. Examples include the proper role of judicial review, the allocation of jurisdictional tasks, evolution of arbitration's statutory and treaty framework, free trade and bilateral investment agreements, and the balance between fixed rules and arbitral discretion. The book is structured around three themes: arbitration's legal framework; the conduct of arbitral proceedings; and a comparison of arbitration in specific fields such as finance, intellectual property, and taxation. In each of these areas, analysis includes the tensions between fairness and efficiency, and the accurate application of substantive law as well as the implications of mandatory procedural norms. Augmented by more than a dozen new contributions and a revised introduction, this 2nd edition retains all of its earlier practical and scholarly relevance, and includes a Foreword by V. V. (Johnny) Veeder QC.**

**This handbook focuses on available methods for preventing and resolving commercial disputes in international commerce. It examines the different types of disputes encountered in international trade and outlines the fundamental principles applicable to international commercial arbitration. Text of the major international arbitration convention and rules, as well as a list of arbitration institutions worldwide are also included.**

**Commercial Conflict of Laws in English Courts**

**International Arbitration of Individual Commercial Disputes, Tentative Plan Suggested by the Chamber of Commerce of the State of New York**

**ADR, Arbitration, and Mediation**

**Towards Default Arbitration**

**How to Settle International Business Disputes**

This is the fourth edition of this highly regarded work on the law of international commercial litigation as practised in the English courts. As such it is primarily concerned with how commercial disputes which have connections with more than one country are dealt with by the English courts. Much of the law which provides the framework for the resolution of such disputes is derived from international instruments, including recent Conventions and Regulations which have significantly re-shaped the law in the European Union. The scope and impact of these European instruments is fully explained and assessed in this new edition. The work is organised in four parts. The first part considers the jurisdiction of the English courts and the recognition and enforcement in England of judgments granted by the courts of other countries. This part of the work, which involves analysis of both the Brussels I Regulation and the so-called traditional rules, includes chapters dealing with jurisdiction in personam and in rem, anti-suit injunctions and provisional measures. The work's second part focuses on the rules which determine whether English law or the law of another country is applicable to a given situation. The part includes a discussion of choice of law in contract and tort, with particular attention being devoted to the recent Rome I and Rome II Regulations. The third part of the work includes three new chapters on international aspects of insolvency (in particular, under the EC Insolvency Regulation) and the final part focuses on an analysis of legal aspects of international commercial arbitration. In particular, this part examines: the powers of the English courts to support or supervise an arbitration; the effect of an arbitration agreement on the jurisdiction of the English courts; the law which governs an arbitration agreement and the parties' dispute; and the recognition and enforcement of foreign arbitration awards.

This title provides the reader with immediate access to understanding the world of international arbitration. Arbitration has become the dispute resolution method of choice in international transactions. This book explains how and why arbitration works. It provides the legal and regulatory framework for international arbitration, as well as practical strategies to follow and pitfalls to avoid. It is short and readable, but comprehensive in its coverage of the basic requirements, including changes in arbitration laws, rules, and guidelines. In the book, the author includes insights from numerous international arbitrators and counsel, who tell firsthand about their own experiences of arbitration and their views of the best arbitration practices. Throughout the book, the principles of arbitration are supported and explained by the practice, providing a concrete approach to an important means of resolving disputes.

Assembled from Dispute Resolution Journal - the flagship publication of the American Arbitration Association - the chapters in the Handbook have all, where necessary, been revised and updated prior to publication. The book is succinct, comprehensive and a practical introduction to the use of arbitration and ADR, written by leading practitioners and scholars. The Handbook contains valuable guidance on international commercial arbitration, including the management of arbitration disputes, how to select an international arbitral institution, an explanation of the effect of international public policy, the duties of arbitrators, the presentation and evaluation of evidence in international arbitration, and how to arbitrate against a state sovereign. The enforcement of international arbitral awards is explored, including interim relief and problems with enforcement, the New York Convention, parallel proceedings, and pivotal decisions such as Chromalloy and TermoRio. International mediation is also examined, including guidelines for selecting the best mediator for an international dispute, the power of mediation to resolve international commercial disputes, and the differences in U.S. and European approaches. Lastly, the section on investment and trade arbitration and mediation explores bilateral investment treaties, examines WTO arbitration procedures, offers advice on saving time and money in cross-border commercial disputes, and provides guidance for U.S. investors to follow in dealing with sovereign states. The chapters in the Handbook were selected from an extensive body of writings and, in the main, represent world-class assessments of arbitration and ADR practice. All the major facets of the field are addressed and provide the reader with comprehensive and accurate information, lucid evaluations, and an indication of future developments. They not only acquaint, but also ground the reader in the field.

Contains articles on arbitration, which is an established dispute resolution method for the international business community. This book examines theoretical foundations as well as empirical and experimental evidence on the nature, efficacy and limitations of commercial dispute arbitration.

International Arbitration of Commercial Disputes

A Guide to Arbitration and Dispute Resolution in APEC Member Economies

Economics of Commercial Arbitration and Dispute Resolution

Handbook on International Commercial Arbitration

AAA Handbook on Commercial Arbitration

*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.*

*Collected Essays*

*New Horizons in International Commercial Arbitration and Beyond*

*The fundamentals of international commercial arbitration*
*Studies in Law and Practice*