The Notion of Award in International Commercial Arbitration

International Commercial Arbitration

Numerous jurisdictions worldwide have augmented their ratification of the New York Convention of 1958 with the UNCITRAL Model Law 1985 (UML), which takes a giant step forward toward global uniformity in legal application and understanding of the arbitration process. This book develops a standard or benchmark for the UML objective of uniformity, using the relevant legislation and case law of Hong Kong, Singapore, and Australia to consider whether a uniform approach to implementation of the UML and its interpretation is being achieved across those jurisdictions. The author’s methodological tools are eminently adaptable to other jurisdictions. Given the importance of the ability to set aside an arbitral award, the body of case law on setting aside and the directly related area of enforcement, the emphasis throughout is on Article 34. In addition, the study considers: - the meaning of uniformity in law and in the context of the UML; - the correct approach to interpretation of the UML pre and post Article 2A; - the interpretational relationship between the UML and the Convention on Contracts for the International Sale of Goods (CISG); - the relationship between the UML and the New York Convention; - the degree of textual uniformity of Article 34 with the three jurisdictions focused on; and - the degree of applied uniformity of Article 34 both in terms of juristic methodology and similarity of results. The author, with more than thirty years of practice in the field of commercial arbitration in Hong Kong, has had access to voluminous cases spanning decades and brings his specialist expertise to the subject. This book considers whether the UML has succeeded in its aim of achieving uniformity. It serves as a guide, both academic and practical, to exploring and adopting the correct approach to the interpretation of UML uniform approach to implementation of the UML and its interpretation is being achieved across those jurisdictions. The author's methodological tools are eminently adaptable to other jurisdictions. Given the importance of the ability to set aside an arbitral award, the body of case law on setting aside and the directly related area of enforcement, the emphasis throughout is on Article 34. In addition, the study considers: - the meaning of uniformity in law and in the context of the UML; - the correct approach to interpretation of the UML pre and post Article 2A; - the interpretational relationship between the UML and the Convention on Contracts for the International Sale of Goods (CISG); - the relationship between the UML and the New York Convention; - the degree of textual uniformity of Article 34 with the three jurisdictions focused on; and - the degree of applied uniformity of Article 34 both in terms of juristic methodology and similarity of results. The author, with more than thirty years of practice in the field of commercial arbitration in Hong Kong, has had access to voluminous cases spanning decades and brings his specialist expertise to the subject. This book considers whether the UML has succeeded in its aim of achieving uniformity. It serves as a guide, both academic and practical, to exploring and adopting the correct approach to the interpretation of the UML as well as to the method of classification of court decisions under the UML. This study is of immeasurable academic and practical value.

Interim Measures in International Commercial Arbitration

English summary: It is an often repeated mantra - some might say a hackneyed phrase - that arbitration may only be as good as the arbitrators acting in it. In this context it has become of increasing importance if and to what extent an arbitrator may be held liable at least if he acted in clear misconduct. In his work, Jens Gal endeavours to create a feasible system of liability by comparing the legal situations under the laws of Austria, England, France, Germany, Switzerland and the United States of America. In doing so, special attention is given to the legal basis of any possible damage claim, i.e. the so-called Schiedsrichtervertrag (arbitrator's contract), to duties the breach of which might lead to liability, to the arbitrator's immunity from suit and to possibilities an arbitrator might further reduce his risk of being held liable. German description: Mit stetig wachsendem Zahl der Schiedsverfahren im internationalen Rechtsverkehr und zunehmender Verrechtlichung der Schiedsgerichtsbarkeit rückt auch der Schiedsrichter in seiner Funktion als Dienstleister vermehrt in das Blickfeld der Rechtswissenschaft. Hierbei gewinnt auch die Frage einer möglichen Haftung des Schiedsrichters deutlich an Interesse.Jens Gal vergleicht die in Deutschland, England, Frankreich, Österreich, der Schweiz und den Vereinigten Staaten von Amerika entworfenen Haftungsmodelle. Er bereitet das Thema in seinen unterschiedlichen Dimensionen - historisch, rechtsvergleichend und dogmatisch - auf und entwickelt eine koharente Haftungssystematik. Das Augenmerk gilt zunächst dem als Haftungsgrundlage ausgemachten sogenannten Schiedsrichtervertrag und seiner dogmatischen Ausgestaltung. Im Anschluss hieran widmet sich der Autor möglichen haftungsauslosenden Pflichtverletzungen, wobei er seine besondere Aufmerksamkeit der Frage widmet, ob und inwieweit dem Schiedsrichter ein Haftungsprivileg zusteht und welche Pflichten von diesem Haftungsprivileg umfasst. Hierbei zeigt sich, dass es einem weltweiten Konsens entspricht, dass der Schiedsrichter nur in begrenztem Umfang - nämlich einem Richter gleich - haftbar gemacht werden kann. Ohne das so entworfene Haftungsmodell ein nur beschränktes Haftungsrisiko für den Schiedsrichter birgt, zeigt der Autor abschließend Möglichkeiten auf - insbesondere Haftungsbegrenzung, Versicherungsdeckung und Rechtswahl - mittels deren Schiedsrichter ihr Risiko weiter minimieren können.

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Die Kommentierung umfasst neben der Zivilprozessordnung auch die relevanten Nebengesetze (wie EGZPO, GVG, KapMuG und MediationsG) sowie das europäische und internationale Zivilprozessrecht. Selbstverständlich sind alle relevanten Gesetzesänderungen sowie die neuesten Entwicklungen in Rechtsprechung und Lehre berücksichtigt.

International Commercial Arbitration in United States Courts

International Commercial Arbitration

International Commercial Arbitration in United States Courts

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International Commercial Arbitration Scotland And The Uncitral Model Law Greens Practice Library
Settling trust disputes without litigation can save all parties legal costs and maintain confidentiality (reducing the risk of unwelcome publicity). ADR and Trusts has been written to help professional advisers who want to help their clients to avoid litigation. It is a development from the authors' accredited mediation training course for the Society of Trust and Estate Practitioners (STEP). Part A introduces the reader to the different forms of dispute resolution, and examines the differences between arbitration and mediation of trust and fiduciary disputes. The mediation process is explained, including: the role of professional advisors, and the tools and techniques for mediation. The authors examine ways of avoiding disputes, cross-border aspects of Alternative Dispute Resolution (ADR), the psychological factors affecting mediation, the mediator's powers to mediate and settle disputes, and ethical issues in Trust ADR. Islamic and Sharia Trust ADR is also considered, with close study of the developing approaches in Canada and the UK. Part B examines 27 jurisdictions and how trust law and ADR operates in each of them. The jurisdictions covered are: Australia, Bahamas, Barbados, The British Virgin Islands, Canada, Cyprus, England and Wales, Florida, France, Gibraltar, Guernsey, Hong Kong, India, Ireland, Isle of Man, Israel, Italy, Jersey, Liechtenstein, Malaysia, Mauritius, New Zealand, Panama, Scotland, Singapore, Switzerland, and the United Arab Emirates. Each profile addresses: arbitration law and practice, trust law, the mandatory requirements for mediation and the enforcement of ADR awards. Mediators, arbitrators, trust and estate planning practitioners, trust managers and anyone involved in trust disputes should all benefit from reading this book.

International Commercial Arbitration in the European Union

The book deals with set-off in international arbitration proceedings. In these proceedings, set-off is frequently the tool relied upon to resist a claim. At the same time, the legal intricacies make it hard to use. The first part of the book provides a survey of set-off, including its definition, significance and functions. The second part offers a thorough comparative analysis of selected European laws of set-off and reveals the dramatic differences between them. The third and last part of the book deals with the problematic consequences of these differences and shows the limits and the inadequacy of the traditional choice-of-law doctrines. While demonstrating how to overcome the practical hurdles of the present situation, the third part also offers normative alternatives that should provide significant help in the adjudication of commercial disputes.

International Commercial Arbitration and Mediation in UNICITRAL Model Law Jurisdictions

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.

Due Process in International Commercial Arbitration

Commercial Arbitration: The Scottish and International Perspectives thoroughly analyses the Arbitration (Scotland) Act 2010 and the most important current issues arising from international commercial arbitration. Legal case studies comparing Scots and international practice provide you with a practical insight to the various aspects of arbitration. The international practice chapters include UNICITRAL Model Law, UNICITRAL Arbitration Rules, institutional arbitration rules and International Bar Association arbitration guidelines.

International Commercial Arbitration and the Commercial Agency Directive

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.

International Commercial Arbitration

Anyone involved in trade law knows the time-consuming nature of obtaining primary source material and consulting each of the main trade laws. Now in its fourth edition, Basic Documents in International Trade Law solves this problem by assembling, in a single, easy-to-use resource, a very comprehensive collection of the most important and frequently used documents on the law of international trade. In addition to its obvious practical value, this work reveals much about the process of harmonization in international trade law and the operation of the key international trade bodies. This makes the book a helpful reference for international business lawyers, researchers, legislators and government officials in the field. Since the successful publication of the previous editions of the book, the appearance of new conventions and model laws has considerably enriched the law of international trade, and the present edition contains a wealth of new material. The book has been substantially revised and several new instruments have been included. Among the most significantly important improvements to this new edition are new chapters added to different parts of the book, a redesigned and thoroughly revised Part 6 reflecting the expansion of intellectual property rights under the framework of treaties administered by World International Property Organization, and
International Commercial Arbitration Practice: 21st Century Perspectives

Die Haftung des Schiedsrichters in der internationalen Handelschiedsgerichtsbarkeit

Law and Practice of International Commercial Arbitration

The Notion of Award in International Commercial Arbitration

The Interpretation and Uniformity of the UNCITRAL Model Law on International Commercial Arbitration

Although negotiation still lies at the heart of international commercial agreements, much of the detail has migrated to the Internet and has become part of electronic commerce. This incomparable one-volume work is now in its sixth edition with its deeply informed emphasis on both the face-to-face and electronic components of setting up and performing an international commercial agreement, stands alone among contract drafting guides and has proven its enduring worth. Following its established highly practical format, the book’s much-appreciated precise information on a wide variety of issues?including those pertaining to intellectual property, alternative dispute resolution, and regional differences?is of course still here in this new edition. There is new and updated material on such matters as the following: • the need for contract drafters to understand and to use the concepts of “standardization” (i.e., the work of the International Organization for Standardization (ISO) as a contract drafting tool); • new developments and technical progress in e-commerce; • new developments in artificial intelligence in contract drafting; • the possible use of electronic currencies such as Bitcoin as a payment device; • foreign direct investment; • special considerations inherent in drafting licensing agreements; • online dispute resolution including the innovations referred to as the “robot” arbitrator; • changes in the arbitration rules of major international organizations; and • assessment of possible future trends in international commercial arrangements. Each chapter provides numerous references to additional sources, including a large number of websites. Materials from and citations to appropriate literature in languages other than English are also included. In its recognition that a business executive entering into an international commercial transaction is mainly interested in drafting an agreement that satisfies all of the parties and that will be performed as promised, this superb guide will immeasurably assist any lawyer or business executive to plan and carry out individual transactions even when that person is not interested in a full-blown understanding of the entire landscape of international contracts. Business executives who are not lawyers will find that this book gives them the understanding and perspective necessary to work effectively with the legal experts.

Discourse and Practice in International Commercial Arbitration

It is increasingly held that international commercial arbitration is becoming colonized by litigation. This book addresses, in a range of ways and from various locations and sites, those aspects of arbitration practice that are considered crucial for its integrity as an institution and its independence as a professional practice. The chapters offer multiple perspectives on the major issues in play, highlighting challenges facing the institution of arbitration, and identifying opportunities available for its development as an institution. The evidence of arbitration practice presented is set against the background of practitioner perceptions and experience from more than 20 countries. The volume will serve as a useful resource for all scholars and practitioners interested in the institution of arbitration and its professional practices.

International arbitration

Issues concerning the circumstances in which a court having jurisdiction will nevertheless decline to exercise it are of great and growing importance. This book contains eighteen National Reports and a General Report on the subject. The original National Reports were written for the XIVth Congress of the International Academy of Comparative Law held in Athens in 1994. The very full General Report is based upon the National Reports and provides an informed and illuminating overview of this area of private international law. It will be of interest to all practitioners and scholars working in the field.

Arbitration of International Intellectual Property Disputes

International commercial arbitration relies extensively on the possibility of enforcing arbitral decisions against recalcitrant parties. Because courts and arbitration laws across the world take contrasting approaches to the definition of awards, such enforcement can be problematic, especially in the context of awards by consent, and the recent development known as ‘emergency arbitration’. In this timely and ground-breaking book, a young arbitration scholar takes us through the difficulties of defining the notion of arbitral award with a rare combination of theoretical awareness and attention to the procedural requirements of arbitral practice. In a framework using a comparative analysis of
common law and civil law jurisdictions (specifically, England and France) and how each has regulated in different ways the equilibria between state justice and arbitral justice – and comparing each with the UNCITRAL Model Law – the book addresses such issues as the following: - the 'judicialization' of arbitration; - different models of arbitral adjudication and their impact on the notion of award; - what an award needs to contain to be enforceable; - awards on competence; - awards by consent; and - awards ante causam. The author employs a methodology that views arbitration as providing an institution for administering justice rather than as a purely contractual creature. To this end, rules of arbitral institutions (particularly the International Chamber of Commerce) are examined closely for their implications on what an award means. As a fresh look at the arbitral award by placing it in a broader context than is usually found, this book allows for a greater understanding of the functioning of international commercial arbitration. It is sure to become an international reference, and as such will be welcomed by arbitrators, practitioners at global law firms, companies doing transnational business, interested academics, and international arbitration centres in emerging markets.

International Commercial Agreements and Electronic Commerce

ICCA's Congress Series No. 12, reflecting the contributions of numerous renowned 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.

Declining Jurisdiction in Private International Law

This book investigates the tensions between EU law and international commercial arbitration, i.e. tensions between two phenomena at opposite ends of the public to private ordering continuum. It focuses on the Commercial Agents Directive's regime for indemnity and compensation as one of the most frequent source of these tensions. To mitigate the consequential problems, the book proposes and describes a comprehensive framework for a preferable system of reviewing arbitration agreements and arbitral awards. To this end, it explores the prerequisites of this system through comparative legal analysis of the German, Belgian, French and English systems of review, an assessment of the observable aspects of arbitral practice, game theoretical analysis of the arbitral process, and microeconomic analysis of the cross-border market for commercial agency.

Party-Appointed Arbitrators in International Commercial Arbitration

Practitioner's Handbook on International Commercial Arbitration

Journal of International Arbitration

Basic Documents on International Trade Law

The Arbitration of International Intellectual Property Disputes, which is designed not only for arbitration counsel and arbitrators but also for in-house counsel and transactional lawyers, provides a thorough guide to the use of arbitration to resolve these disputes. Both practical as well as scholarly, it starts by exploring how and why arbitration can provide the best way to resolve these disputes and how to draft an effective arbitration provision. It then covers the principal unique issues which can arise in the arbitration itself, from choosing the tribunal through confidentiality, discovery, validity determinations, choice of law, provisional and final remedies and enforceability. With the world more and more dependent upon technology of all types, the continued and growing importance of intellectual property cannot be understated. There has been, and will continue to be, an accompanying explosion in the number and complexity of transactions in which intellectual property is a critical, if not the critical, element. Many of these transactions cross national boundaries; so do the disputes which inevitably arise from them. But international intellectual property disputes present complexities not encountered in either intellectual property disputes which are confined to one country or other international commercial disputes. The Arbitration of International Intellectual Property Disputes will serve as a handy reference and guide for navigating through the complex maze of intellectual property and arbitration.

Der Zuständigkeitsstreit im Schiedsverfahren

It is increasingly held that international commercial arbitration is becoming colonized by litigation. This book addresses, in a range of ways and from various locations and sites, those aspects of arbitration practice that are considered crucial for its integrity as an institution and its independence as a professional practice. The chapters offer multiple perspectives on the major issues in play, highlighting challenges facing the institution of arbitration, and identifying opportunities available for its development as an institution. The evidence of arbitration practice presented is set against the background of practitioner perceptions and experience from more than 20 countries. The volume will serve as a useful resource for all scholars and practitioners interested in the institution of arbitration and its professional practices.
Towards a Uniform Approach to Confidentiality of International Commercial Arbitration

Lloyd's Maritime and Commercial Law Quarterly

International Commercial Arbitration

ADR and Trusts

This illuminating book contributes to knowledge on the impact of Brexit on international commercial arbitration in the EU. Entering the fray at a critical watershed in the EU’s history, Chukwudi Ojiegbu turns to the interaction of court litigation and international commercial arbitration, offering crucial insights into the future of EU law in these fields.

Fouchard, Gaillard, Goldman on International Commercial Arbitration


Arbitration in Scotland, in Connection with Building Contracts

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.

International Commercial Arbitration


International Commercial Arbitration for Today & Tomorrow
International Commercial Arbitration and Mediation in UNCITRAL Model Law Jurisdictions Fourth Edition Dr Peter Binder This new edition of a classic text is so extensively revised and updated as to constitute a new book. It does, however, retain the tried and tested article-by-article structure of the previous three editions: it covers all the information needed when contemplating cross-border arbitration or mediation and enables a practitioner to ascertain what to expect in each jurisdiction. It remains the only book that provides a complete overview of all the adopting jurisdictions (now 111) at a glance, with a description of the legislation in these jurisdictions counterbalanced by court rulings to demonstrate how matters are dealt with in everyday practice. The popular adoption chart matrix unique to this book has been further enhanced and updated. Featuring the first full commentary on the newly released 2018 UNCITRAL Model Law on International Commercial Mediation (including its revolutionary regime for the enforcement of settlement agreements reached by means of mediation) and an update of all case law on UNCITRAL texts (CLOUT) to date, the fourth edition provides explicit expert guidance on such matters as the following: overview of each jurisdiction that has enacted the Model Laws; provisions in a particular national Model Law enactment to be watched out for; how a particular issue dealt with in a Model Law enacting jurisdiction has been handled by local courts; and which jurisdictions can be safely recommended in arbitration or mediation clauses in international commercial agreements. Both of the Model Laws are reproduced in full in an appendix. With an examination of each provision's legislative history as well as national and subnational adoptions of the Model Laws, this work provides a complete picture of global practice in international arbitration and mediation as it exists today, taking full account of emerging trends in the enactment process and in case law. Business people who agree to arbitrate in one of the 111 recognized Model Law jurisdictions can rely on a secure minimum of rights in the arbitral proceedings and run less risk of being surprised by unwelcome peculiarities of local law. International litigation lawyers, arbitrators, and in-house lawyers who are considering arbitrating or mediating in one of the 111 jurisdictions analysed, academics in international ADR, and national government officials dealing with cross-border trade will benefit enormously from this new edition.

The Operation of Arbitration in Scotland in the Light of the UNCITRAL Model Law

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.

Discourse and Practice in International Commercial Arbitration

This volume provides a detailed review of the process of international commercial arbitration, from the drafting of the arbitration agreement to the enforcement of the arbitral tribunal's award. It has been revised to include appendices which describe the arbitration rules of various countries.

New Horizons in International Commercial Arbitration and Beyond

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.

International Commercial Arbitration and African States
The Practitioner's Handbook on International Commercial Arbitration provides concise country reports on important jurisdictions for international arbitral proceedings, as well as commentaries on well-known arbitration rules which are frequently incorporated in international legal agreements. Most international commercial contracts now include an arbitration clause as an alternative to resolving disputes in the state courts. This second edition of the Practitioner's Handbook includes newly updated country chapters, expanded international coverage and commentary on the most important arbitration rules worldwide. It is written by world-leading arbitration practitioners and academics and combines a practical approach with in-depth legal research and analysis of important national and international case law. The book is unique in its coverage, providing uniformly designed country reports and thorough commentaries on internationally recognized arbitration rules in just one volume. There are individual chapters for the following countries: Austria, Belgium, China & Hong Kong, England, France, Germany, Italy, Netherlands, Singapore, Sweden, Switzerland, USA. Each country report covers: jurisdiction, the tribunal, arbitration procedure, the award, amendments and challenge to the award, liability of arbitrators and enforcement of national awards; and provides details of national arbitration laws, arbitral institutions in the jurisdiction, model arbitration clauses and a bibliography, including a list of key judicial decisions. The first edition was reviewed as “an outstanding book” and “an extremely useful tool”. The work is an indispensable one-stop reference point for lawyers drafting international arbitration clauses or handling arbitration proceedings in different countries.

**International Commercial Disputes**

International Commercial Arbitration and African States is a timely assessment of the arbitral process in the African context. The book focuses on the contribution that arbitration, and other methods of alternative dispute resolution, may make to the development of African states and peoples, while satisfying the legitimate expectations of inward investors and traders. Although focusing on dispute resolution regimes affecting or concerning African states and their nationals, the work will also have practical, policy and comparative implications for dispute resolution, commercial arbitration and foreign investment in other regions.

**Set-off Defences in International Commercial Arbitration**

**Law Books in Print: Title index**

Based on and includes revisions to: Traité de l'arbitrage commercial international / Ph. Fouchard, E. Gaillard, B. Goldman. 1996--Cf. foreword.

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