

The Uncitral Arbitration Rules A Commentary

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Redfern and Hunter on International Arbitration Nigel Blackaby 2009-10-15
Reviewing the legal context within which international commercial arbitration operates, this text has been updated to reflect recent developments in international law.

Guide to the Hkiac Arbitration Rules Michael J. Moser 2017-02-16 This is the first detailed commentary on the Hong Kong International Arbitration Centre (HKIAC) Administered Arbitration Rules providing practitioners with an insider's perspective on how the HKIAC Secretariat administers arbitrations under these rules. Hong Kong International Arbitration Centre is one of the world's most highly sophisticated arbitration institutions, with a continuously growing annual caseload. HKIAC had a large number of arbitration cases in 2012, many of which were fully administered under the Administered Arbitration Rules 2008 indicating significant increase from the previous year. This practical guide makes reference to the Hong Kong Arbitration Ordinance as well as drawing comparisons with other institutional rules and the UNCITRAL Model Rules to emphasize key issues to consider when drafting an arbitral clause or strategizing over the conduct of an arbitration. As well as offering an insider's perspective it provides examples of anonymous cases handled at the HKIAC, and a discussion on various issues arising from arbitrations involving mainland parties or enforcing arbitration awards in mainland China. The book not only draws from the authors' five years of experience administering arbitrations under the HKIAC Administered Arbitration Rules (2008) but highlights the various changes made in the revised Rules that came into effect in November 2013 benefitting from the authors' privileged access. The book

begins with an introduction to the HKIAC including a history with statistics and details of other services provided by the HKIAC itself. The commentary then goes on to examine each article in depth. Relevant supporting documents are appended including Recommended HKIAC Arbitration Clauses, HKIAC Administered Arbitration Rules (2013), UNCITRAL Arbitration Rules 2010 and Hong Kong Arbitration Ordinance. No aspect of HKIAC arbitration is left unexamined, and the guide stands alone as a comprehensive exposition of HKIAC arbitration.

The Chamber of Arbitration of Milan Rules: A Commentary Ugo Draetta 2012-04-01
The Chamber of Arbitration of Milan Rules: A Commentary is a Guide to the 2010 revision of the Arbitration Rules of the Arbitration Chamber of Milan (CAM). The Guide consists of article-by-article commentary on the Rules, made by prominent scholars and arbitrators, both Italians and non Italians. CAM started its activities in the administration of domestic and international arbitrations more than 20 years ago. It has a case load of about 150 new cases per year. Additional information on CAM can be found on its website www.camera-arbitrale.it.

The Use of Commercial Arbitration Rules in Investment Treaty Disputes Joel Dahlquist 2021-03-15
The Use of Commercial Arbitration Rules in Investment Treaty Disputes is an extensive study of how domestic courts and commercial arbitration institutions impact the scope of arbitral tribunal jurisdiction when commercial arbitration rules are used in investment treaty disputes.

The UNCITRAL Model Law on International Commercial Arbitration Gilles Cuniberti 2022-11-15
This Commentary provides rich and detailed analysis both of the provisions of the UNCITRAL Model Law on International Commercial Arbitration (the Model Law), and of its implementation, including a comparative account of the operation of the Model Law in the numerous jurisdictions which have adopted it throughout the world.

Provisional Measures before International Courts and Tribunals Cameron A. Miles 2017-01-26
2 Dispute Settlement Under UNCLOS

The UNCITRAL Arbitration Rules David D. Caron 2013-03-07
This article-by-article commentary sheds light on the UN Commission on International Trade Law (UNCITRAL) Rules which govern a wide range of arbitrations, including the Iran-US Claims Tribunal and NAFTA disputes. The new edition takes full account of the revised Rules adopted in 2010 and features many extracts from the most important case law.

Evolution in Investment Treaty Law and Arbitration Chester Brown 2011-11-17
International investment law is in a state of evolution. With the advent of investor-State arbitration in the latter part of the twentieth century - and its exponential growth over the last decade - new levels of complexity, uncertainty and substantive expansion are emerging. States continue to enter into investment treaties and the number of investor-State arbitration claims continues to rise. At the same time, the various participants in investment

treaty arbitration are faced with increasingly difficult issues concerning the fundamental character of the investment treaty regime, the role of the actors in international investment law, the new significance of procedure in the settlement of disputes and the emergence of cross-cutting issues. Bringing together established scholars and practitioners, as well as members of a new generation of international investment lawyers, this volume examines these developments and provides a balanced assessment of the challenges being faced in the field.

International Commercial Arbitration Simon Greenberg 2011-01-17 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.

Arbitration Rules-International Institutions-3rd Edition Loukas A. Mistelis 2010-05-01 International Arbitration Institutions have led the way in rulemaking for international commercial arbitration. The institutional rules and commentary compiled in this easy-to-use reference tool are those promulgated by the institutions most often named in international agreements. The institutional rules and commentary compiled in this easy-to-use reference are those promulgated by the institutions most often named in international agreements. *Arbitration Rules: International Institutions* is the only resource to compile such an extensive array of commentary and analysis, written by leading arbitration authorities along with the full text of each set of rules.

Towards Consistency in International Investment Jurisprudence Katharina Diel-Gligor 2017-05-30 In *Towards Consistency in International Investment Jurisprudence*, Katharina Diel-Gligor addresses the problem of inconsistent arbitral decision-making, with a focus on ICSID arbitration. After analysing the causes, forms, and manifestations of inconsistencies, she proposes a preliminary ruling system as a means of reform.

Practitioner's Handbook on International Commercial Arbitration Frank-Bernd Weigand 2009-12-24 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.

A Guide to the LCIA Arbitration Rules Peter Turner 2009-03-19 The London Court of Arbitration (LCIA) is one of the world's foremost arbitration institutions, with a growing annual caseload. The LCIA Arbitration Rules are among the most modern and forward-looking of the various sets of institutional arbitration rules but until now have not been the subject of in-depth study. This is the first full length and comprehensive commentary on the rules, written by two well-known and experienced arbitration practitioners. Portable and functional, this book acts as a guide and provides an indispensable resource for all involved in international arbitration under the LCIA rules. Grouped thematically, the commentary to each rule provides 1) a description of the rule and its intended meaning 2) the provenance and history of the rule 3) the practical effect of the rule with reference to previous case law and jurisprudence and 4) a comparative look at conceptual and practical differences between each rule. Focusing specifically on how the rules of the LCIA differ from those of the ICC and the UNCITRAL, this title emphasises the international nature of the LCIA and provides the only dedicated reference to the Rules.

Commentary on the UNCITRAL Model Law on International Commercial Arbitration
Aron Broches 1990-09-04

Law and Practice of Investment Treaties Andrew Paul Newcombe 2009-01-01 The book focuses on the substantive protections accorded to investors and investments and on the variations among jurisdictions. Among the many specific issues and topics that arise in the course of the discussion are the following:
- problems of transparency and conflict of interest; - the recent growth in IIAs between and among developing nations; - the effect of new model bilateral investment treaties (BITs); - the ability of non-disputing parties to

participate in investor-state arbitration; - theories of the interaction of foreign direct investment (FDI) and BITs; - investor-state arbitration as an evasion of public regulatory authority; - the role of investment funds in international investment; - 'fork in the road' provisions; and - institutional versus ad hoc arbitration. International business and other investors will greatly appreciate the in-depth information and insightful guidance in this solidly useful book. It will also be welcomed by jurists and students as a significant milestone in the development of principles in a quickly growing field of practice that is still plagued with inconsistencies.

Revolution in the International Rule of Law: Essays in Honor of Don Wallace, Jr. Borzu Sabahi 2014-10-01 As the title suggests, *A Revolution in the International Rule of Law: Essays in Honor of Don Wallace, Jr.* is a European style Festschrift or Liber Amicorum, and compiles short essays by eminent scholars and practitioners who have known Prof. Wallace during his long and distinguished career as a Professor of law at Georgetown University Law Center and, among others, as the Chairman of the International Law Institute, the U.S. Delegate to UNCITRAL, the Legal Adviser to the USAID, President of the ABA Section on International Law, presiding officer of the UNIDROIT Foundation, and Of Counsel to a number of prominent international law firms including Winston & Strawn LLP, Morgan Lewis LLP, Arnold & Porter LLP, and Shearman & Sterling LLP. The primary topics covered in the book are: Foreign Investment and Political Risk International Investment Law and Arbitration Unification of Private Law Commercial Law Reform Public Procurement Rule of Law and Transitional Justice International Business Law and Human Rights Legal Aspects of the United States' Foreign Affairs: Public International Law, Separation of Powers and Terrorism. Professor Wallace's friends, including the co-editors, have submitted 45 essays including a biographical piece prepared by the editors to this volume.

Procedural Issues in International Investment Arbitration Jeffery Commission 2018-03-22 Procedural issues are an area of increasing complexity and concern in modern investment arbitration, and one in which very little guidance currently exists. Indeed, there are a number of important points of departure from the procedural rules commonly adopted in the context of international commercial arbitration. *Procedural Issues in International Investment Arbitration* is the first text of its kind to address this gap, examining the most prevalent and controversial procedural issues that arise in investment arbitrations conducted under the ICSID, UNCITRAL, and other arbitral rules. Written by international arbitration experts, the book takes the reader through an investment arbitration in chronological order, identifying each key procedural issue in turn and providing details of the relevant precedents. It charts the process of an arbitration from applicable law and first sessions right through to post-hearing applications and costs. Fully cross-referenced and tabled, *Procedural Issues in International Investment Arbitration* is an invaluable and practical guide to issues of increasing importance and relevance in ICSID and other arbitrations today.

Procedure and Evidence in International Arbitration Jeffrey Waincymer
2012-05-23 Central to the book's purpose is the procedural challenge facing arbitrators at each and every stage of the arbitral process when fairness arguments conflict with efficiency concerns and trade-offs must be determined. Some key themes include how can a tribunal be fair, and in particular be neutral, if parties are so diverse? How can arbitration be made efficient and cost-effective without undue inroads into fairness and accuracy? How does a tribunal do what is best if the parties are choosing a suboptimal process? When can or must an arbitrator ignore procedural choices made by the parties? The author thoroughly evaluates competing arguments and adds his own practical tips, expertly synthesizing and engaging with the conference literature and differing authors' views. He identifies criteria that offer a harmonized approach to each stage of the arbitral process, with particular attention to such aspects of international arbitration as: appropriate trade-offs between flexibility and certainty; the rights, duties and powers of arbitrators; appointment and challenge of arbitrators; responses to 'guerilla' tactics; drafting of arbitration agreements, including specialty clauses; drafting of required commencement notices and response documents; set-off; fast track arbitration and other efficiency options; strategic use of preliminary conferences and timetabling; online arbitration; multi-party, multi-contract, class arbitration; amicus and third party funders; pre-arbitral referees and interim relief; witness evidence, both factual and expert; documentary evidence, production obligations, and challenges to production; identifying applicable law; and remedies and costs.

A Guide to the NAI Arbitration Rules Bommel van der Bend 2009-01-01 The Netherlands Arbitration Institute (NAI) is the most prestigious institute in the Netherlands for the arbitration of commercial disputes. While NAI arbitration is the dispute resolution mechanism of choice of many Dutch corporations and public entities, it is increasingly agreed on by foreign parties selecting the Netherlands as a neutral venue for their potential disputes. This excellent volume, a rule-by-rule guide to the NAI Arbitration Rules, is not only the first such handbook in English, but the most comprehensive and detailed in any language. In addition, it provides a unique commentary in English on important elements of Dutch arbitration law. Drawing on case law from arbitral tribunals and state courts and on extensive personal experience, members of the arbitration team of the Dutch law firm De Brauw Blackstone Westbroek N.V. provide in-depth commentary on each provision of the NAI Arbitration Rules and on arbitration-related court proceedings in the Netherlands under the Dutch Arbitration Act. Focusing on disputes arising from (among others) share purchase agreements, joint venture agreements, licence agreements, franchise agreements, finance agreements, contractor agreements, distribution agreements, and agreements for the sale of goods, the analysis covers such crucial factors of the NAI system as the following: the use of the list procedure for the appointment of arbitrators; the central role of the Administrator; the Dutch concept of binding advice; contractual relationships and exclusion of liability; the separability of the arbitration agreement; freedom in determining and applying rules of evidence; the mechanisms for

parties to seek relief in summary arbitration proceedings; costs of arbitration; and the arbitral award, including the possibility of rectifying, supplementing and setting aside this award. The provision-by-provision analysis also compares the NAI Rules with both relevant proceedings in the Dutch state courts and, inter alia, ICC and UNCITRAL Arbitration Rules and to practice under such other rules. The authors of this matchless book have faced many questions on the NAI Arbitration Rules, advised on the interpretation and correct application of those Rules, and defended such interpretation before tribunals and courts. In this book they share their experience, insights, and expertise. Counsel for corporate clients and public entities contemplating arbitration proceedings and as well as counsel to parties in NAI proceedings or related court proceedings and will find here an incomparable guide to the NAI system and Dutch arbitration law.

UNCITRAL Model Law & Arbitration Rules, the Arbitration Act 2005 (Amended 2011 & 2018) and The AIAC Arbitration Rules 2018 Sundra Rajoo 2018

UNCITRAL Model Law on International Commercial Arbitration Ilias Bantekas 2020-03-05 This book provides a comprehensive commentary on the UNCITRAL Model Law on International Arbitration. Combining both theory and practice, it is written by leading academics and practitioners from Europe, Asia and the Americas to ensure the book has a balanced international coverage. The book not only provides an article-by-article critical analysis, but also incorporates information on the reality of legal practice in UNCITRAL jurisdictions, ensuring it is more than a recitation of case law and variations in legal text. This is not a handbook for practitioners needing a supportive citation, but rather a guide for practitioners, legislators and academics to the reasons the Model Law was structured as it was, and the reasons variations have been adopted.

UNCITRAL Arbitration Jan Paulsson 2016-04-24 The UNCITRAL Arbitration Rules have proved instrumental to the effective resolution of transborder, commercial, investment-treaty, and inter-State disputes. This book, by two leading scholars and practitioners whose 2006 joint report began the process that led to the first ever revision of the Arbitration Rules in 2010, and who were key contributors in the revision process at UNCITRAL thereafter, is the only article-by-article commentary of both the generic 2010 Rules and the Transparency Rules of 2013. Extensively referring to the UNCITRAL travaux préparatoires, the book considers: • the principal legislative intent behind each new or revised article – or, in respect of those articles which remain unchanged, the reasons for the absence of revision; • where an article is revised, or entirely new provisions are introduced, an explanation of the issues that the revision intended to address; and • an analysis of the discrete issues that arise in respect of each article. The authors make reference not only to academic literature and case law, but also to other commonly used Arbitration Rules and the practice under those Rules. More than a matchless guide to practice, this deeply informed resource offers a comprehensive understanding of both sets of UNCITRAL Rules. This book serves as the pre-

eminent commentary and analysis on the UNCITRAL Arbitration Rules and the Transparency Rules.

International Arbitration and the Rule of Law 2017-09-22 Volume 19 of the Congress Series contains the proceedings of ICCA's 2016 Mauritius Congress, the first ICCA Congress held in Africa. In this volume, renowned practitioners, scholars and jurists from the region and around the world explore the contribution of arbitration to the rule of law and economic development; the conformity of arbitration with international standards of due process and the rule of law; and the benefits and challenges of arbitration in Africa. Topical issues of interest for practitioners, academics and students of arbitration - in the region and internationally - include: • Due process issues in constituting the arbitral tribunal and challenging its members • Interim measures issued by arbitral tribunals and domestic courts • Burden, standard and types of proof in the corruption defence • What to do (and what to avoid doing) to prepare a persuasive case • Do post-award remedies ensure conformity of the arbitral process with the rule of law? • Do rules and guidelines properly regulate the conduct of arbitration? • The interface between domestic courts and arbitral tribunals • What are appropriate remedies for findings of illegality in investment arbitration? • The effect of foreign national court judgments relating to the arbitral award • What does the future hold for investment arbitration in Africa and beyond?

A Guide to the HKIAC Arbitration Rules 2e Michael J. Moser 2022-02-24 The second edition of a commentary on the Hong Kong International Arbitration Centre (HKIAC) Administered Arbitration Rules providing practitioners with an inside perspective on how the HKIAC administers arbitrations under their rules.

A Guide to the ICDR International Arbitration Rules Martin F. Gusy 2011-04-07 A rule-by-rule commentary on the genesis, interpretation and application of the International Centre for Dispute Resolution (ICDR) Rules. The book is designed to give arbitrators, practitioners and academics a first port of call when considering ICDR arbitration, and provide the first stand-alone comprehensive commentary on these important rules.

International Arbitration: Law and Practice in Switzerland Gabrielle Kaufmann-Kohler 2015-10-22 This book expounds the theory of international arbitration law. It explains in easily accessible terms all the fundamentals of arbitration, from separability of the arbitration agreement to competence-competence over procedural autonomy, finality of the award, and many other concepts. It does so with a focus on international arbitration law and jurisprudence in Switzerland, a global leader in the field. With a broader reach than a commentary of Chapter 12 of the Swiss Private International Law Act, the discussion contains numerous references to comparative law and its developments in addition to an extensive review of the practice of international tribunals. Written by two well-known specialists - Professor Kaufmann-Kohler being one of the leading arbitrators worldwide and Professor Rigozzi one of the foremost experts in sports arbitration - the work reflects

many years of experience in managing arbitral proceedings involving commercial, investment, and sports disputes. This expertise is the basis for the solutions proposed to resolve the many practical issues that may arise in the course of an arbitration. It also informs the discussion of the arbitration rules addressed in the book, from the ICC Arbitration Rules to the Swiss Rules of International Arbitration, the CAS Code, and the UNCITRAL Rules. While the book covers commercial and sports arbitrations primarily, it also applies to investment arbitrations conducted under rules other than the ICSID framework.

Multi-Party and Multi-Contract Arbitration in the Construction Industry Dimitar Kondev 2017-01-23 Multi-Party and Multi-Contract Arbitration in the Construction Industry provides the first detailed review of multi-party arbitration in the international construction sector. Highly practical in approach, the detailed interpretation and assessment of the arbitration of multi-party disputes will facilitate understanding and decision making by arbitrators, clients and construction contractors.

The Vienna Rules Franz T. Schwarz 2009-01-01 This book examines the new Vienna Rules and the Austrian Arbitration Act that both came into effect on 1 July 2006 as the result of a major reform. It is devoted to two principles. First, it recognizes that no two international arbitrations are the same. Arbitration thrives, and is today the predominant method of transnational dispute resolution, because it meets the demands of international business for flexibility and efficacy. Arbitration will continue to succeed if it retains those properties, allowing for the adoption of procedures that are customized to satisfy the commercial prerogatives of the individual case. This book seeks to provide its readers with a general framework, and specific instruments, to negotiate that process.

A Guide to the Lcia Rules 2e Peter Turner 2019-10-17 The London Court of Arbitration (LCIA) is one of the world's foremost arbitration institutions, with a growing annual caseload. The LCIA Arbitration Rules are among the most modern and forward-looking of the various sets of institutional arbitration rules. Since the publication of the first edition of this authoritative text, the LCIA's caseload has experienced consistent and rapid growth resulting in the issuance of a new version of the LCIA's arbitration rules due summer 2014. The second edition of this comprehensive commentary on the rules is written by two well-known and experienced arbitration practitioners. Portable and functional, this book acts as a guide and provides an indispensable resource for all involved in international arbitration under the LCIA rules. Grouped thematically, the commentary to each rule provides 1) a description of the rule and its intended meaning 2) the provenance and history of the rule 3) the practical effect of the rule with reference to previous case law and jurisprudence and 4) a comparative look at conceptual and practical differences between each rule. Focusing specifically on how the rules of the LCIA differ from those of the ICC and the UNCITRAL, this title emphasises the international nature of the LCIA and provides the only dedicated reference to the Rules.

A Guide to the UNCITRAL Arbitration Rules Clyde Croft 2013-04-25 The first version of the UNCITRAL Arbitration Rules was endorsed by the General Assembly of the United Nations in December 1976. Now considered one of UNCITRAL's greatest successes, the rules have had an extraordinary impact on international arbitration as both instruments in their own right and as guides for others. The Iran-US Claims Tribunal, for example, employs a barely modified version of the rules for all claims, and many multilateral and bilateral foreign investment treaties adopt the UNCITRAL Rules as an arbitral procedure. The Rules are so pervasive and the consequences of the new version potentially so significant that they cannot be ignored. This commentary on the Rules brings the official documents together in one volume and includes the insights and experiences of the Working Group that are not included in the official reports.

The Statute of the International Court of Justice Andreas Zimmermann 2012-10-11 The International Court of Justice is the principal judicial organ of the United Nations and plays a central role in both the peaceful settlement of international disputes and the development of international law. This comprehensive Commentary on the Statute of the International Court of Justice, now in its second edition, analyses in detail not only the Statute of the Court itself but also the related provisions of the United Nations Charter as well as the relevant provisions of the Court's Rules of Procedure. Five years after the first edition was published, the second edition of the Commentary embraces current events before the International Court of Justice as well as before other courts and tribunals relevant for the interpretation and application of its Statute. The Commentary provides a comprehensive overview and analysis of all legal questions and issues the Court has had to address in the past and will have to address in the future. It illuminates the central issues of procedure and substance that the Court and counsel appearing before it face in their day-to-day work. In addition to commentary covering all of the articles of the Statute of the ICJ, plus the relevant articles of the Charter of the United Nations, the book includes three scene-setting chapters: Historical Introduction, General Principles of Procedural Law, and Discontinuation and Withdrawal. The second edition of the Commentary adds two important and instructive chapters on Counter-Claims and Evidentiary Issues. The combination of expert editors and commentators, and their assessment of new developments in the important work of the ICJ, make this a landmark publication in the field of international law.

A Guide to the SIAC Arbitration Rules John Choong 2018-02-08 This is the first text to provide a comprehensive rule-by-rule commentary of the inception, interpretation, and application of the SIAC Rules, written by practitioners with extensive experience in South East Asia arbitrations. Practical and strategic in approach, this book provides useful guidance for practitioners whilst also delivering commentary and thematic analysis to highlight the connections between the SIAC rules and those of other institutions. The book begins with an introduction to Singapore arbitration, both practical and legal, and is followed by an overview of SIAC arbitration, including the different stages of a typical case and the corporate structure of SIAC. Every rule is

then examined in detail on a thematic basis, starting with the commencement of an arbitration and working up to and including the rendering of an award and the determination of costs. This new edition has been fully updated to include the 2016 SIAC Rules, and also contains additional chapters on the new rules on multiple contracts, consolidation, and joinder, the early dismissal of claims and defences, and the SIAC Investment Arbitration Rules (2017). Relevant supporting documents are appended, including SIAC Practice Notes and the SIAC Code of Ethics for Arbitrators. This book stands alone as a comprehensive exposition of SIAC arbitration, and is indispensable for any practitioner involved in arbitration in Asia.

Practising Virtue David D. Caron 2015 International arbitration has developed into a global system of adjudication, dealing with disputes arising from a variety of legal relationships: between states, between private commercial actors, and between private and public entities. It operates to a large extent according to its own rules and dynamics - a transnational justice system rather independent of domestic and international law. In response to its growing importance and use by disputing parties, international arbitration has become increasingly institutionalized, professionalized, and judicialized. At the same time, it has gained significance beyond specific disputes and indeed contributes to the shaping of law. Arbitrators have therefore become not only adjudicators, but transnational lawmakers. This has raised concerns over the legitimacy of international arbitration. Practising Virtue looks at international arbitration from the 'inside', with an emphasis on its transnational character. Instead of concentrating on the national and international law governing international arbitration, it focuses on those who practice international arbitration, in order to understand how it actually works, what its sources of authority are, and what demands of legitimacy it must meet. Putting those who practice arbitration into the centre of the system of international arbitration allows us to appreciate the way in which they contribute to the development of the law they apply. This book invites eminent arbitrators to reflect on the actual practice of international arbitration, and its contribution to the transnational justice system.

Practitioner's Handbook on International Arbitration Frank-Bernd Weigand 2002

Commercial Arbitration in Sweden Finn Madsen 2007 "A commentary on the Arbitration Act (1999:116) and the rules of the Arbitration Institute of the Stockholm Chamber of Commerce."--T.p.

Investor-State Arbitration Christopher Dugan 2011-11-25 I. Introduction II. History and Limitations of the Traditional System for Resolving Investment Disputes III. The Modern System of Investor-State Arbitration IV. Commonly Used Procedural Rules V. Procedural Law Applicable in Investor-State Arbitration VI. National Court Interference: Anti-Arbitration Injunctions VII. The Course of an Investment Arbitration VIII. Consolidation under Relevant Arbitration Rules or Treaties IX. Governing Law in Investment Disputes X. Consent to Arbitral Jurisdiction XI. The Concept of Investment XII. The Nationality of the Investor

XIII. Exhaustion of Local Remedies XIV. Election of Forum: National Courts and Contract Arbitrations XV. Discrimination XVI. Expropriation XVII. "Fair and Equitable Treatment" and "Full Protection and Security" XVIII. Umbrella Clauses XIX. Damages, Compensation, and Non-Pecuniary Remedies XX. Annulment and Set Aside XXI. Enforcement of Awards XXII. The Future of International Investment Arbitration Select Bibliography Index Table of Cases Index of Treaties, Conventions, and International Agreements.

Arbitration in Malaysia Thayananthan Baskaran 2019-09-27 Arbitration in Malaysia A Commentary on the Malaysian Arbitration Act Thayananthan Baskaran Kuala Lumpur is developing into a regional hub for arbitration. The International Centre for Settlement of Investment Disputes has selected Kuala Lumpur as an alternative venue and the Permanent Court of Arbitration has opened offices there. This section-by-section commentary provides a sequential, in-depth analysis of the Malaysian Arbitration Act 2005, explaining each section's purpose, legal source, application and effect. The text and commentary offer comprehensive details on issues arising in the course of an arbitration in Malaysia, including the following: arbitrability of the subject matter of the dispute; form of an arbitration agreement; recourse available to parties from the Courts; appointment, removal and substitution of arbitrators; jurisdiction of the arbitral tribunal; interim measures; procedure for the conduct of an arbitration; formal requirements for a binding arbitral award; grounds for setting aside an arbitral award; means for enforcing an award; and grounds on which enforcement may be declined. The commentary is primarily based on the interpretation of the Act by the Courts. The commentary includes the history of each section of the Act and the source texts in the underlying United Nations Commission on International Trade Law Model Law and statutes in other Model Law jurisdictions. This definitive guide will prove to be of immeasurable value in approaching any arbitration with a seat in Malaysia. In addition to such practical use, it will be relevant for arbitrators, in-house counsel, law firms, companies doing transnational business, interested academics and international arbitration centers.

Applicable Law in Investor-State Arbitration Hege Elisabeth Kjos 2013-03-21 Investment arbitration has become the key forum to settle disputes between investors and the host state. It is not clear from the arbitration agreements which body of law the arbitrators should apply: national or international. This book examines how the legal framework which the arbitral panels operate in influences which body of law they apply.

A Guide to the PCA Arbitration Rules Brooks Daly 2016-12-01 This is a guide to and commentary on the new procedural rules for arbitration adopted by the Permanent Court of Arbitration (PCA) in December 2012. The PCA is a unique arbitral institution - an intergovernmental organization counting over one hundred member states - with a rapidly growing annual caseload of arbitrations involving various combinations of states, state entities, intergovernmental organizations, and private parties. The 2012 PCA Rules are the most recent set of arbitral rules from any institution, and constitute a consolidation of four

sets of PCA Rules drafted in the 1990s, and updated in light of PCA experience and the revision of other procedural regimes. They include special provisions adapted to arbitrations involving public entities and a number of novel provisions drafted on the basis of the PCA's experience administering arbitrations. In recent years, the PCA caseload has expanded to the extent that the total amount in dispute in PCA cases is estimated to be greater than that in any other arbitral institution, increasing the need for a comprehensive guide to arbitration under its auspices. This text benefits from the unparalleled insights of its three co-authors, all of whom are PCA lawyers, one of whom is the Deputy Secretary-General of the PCA, and a member of the drafting committee for the 2012 PCA Rules. An introductory chapter, describing the mandate for the revised rules from the PCA member states, as well as the drafting process itself, is followed by a rule-by-rule analysis following the familiar structure of the rules themselves. This analysis is split into four sections: the introductory rules; the composition of the arbitral tribunal; arbitral proceedings; and the award. The comprehensive appendices are intended to reduce the need for recourse to other materials and provide a stand-alone resource.

International Trade and Investment Law Leal-Arcas, Rafael 2010-05-28 This timely book examines international trade and investment law at various levels of governance, including unilateral, bilateral, regional, and multilateral arrangements.