

# Towards a Uniform International Arbitration Law?

Anne-Vérenique Schloepler, Philippe Pinselle ond Louis Degos editors

# **Towards A Uniform International Arbitration Law**

**Klaus Berger** 

### **Towards A Uniform International Arbitration Law:**

Towards a Uniform International Arbitration Law? Emmanuel Gaillard, Anne Véronique Schlaepfer, Philippe Pinsolle, Louis Degos, 2012-04-01 The growing acceptance of the concept of transnational rules be they substantive or procedural has directly contributed to a substantial decrease of the influence of local norms Transnational principles often override domestic law and the arbitral process sometimes takes precedence over court decisions Moreover the exceptional development of investment arbitration has called into question traditional values of commercial arbitration such as confidentiality and the privity of arbitral proceedings Widespread publication of awards rendered has also rejuvenated the debate on the value of arbitral awards as precedents This book critically explores the extent to which these phenomena contribute to the creation of a truly uniform international arbitration law Towards a Uniform International Arbitration Law? International Arbitration Institute, 2005 Towards a Uniform Approach to Confidentiality of International Commercial Arbitration Elza Reymond-Eniaeva, 2019-06-11 The book deals with confidentiality as one of the most controversial issues in international commercial arbitration On the one hand it is widely recognized that confidentiality is an important advantage of arbitration which contributes to its attractiveness On the other hand there is no uniform regulation in national legislations arbitration rules and other relevant sources as to the scope or even to the existence of a duty of confidentiality A uniform approach to confidentiality of international commercial arbitration is possible. The best way to achieve it would be through harmonization of national arbitration laws which should impose a confidentiality obligation subject to certain exceptions The purpose of maintaining confidentiality would be to protect primarily the parties from undesirable leaks that can be avoided and to protect arbitration as an institution As to a systematic publication of arbitral awards without identifying the parties identity it is desirable and should be the goal The Interpretation and Uniformity of the UNCITRAL Model Law on International Commercial Arbitration Dean Lewis, 2016-03-22 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 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 **Interpretation of Law in the Global World:** , From Particularism to a Universal Approach Joanna Jemielniak, Przemyslaw Miklaszewicz, 2010-04-08 Capturing the Change Universalising Tendencies in Legal Interpretation Joanna Jemielniak and Przemys aw Mik aszewicz International and supranational integration on the European continent as well as the harmonisation of the rules of international trade and the accompanying dev opment and global popularity of the resolution of commercial disputes through arbitration constantly exerts a considerable in uence on modern legal systems. The sources of each of these phenomena are different and their action is dissimilar Each can be described as reaching either from the top to the bottom through the direct involvement of interested States and consequently affecting their internal legal s tems international and supranational integration harmonisation of trade regulations through public international law instruments or bottom up as a result of activity by private parties leading to the achievement of uniform practices and standards ar tration lex mercatoria Nonetheless they both enrich national legal cultures and contribute to transgressing the limits of national local particularisms in creating interpreting and applying the law The aim of this book is to demonstrate how these processes have in uenced the interpretation of law how they have shaped the methods and techniques of the interpretation and with what consequences for the outcomes of the interpretative procedures In assessing the extent of this in uence due regard must be paid to the fact that the interpretation of law is not in principle directly determined by the provisions of law itself The Oxford Handbook of Global Legal Pluralism Paul Schiff Berman, 2020-06-01 This volume brings together leading scholars from around the world to analyze all aspects of legal pluralism offering defenses critiques and applications of legal pluralism to 21st century legal analysis Volume editor Paul Schiff Berman introduces every chapter framing the various approaches and perspectives The result is the first comprehensive review of Global Legal Pluralism scholarship ever produced The Comparative Law Yearbook of International Business 2007 Anita Alibekova, Dennis Campbell, 2007-01-01 The Comparative Law Yearbook of International Business in its 2007 edition treats two major topic areas litigation and dispute resolution and banking and finance The litigation and dispute resolution section examines various issues relating to international arbitration such as the status of non signatories the employment of electronic discovery the use of expert evidence and costs It further surveys the recognition of enforcement of foreign judgments in Italy developments in litigation in Australia Anton Pilar Orders and Internet defamation and Italian conflict of law rules The banking and finance section of the Yearbook examines Austrian

capital maintenance rules bank secrecy in Israel and broker dealer and investment banking strategies Miscellaneous articles deal with Mexicoand's commercial bankruptcy law Slovakiaand's new bankruptcy legislation trade marks and the Madrid Protocol trade mark registration in Hong Kong franchising in Italy data protection Spanish antitrust legislation and cartel **International Arbitration Journal**, 1945 Rome Convention - Rome I Regulation Alexander enforcement in Australia J. Belohlávek, 2011-01-01 As of 17 December 2010 the Rome I Regulation EU Regulation 593 2008 on the law applicable to contractual obligations is directly applicable in all EU Member States with the exception of Denmark The Rome I Regulation replaces the Rome Convention of 1980 in the EU Member States and will apply to all contracts concluded as of 17 December 2010 However and herein lies the utility and great importance of this work the Rome Convention and the Rome I Regulation will be applied in parallel for a significant time to come the author himself anticipates a ten to fifteen year period in the latter case to contracts made after 17 December 2010 This is why this commentary takes into account both sources of law in their mutual interaction and broader context The comprehensiveness of the Rome Convention Rome I Regulation is clearly apparent but one of the great achievements of the author is his amassing of over 1 800 judicial decisions most of which are furnished with a detailed commentary where these decisions apply national laws the latter are cited both in the original and in translation For a number of rulings the commentary include not only a case summary of the facts and an analysis of the conclusions drawn by the court but also takes them as models to hypothesize what conclusions would be reached if the Rome I Regulation were to be applied The Roster of International Arbitrators ,2010 **International Economic Arbitration** Klaus Berger, 1993-05-28 This book provides the international practitioner with detailed information on the status quo of international arbitration law The analysis of domestic arbitration laws together with a view of other major arbitration laws and arbitration rules will lead you to a complete picture of comtemporary arbitral practice Diplomatic and Consular Reports Great Britain. Foreign Office, 1900 The Herald of Peace and International Arbitration .1889

International Legal Materials ,2005 Sessional Papers Great Britain. Parliament. House of Commons,1900

Diplomatic and Consular Reports. Annual Series Great Britain. Foreign Office,1900 Yearbook on International

Investment Law & Policy 2008-2009 Karl P Sauvant, 2009-07-02 Today international investment law consists of a network of multifaceted multilayered international treaties that in one way or another involve virtually every country of the world The evolution of this network continues raising a host of issues regarding international investment law and policy especially in the area of international investment disputes This Yearbook monitors current developments in international investment law and policy focusing in Part One on trends in foreign direct investment FDI international investment agreements and investment disputes with a special look at developments in the oil and gas sector Part Two then looks at central issues in the contemporary discussions on international investment law and policy With contributions by leading experts in the field this title provides timely authoritative information on FDI that can be used by a wide audience including practitioners academics

Unveiling the Magic of Words: A Report on "Towards A Uniform International Arbitration Law"

In some sort of defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their power to kindle emotions, provoke contemplation, and ignite transformative change is actually awe-inspiring. Enter the realm of "**Towards A Uniform International Arbitration Law**," a mesmerizing literary masterpiece penned with a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve in to the book is central themes, examine its distinctive writing style, and assess its profound affect the souls of its readers.

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