



Towards a Uniform International Arbitration Law?

Renée Manóvilgys Schmeppel, Philippe Fouché
and Louis Degea editors

General Editor: Emmanuel Gaillard

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Paul Schiff Berman



Towards A Uniform International Arbitration Law 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 *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 **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 undesirable and should be the goal

Interpretation of Law in the Global World: From Particularism to a Universal Approach Joanna Jemielniak, Przemysław Miklaszewicz, 2010-04-08 Capturing the Change Universalising Tendencies in Legal Interpretation Joanna Jemielniak and Przemysław Miklaszewicz International and supranational integration on the European continent as well as the harmonisation of the rules of international trade and the accompanying development and global popularity of the resolution of commercial disputes through arbitration constantly exerts a considerable influence 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 systems 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 arbitration *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 influenced 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 influence 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 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 Pillar 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 Mexico and its commercial bankruptcy law Slovakia and its 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 enforcement in Australia

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 **International Arbitration Review** James H Carter,2017-09-19 The International Arbitration Review edited by James H Carter of Wilmer Cutler Pickering Hale and Dorr provides an analytical review of what has occurred in each of the important arbitration jurisdictions during the past year capturing recent developments and putting them in the context of the jurisdiction s legal arbitration structure and selecting the most important matters for comment In this book leading practitioners seek to provide current information on both general international commercial arbitration and international investment arbitration treating important investor state dispute developments in each jurisdiction as a separate but closely related topic There are in depth examinations of arbitration in 41 jurisdictions as well as editorial chapters on The Impact of Corporate Taxation on Economic Losses and overviews on ASEAN and Africa Contributors include Bart Legum Michelle Bradfield and Jean Christophe Honlet Dentons James Nicholson FTI Consulting This new and timely publication promises to tackle pressing and present day global concerns and to make valuable contributions to the ongoing dialogue on international arbitration Peter Tomka President International Court of Justice The Hague Comprehensive and topical an excellent reference Professor Christine Mallin University of Birmingham Business School The most discursive and engaging survey of the world of arbitration today Jamie Maples Weil Gotshal Manges LLP **Party-Appointed Arbitrators in International Commercial Arbitration** Alfonso Gómez-Acebo,2016-04-26 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.

International Commercial Arbitration Gary B. Born, 2020-11-23. *International Commercial Arbitration* is an authoritative 4 250 page treatise in three volumes providing the most comprehensive commentary and analysis on all aspects of the international commercial arbitration process that is available. The Third Edition of *International Commercial Arbitration* has been comprehensively revised, expanded and updated. To include all legislative, judicial and arbitral authorities and other materials in the field of international arbitration prior to June 2020. It also includes expanded treatment of annulment, recognition of awards, counsel ethics, arbitrator independence and impartiality and applicable law. The revised 4 250 page text contains references to more than 20 000 cases, awards and other authorities and will enhance the treatise's position as the world's leading work on international arbitration. The first and second editions of *International Commercial Arbitration* have been routinely relied on by courts and arbitral tribunals around the world including the highest courts of the United States, United Kingdom, Singapore, India, Hong Kong, New Zealand, Australia, the Netherlands and Canada and international arbitral tribunals including ICC, SIAC, LCIA, AAA, ICSID, SCC and PCA. e.g. U.S. Supreme Court *GE Energy Power Conversion France SAS Corp v Outokumpu Stainless USA LLC* 590 U.S. 572 (2020); BG Group plc v Republic of Argentina 572 U.S. 25 (2014); Canadian Supreme Court *Uber v Heller* 2020 SCC 16; Canadian S.Ct. *Yugraneft Corp v Rexx Mgt Corp* 2010 1 R.C.S. 649; 661 Canadian S.Ct. U.K. Supreme Court *Jivraj v Hashwani* 2011 UKSC 40; 78 U.K.S.Ct. *Dallah Real Estate & Construction Co. v Bank of England* [2011] UKSC 61; Swiss Federal Tribunal Judgment of 25 September 2014 DFT 5A_165/2014; Swiss Fed. Trib. *Indian Aluminium v Kaiser Aluminium C.A.* No 7019/2005 138 39 142 148 49 Indian S.Ct. 2012; Singapore Court of Appeal *Rakna Arakshaka Lanka Ltd v Avant Garde Maritime Servs Ltd* 2019 2 SLR 131; Singapore Ct. App. PT *Perusahaan Gas Negara Persero TBK v CRW Joint Operation* 2015 SGCA 30; Singapore Ct. App. *Larsen Oil Australian Federal Court Hancock Prospecting Pty Ltd v Rinehart* 2017 FCAFC 170; Australian Fed. Ct. *Hague Court of Appeal Judgment of 18 February 2020 Case No 200 197 079 01 Hague Gerechtshof Arbitral Tribunals* *Lao Holdings NV v Lao People's Democratic Republic* I Award in ICSID Case No ARB/AF/12/6 6 August 2019; *Gold Reserve Inc v Bolivarian Republic of Venezuela* Decision regarding the Claimant's and the Respondent's Requests for Corrections ICSID Case No ARB/AF/09/1 15 December 2014; *Total SA v The Argentine Republic* Decision on Stay of Enforcement of the Award ICSID Case No ARB/04/01 4 December 2014; *Millicom Int'l Operations B.V. v Republic of Senegal* Decision on Jurisdiction of the Arbitral Tribunal ICSID Case No ARB/08/20 16 July 2010; *Lemire v Ukraine* Dissenting Opinion of Jrgen Voss ICSID Case No ARB/06/18 1 March 2011.

The Effect of the 1958 New York Convention on Foreign Arbitral Awards in the Arab Gulf States Reyadh Mohamed Seyadi, 2017-08-21. In the second half of the twentieth century

alongside the evolution of the global economy modern technology rapid transportation and multinational enterprises there was an increased demand for a dispute resolution mechanism that met the needs of traders international trade and economic policy makers Arbitration as an alternative dispute resolution has significantly gained in popularity in the Arab Gulf States over the past two decades or so This is no doubt reason enough to take a closer look at the main theme that defines arbitration in this region National courts of the Arab Gulf states are invariably seen as not very arbitration friendly some possibly even hostile to arbitration Public order alongside the Islamic legal traditions is seen as unruly horse that could possibly undermine the development of international commercial arbitration in this region The contribution in this book will go some way toward dissipating the concerns that are routinely raised about the procedural and practical soundness of arbitration in the Arab Gulf states In addition the book serves to place arbitration in the Arab Gulf states in its present legal systems national laws and courts practices

FIDIC 2017 Nicholas Alexander Brown,2025-01-20 *FIDIC 2017* A definitive guide to claims and disputes is an indispensable resource for professionals engaged with FIDIC contracts It provides comprehensive treatment of the multi tiered dispute avoidance and resolution process within the 2017 FIDIC suite of contracts and includes numerous flowcharts and worked examples

Yearbook on International Investment Law & Policy 2008-2009 Karl P Sauvant,2009-06-19 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 researchers and policy makers

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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

Forum Shopping Despite Unification of Law Franco Ferrari,2021-08-16 Watch the interview with Franco Ferrari on Forum Shopping Despite Unification of Law According to some commentators forum shopping is an evil that must be eradicated It has been suggested that the unification of substantive law through

international conventions constitutes one way to achieve this outcome This book shows that the drafting of uniform substantive law convention cannot prevent forum shopping The reasons are classified into two main categories convention extrinsic and convention intrinsic reasons The former category comprises those reasons upon which uniform substantive law conventions do not have an impact at all These reasons range from the costs of access to justice to the bias of potential adjudicators to the enforceability of judgments The convention intrinsic reasons on the other hand are reasons that relate to the nature and design of uniform substantive law conventions and include their limited substantive and international spheres of application as well as their limited scope of application the need to provide for reservations etc This book also focuses on another reason why forum shopping cannot be overcome the impossibility of ensuring uniform applications and interpretations of the various uniform substantive law conventions Australian Business Law 2012 Paul Latimer, 2011 Includes a clear and concise discussion of key topic areas points of law illustrated by case examples references to legislation and links to relevant government and statutory body websites

The book delves into Towards A Uniform International Arbitration Law Towards A Uniform International Arbitration Law. Towards A Uniform International Arbitration Law Towards A Uniform International Arbitration Law is a crucial topic that must be grasped by everyone, from students and scholars to the general public. The book will furnish comprehensive and in-depth insights into Towards A Uniform International Arbitration Law Towards A Uniform International Arbitration Law, encompassing both the fundamentals and more intricate discussions.

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 - Chapter 4: Towards A Uniform International Arbitration Law Towards A Uniform International Arbitration Law in Specific Contexts
 - Chapter 5: Conclusion
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5. In chapter 4, this book will scrutinize the relevance of Towards A Uniform International Arbitration Law Towards A Uniform International Arbitration Law.

International Arbitration Law in specific contexts. This chapter will explore how Towards A Uniform International Arbitration Law Towards A Uniform International Arbitration Law is applied in specialized fields, such as education, business, and technology.

6. In chapter 5, the author will draw a conclusion about Towards A Uniform International Arbitration Law Towards A Uniform International Arbitration Law. This chapter will summarize the key points that have been discussed throughout the book. The book is crafted in an easy-to-understand language and is complemented by engaging illustrations. This book is highly recommended for anyone seeking to gain a comprehensive understanding of Towards A Uniform International Arbitration Law Towards A Uniform International Arbitration Law.

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that geotechnical core logging comprises the main data source for rock mass characterization which is later converted ... A guide to core logging for rock engineering - RockMass 4.4 Core Logging. Only persons trained and experienced in engineering geology or geotechnical engineering should be allowed to log borehole core. It is ... Core Logging - an overview Core logging is the geological study and recording of drill cores. Records are made on printed sheets (Table 7.2). This covers a general description of the core ... Core Logging and Geotech Our geologists have significant core logging experience with a wide variety of deposit types. We collect the geotechnical data our clients need, ranging from a ... Core Logging Software Developed by and for geologists, CoreCAD™ core logging software improves productivity by allowing direct input of core descriptions into a digital interface. Mechanical and Structural Vibrations: Theory and ... This text offers a modern approach to vibrations. Equal emphasis is given to analytical derivations, computational procedures, problem solving, and physical ... Mechanical Vibrations: Theory and Applications, SI Edition, ... This edition of Mechanical Vibrations: Theory and Applications has been adapted ... structural systems. If uncontrolled, vibration can lead to catastrophic ... Structural Vibrations: H. Ginsberg, Jerry: 9780471370840 Mechanical and Structural Vibrations provides an accessible, modern approach to vibrations that will enable students to understand and analyze sophisticated, ... theory and application to structural dynamics Page 1. Page 2. Page 3. MECHANICAL. VIBRATIONS. Page 4. Page 5. MECHANICAL. VIBRATIONS. THEORY AND APPLICATION TO. STRUCTURAL DYNAMICS. Third Edition. Michel ... Mechanical Vibrations: Theory and Application to Structural ... Mechanical Vibrations: Theory and Application to Structural Dynamics, Third Edition is a comprehensively updated new edition of the popular textbook. Mechanical and Structural Vibration: Theory and Applications by AH Nayfeh · 2001 · Cited by 25 — This book may serve as an excellent basis for courses on linear vibration of one-dof systems, discrete systems, and one-dimensional continua. Especially, the ... Theory and Application to Structural Dynamics (Hardcover) Mechanical Vibrations: Theory and Application to Structural Dynamics, Third Edition is a comprehensively updated new edition of the popular textbook. It ... Theory and Application to Structural Dynamics, 3rd Edition Mechanical Vibrations: Theory and Application to Structural Dynamics, Third Edition is a comprehensively updated new edition of the popular textbook. Applied Structural and Mechanical Vibrations - Theory, ... This book deals primarily with fundamental aspects of engineering vibrations within the framework of the linear theory. Although it is true that in ... Mechanical and Structural Vibrations: Theory and ... Jan 25, 2001 — This text offers a modern approach to vibrations. Equal emphasis is given to analytical derivations, computational procedures, problem solving, ... 7A WORKBOOK ANSWERS 1 Three from: measuring heart beats, temperature, urine tests, blood tests. Accept other sensible responses. 2 The patient has spots. Workbook Answer Key 1 Students' own answers. Page 4. Workbook. Workbook 1 Answer Key 4. Answer Key. 1. Unit 6. 1 sky, land, water. 2. 1 night 2 day. 3. Students' own answers. Lesson ... 9A WORKBOOK ANSWERS Workbook answers. 9F WORKBOOK ANSWERS. 9Fa Demolition. 1 B, C, G. 2 Risk of being ... 1 Most expensive: either rotors or solar cells are acceptable answers. The ... Workbook Answer Key 3

Students' own answers. Lesson 2. 1. 2 air 3 nutrients 4 sunlight 5 space. 2. 2 soil 3 nutrients 4 stem 5 sunlight 6 seeds. 3. 2 T 3 F 4 T 5 T. 4. Pine tree: ... Workbook Answer Key 5 Suggested answer: space, the life of an astronaut, star patterns, the moon. 4 ... Workbook 5 Answer Key 5. Answer Key. 5. Lesson 2. 1. 2 solution 3 solubility 4 ... 8A WORKBOOK ANSWERS 1 Students' own answers, making reference to the need for food for energy and/or growth, repairing the body, health. Some students may list specific ... Answers 3 See Student Book answer to Question 5. (above) although there are no ... 1 Any suitable answer that refers to making space for more plants and animals as ... Answer Key Workbook 2 Workbook 2 Answer Key 5. Answer Key. 2. Lesson 1. 1. What is matter? Matter is everything around us. Matter is anything that has mass and takes up space. What ... WORKBOOK · ANSWER KEY WORKBOOK · ANSWER KEY www.cui.edu.ar/Speakout.aspx • Ciclo de Perfeccionamiento 1 • © Pearson. B1 satisfied 2 exhausted. 3 fascinating 4 embarrassing. 5 ... Introductory Astronomy - 3rd Edition - Solutions and Answers Find step-by-step solutions and answers to Introductory Astronomy - 9780321820464, as well as thousands of textbooks so you can move forward with ...