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Recognition and Enforcement of Foreign Arbitral Awards in Theory and in Practice Ihab Abdel Salam

Amro, 2014-03-26 This book initiates a discussion of the law and practice of recognition and enforcement of foreign arbitral awards in both common law and civil law countries. In terms of law, this book principally focuses on the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958 and the harmony or clash between the New York Convention and national arbitration laws of both common law and civil law countries, including the UK and the USA as common law countries and France, Germany and Greece as civil law countries. In terms of practice, this book deeply and extensively examines the judicial application of the New York Convention in national courts of common law and civil law countries and sheds light on the best practices related to the judicial application of the New York Convention while also highlighting how future disputes can be resolved in national courts. As such, this book provides solutions for salient and recurring problems arising out of the erroneous judicial application or interpretation of the New York Convention by national courts and encourages the adoption of a more liberal regime in favour of the recognition and enforcement of foreign arbitral awards generally and the adoption of a more liberal interpretation of the New York Convention in national courts of both common law and civil law countries, particularly. This book, which is based on more than 100 courts' decisions from common law and civil law countries, is a valuable resource for academics, arbitrators, practicing lawyers, corporate counsels, law students and researchers interested in international commercial arbitration as well as for business professionals involved in international trade and those who are willing to solve their commercial disputes through arbitration.

Interim Measures in International Commercial Arbitration Ajar Rab, 2022-08-09 Interim measures by courts as well as tribunals are often critical to succeed in arbitration proceedings and to effectively safeguard the rights of parties pending the final adjudication of their dispute. This important book comprises a comprehensive review of interim measures in international commercial arbitration granted by courts and tribunals across jurisdictions that have adopted the UNCITRAL Model Law to critically assess the practical fault lines in the Indian arbitration regime. The book provides an in-depth analysis of the following: all reported judgments of the Indian Supreme Court and the High Courts from 1993 to 2022 on issues concerning interim measures; practical application of the UNCITRAL Model Law and the revisions in 2006 by national arbitration statutes of over 80 jurisdictions with respect to interim measures; comparative practice and jurisprudence on interim measures in international commercial arbitration; rules of major arbitral institutions on the power and scope of interim measures granted by tribunals; detailed analysis of different types of interim measures including anti-suit, anti-arbitration injunctions, security for costs and interim measures in aid of foreign seated arbitrations; the standards to be applied and the burden of proof to be demonstrated for each type of measure; and issues of enforcement of interim measures in domestic, international and foreign seated arbitrations. The current position of law in India and the problems plaguing the country's Arbitration and Conciliation Act 1996 (IAA) as amended in 2015 with respect to interim measures are brought into direct comparison with other Model Law

jurisdictions offering an analysis of case laws practical insights and cogent suggestions based on best practices that can be adopted by parties and tribunals The Appendices provide a detailed list of statutory provisions of countries that have adopted the Model Law along with rules of major arbitral institutions on interim measures The author not only describes the current position of law in India and other Model Law jurisdictions on interim measures but also reveals a comprehensive understanding of the requests for interim measures and their enforcement in domestic international and foreign seated arbitrations This book engages in a comprehensive and clear discussion on the fine line between court assistance and court intervention especially in the case of interim measures and suggests draft provisions that India and other jurisdictions can adopt in order to align with the 2006 revisions to the Model Law to foster certainty predictability and efficiency in case of interim measures in international commercial arbitration

ICCA Awards Series, Volume II (2024) Stephan W. Schill, 2025-04-23 The ICCA Awards Series advances ICCA's longstanding mission of providing the international arbitration community with access to significant arbitral awards and related decisions It expands on ICCA's tradition of publishing awards in the Yearbook Commercial Arbitration and features in the present Volume carefully selected awards that demonstrate emerging trends and significant developments in international arbitration practice Volume II 2024 includes anonymized arbitral awards provided by the international Chamber of Commerce ICC and the Arbitration Foundation of Southern Africa AFSA notable awards from the public domain rendered in ad hoc proceedings as well as under the auspices of the Milan Chamber of Arbitration CAM two indexes covering all reported awards a Table of Instruments and an Index by Subject Matter a Compendium of Arbitral Awards published in the past volumes of the ICCA Award Series The ICCA Awards Series is edited by the International Council for Commercial Arbitration ICCA the world's leading organization representing practitioners and academics in the field of international arbitration under the general editorship of Prof Dr Stephan W Schill and with the assistance of the Permanent Court of Arbitration The Hague It is an essential tool for lawyers arbitrators and scholars involved in the practice and study of international arbitration

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