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Now in a fully updated second edition, Rules of Evidence in International Arbitration: An Annotated Guide remains an invaluable reference for lawyers, arbitrators and in-house counsel involved in cross-border dispute resolution. Drawing on current case law, this book looks at the common issues brought up by the evidentiary procedure in international arbitration. Features of this book include: An international scope, which will inform readers from around the world A focus on evidentiary procedure, with extensive case-based commentary and examples Extensive annotations, which allow the reader to locate key precedents for use in practice This book gives essential insight into best practice for practitioners of international arbitration. Readers of this publication will gain a fuller understanding of accepted solutions to difficult procedural issues, as well as the fundamental due process considerations of the use of evidence in international arbitration. V.3: " ... provides a detailed discussion of the issues arising from international arbitration awards. It includes chapters covering the form and contents of awards; the correction, interpretation and supplementation of awards; the annulment and confirmation of awards; the recognition and enforcement of arbitral awards; and issues of preclusion, lis pendens and staredecisis."--Descripción del editor. Written from the perspective of a professional, this study is notable for its deep understanding of history and the nature of international arbitration. Originally published: Stanford University Press, 1929. xvi, 417 pp. The book is divided into five parts. Part I: General Principles of Judicial Settlement between Nations. Part II: Influences working toward Judicial Settlement. Part III: History of Arbitral Tribunals. Part IV: Hague Peace Conferences and their Results. Part V: The Permanent Court of International Justice. "The field of international arbitration, either in its historical or in its analytical aspects, is rather broad. To deal thoroughly with either of them is a serious task; to undertake both at once-to line up, within the limits of a volume of some 400 odd pages, the substantive and procedural rules governing the judicial settlements between nations, as well as to point out the historical growth of these rules, together with the influences, political, social and ethical, under which this growth took place-to accomplish this satisfactorily is almost inconceivable. That the author nevertheless has succeeded in producing a work

which gives the reader the great contours of the history of international arbitration and makes him slightly acquainted with the innumerable problems connected with its development, speaks for the high ability of Judge Ralston and should certainly be acknowledged as an accomplishment."-- Francis Deák, 29 Columbia Law Review (1929) 1173 JACKSON H. RALSTON [1857-1945] was an American diplomat and scholar of international law. He lectured at Stanford University from 1929-1933 and represented the United States as agent and counsel in the first dispute submitted to the Permanent Court of Arbitration at The Hague under the Hague Convention of 1899. He secured a significant victory and large financial award in the Pious Fund case. Settlement of this dispute gave authority to The Hague's new court for international dispute resolution, with Ralston's victory clearly establishing his reputation. He was the author of The Law and Procedure of International Tribunals (1926) and A Quest for International Order (1941). The Jackson H. Ralston Prize in International Law was established at Stanford Law School in 1972. International Arbitration in the United States is a comprehensive analysis of international arbitration law and practice in the United States (U.S.). Choosing an arbitration seat in the U.S. is a common choice among parties to international commercial agreements or treaties. However, the complexities of arbitrating in a federal system, and the continuing development of U.S. arbitration law and practice, can be daunting to even experienced arbitrators. This book, the first of its kind, provides parties opting for “private justice” with vital judicial reassurance on U.S. courts’ highly supportive posture in enforcing awards and its pronounced reluctance to intervene in the arbitral process. With a nationwide treatment describing both the default forum under federal arbitration law and the array of options to which parties may agree in state courts under state international arbitration statutes, this book covers aspects of U.S. arbitration law and practice as the following: .institutions and institutional rules that practitioners typically use; .ethical considerations; .costs and fees; .provisional measures; and .confidentiality. There are also chapters on arbitration in specialized areas such as class actions, securities, construction, insurance, and intellectual property. Written by today’s leading arbitrators and counsel, this remarkably candid guide provides insight into the practitioner’s approach, conduct, style, and techniques that have proven most effective. While the facts and the law are fundamental, a successful outcome is the product of painstaking document review, witness interviews, legal research, strategizing and focusing the case, and developing compelling written and oral presentations. How to properly perform these tasks is the subject of this book. And where the first edition focused mainly on the cultural differences in advocacy performed in various regions of the world, this new edition expands on this theme by addressing each functional aspect of an international arbitration and the techniques that have been developed for good written and oral advocacy. Intended to assist both the novice in learning the techniques of advocacy, and the experienced advocate in improving his skills, this is an essential reference. The establishment of a School of International Arbitration was a sufficiently important occurrence to have brought to London, for its inaugural conference, most of the world's leading experts on international arbitration. The three-day Symposium on March 25-27, 1985 sought to identify and consider the It was not the aim contemporary problems affecting international arbitration. of the Symposium to develop, propose or agree solutions to these problems, but rather to discuss the issues and alternative solutions. The success of the School will be measured in the future by its contribution, through research and teaching, to the development of solutions to the difficulties and uncertainties which reduce the effectiveness of international arbitration agreements and awards and the conduct of international arbitral proceedings. This book reproduces the papers presented at the Symposium (amended and varied by several contributors). It is not considered appropriate here to comment on or analyse paper by paper the ideas presented or discussions which ensued. However, it would be appropriate to make reference to specific developments in the short period since the Symposium directly relevant to the papers reproduced and the discussions which ensued. The pertinence of the subject-matter selected becomes clear from these subsequent developments. Buy a new version of this textbook and receive access to the Connected eBook on CasebookConnect, including: lifetime access to the online ebook with highlight, annotation, and search capabilities, plus an outline tool and other helpful resources. Connected eBooks provide what you need most to be successful in your law school classes. Learn more about Connected eBooks. This important casebook is based on the leading commentary in the field—Born’s treatise, International Commercial Arbitration (Kluwer Law International, 3d ed. 2021). The casebook provides a comprehensive treatment of international commercial arbitration (focused on the New York Convention and UNCITRAL Model Law), while also offering comparative examples drawn from state-to-state and investment arbitration. An easy-to-use chronological structure follows the course of an international arbitration. Careful case excerpts allow instruction to focus on key stages of the arbitration, legal issues and practical aspects of international arbitration, while also providing opportunities for discussions of policy considerations. New to the Third Edition: Comprehensively updated through April 2021 to include: Legislative enactments, judicial decisions, arbitral awards, institutional rule amendments, and other developments Excerpts of, and notes on, GE Power v. Outokumpu Stainless, Enka v. Chubb, Halliburton v. Chubb, ASA Bioenergy v. Ometto, and recent arbitral awards Updates of all leading institutional arbitration rules Notes on ALI Restatement of the U.S. Law of International Commercial and Investor-State Arbitration Revisions to IBA Guidelines on Conflicts of Interest in International Arbitration, proposed UNCITRAL/ICSID Code of Conduct for Adjudicators in International Investment Disputes, and Prague Rules on Efficient Conduct of International Arbitration Proceedings Updated Notes with issues encountered in an international arbitration practice group, including in-person versus remote hearings, arbitrator selection, multi-party arbitrations, and costs Professors and student will benefit from: A text that is: Based on Gary Born’s treatise, International Commercial Arbitration, Third Edition, which is recognized as the leading treatise in the field and is routinely cited in decisions by the U.S., U.K., Canadian, Australian, Indian, and other Supreme Courts Thoroughly international, with materials focused on the New York Convention and Inter-American Convention, and the UNCITRAL Model Law Directed toward international commercial arbitration, while including chapters and materials on investment arbitration and state-to-state arbitration, which can be included with varying levels of emphasis: courses can focus largely on international commercial arbitration or, alternatively, treat all types of international arbitration equally Materials including judicial decisions and statutory materials drawn from all leading jurisdictions (European, Asian, Americas, etc.) and arbitral awards under all leading institutional and other rules A thorough treatment of international arbitration in the United States, under the Federal Arbitration Act Carefully edited excerpts of judicial decisions, awards, institutional arbitration rules, and other materials, to focus instruction and classroom discussion on key issues Notes and questions identify practical issues arising in international arbitration Experienced authors with 35 years of practice as counsel and arbitrator in international arbitrations and close involvement with leading international arbitral institutions Teaching materials Include: Teacher’s Manual Born’s Lectures (available separately, at limited cost, from Wolters Kluwer), together with PowerPoints Because document production can discover written evidence that would otherwise not be available, it is often the key to winning a case. However, document production proceedings can be a costly and time-consuming exercise, and arbitral awards in particular are often challenged on grounds that relate to document production orders. The task of balancing the conflicting interests of the parties in this context is a major responsibility of arbitral tribunals. This book's analysis focuses on whether there exist legal principles on which arbitrators should establish rules of document production in both civil law and common law countries, and shows how international arbitration is affected. The author examines the relevant discretion of arbitral tribunals under US, English, Swiss, German, and Austrian law, and under nine of the most important sets of institutional rules, including the ICC Rules, the LCIA Rules, and the Swiss Rules. The presentation mines case law and legal literature for concepts based on the common expectations of the parties, the legitimate expectations of a party, the duty to balance different procedural expectations of the parties, the presumed intent of the parties, the underlying hypothetical bargain, implied terms, and the arbitrators' discretion. Among the topics and issues investigated are the following: - procedural rules on document production versus procedural flexibility; - how arbitral tribunals can modify the IBA Rules on a case-by-case basis; - discretion granted by legislation in each country covered; - electronic document production; - how to deal with privilege and confidentiality objections; - how to formulate or answer document production requests; - effective sanctions in case of non-compliance with procedural orders of the arbitral tribunal; - what grounds for annulment and non-enforcement a losing party can raise in what countries. Perhaps the greatest benefit of the book is the inclusion of model clauses, commensurate with both civil law and common law expectations. The author explicates the advantages and inconveniences of each model clause, and clarifies the influence of each clause on the efficiency of the proceedings and the enforcement risk. For practitioners, the book not only gives counsel a thorough overview of possible arguments for and against document production, but also assists arbitrators find a way through the jungle of opinions on the interpretation of the IBA Rules. Legal academics will appreciate the author's deeply

informed analysis and commentary and the book's contribution to increasing the predictability of arbitral decisions on document production and showing how issues in dispute can be narrowed by tailor-made rules, thus helping to raise the efficiency and reduce the costs of arbitral proceedings. Redfern and Hunter on International Arbitration is an established treatise on the law and practice of international arbitration, the pre-eminent method for the peaceful resolution of disputes in international trade, investment, and commerce. This book serves as an introduction, following the chronology of an arbitration from the drafting of the arbitration agreement right through to the enforcement of the arbitral award. Written by an author team with extensive experience as counsel and abitrators, the book has been read and cited by international lawyers, arbitrators, and judges, and has become a key learning text for teachers, students, and potential arbitrators in colleges and universities across the world. The seventh edition has been significantly revised to incorporate the latest significant developments in the field, includling changes in investor state dispute resolution, leading court decisions on arbitration matters in a wider number of jurisdictions, changes in the 'soft law' of leading international arbitral institutions and of the International Bar Association, and the impact of the COVID-19 pandemic on the practice of international arbitration. This shorter, paperback edition does not include the appendices. International arbitration is a remarkably resilient institution, but many unresolved and largely unacknowledged ethical quandaries lurk below the surface. Globalization of commercial trade has increased the number and diversity of parties, counsel, experts and arbitrators, which has in turn lead to more frequent ethical conflicts just as procedures have become more formal and transparent. The predictable result is that ethical transgressions are increasingly evident and less tolerable. Despite these developments, regulation of various actors in the system arbitrators, lawyers, experts, third-party funders and arbitral institutions remains ambiguous and often ineffectual. Ethics in International Arbitration systematically analyses the causes and effects of these developments as they relate to the professional conduct of arbitrators, counsel, experts, and third-party funders in international commercial and investment arbitration. This work proposes a model for effective ethical self-regulation, meaning regulation of professional conduct at an international level and within existing arbitral procedures and structures. The work draws on historical developments and current trends to propose analytical frameworks for addressing existing problems and reifying the legitimacy of international arbitration into the future. Présentation de l'éditeur : "In recent years, a growing body of provisions called "protocols," "guidelines," "checklists" or even "rules" has emerged in international arbitration. Unlike national or international law, or institutional arbitral rules, these provisions are not "mandatory" for arbitration participants. They range from provisions that can be incorporated into the parties' agreement to arbitrate to suggestions as to the best practices that arbitrators and other arbitration participants may choose to follow. These materials are often collectively referred to as "soft law." Soft Law in International Arbitration provides a guide to what the editors consider to be the most useful of such materials. The book organizes these materials into five categories, each introduced with commentary by a prominent member of the international arbitration community. Thus, the eighteen documents contained in this book can be regarded as helping to fill in the spaces that substantive law and arbitration rules have intentionally left blank. Soft Law in International Arbitration is an indispensable commentary for practitioners and academics alike." This concise yet comprehensive textbook introduces the reader to the law and practice of international arbitration. Arbitration is a complex field due to the variety of disciplines involved and necessitates an approach that takes nothing for granted. Written by a renowned scholar and practitioner, this book explains the divergent issues of civil procedure, contracts, conflict of laws, international law amongst others in an accessible manner. Focusing mainly on international commercial arbitration, the book also features a distinct chapter on consumer and online arbitration and an equally comprehensive chapter on international investment arbitration. This title provides the reader with immediate access to understanding the world of international arbitration. Arbitration has become the dispute resolution method of choice in international transactions. This book explains how and why arbitration works. It provides the legal and regulatory framework for international arbitration, as well as practical strategies to follow and pitfalls to avoid. It is short and readable, but comprehensive in its coverage of the basic requirements, including changes in arbitration laws, rules, and guidelines. In the book, the author includes insights from numerous international arbitrators and counsel, who tell firsthand about their own experiences of arbitration and their views of the best arbitration practices. Throughout the book, the principles of arbitration are supported and explained by the practice, providing a concrete approach to an important means of resolving disputes. The Association for International Arbitration (AIA) was founded in order to promote Arbitration and increase the level of knowledge about Alternative Dispute Resolutions.This book is the result of a conference held in October 2007.The contributions are written by international experts and based on analytical insights and research of new tendencies that provide in-depth information.The theme is a vital issue for arbitration services users and practitioners and also an interesting topic for scholars and students. The system of international arbitration is built on private contractual relations, yet has been endorsed by governments around the world as a fair and reliable alternative to litigation in State courts. As a private process, however, its authority and legitimacy derive entirely from the views and actions of those involved in the arbitral process, whether arbitrators, counsel, or parties. It is, though increasingly clear that psychological factors complicate, and in some cases radically change, every arbitral proceeding. In this context, psychological insights are crucial for understanding how international arbitration genuinely operates, and whether the legal framework currently applied to it is well-suited to achieving the aims of ensuring a fair and reliable dispute resolution procedure. This is the first book to focus on this important issue: the insights into international arbitration that can be gained from contemporary psychology. With contributions from nineteen internationally known figures in their fields – arbitrators, mediators, lawyers, law professors, psychology professors, psychologists – and drawing from a longer term project on the role of psychology in arbitration, this ground-breaking volume addresses a range of topics, including the following: - the decision-making processes of arbitrators; - the ability of arbitration to serve as a genuine dispute resolution mechanism; - the impact of particular procedures on the arbitral process; - bias, self-deception and vested interests in judgment and decision-making; - the role of arbitrators in managing the arbitral process; - cultural differences in the evaluation of arguments; - psychological influences on witness testimony; - the impact of tribunal composition on arbitral decision-making; - the influence of arbitration’s professional context on arbitrators and legal counsel; and - methods for arbitrators and legal counsel to more effectively manage the arbitral process. Informed by the behavioural insights in these essays, counsel and arbitrators will be enabled to think critically about the underlying assumptions and the potential behavioural effects of a prospective arbitration, while individuals researching arbitration will gain a greater understanding of the psychological context in which every arbitration occurs. This book meets the increasingly recognized need for understanding the role of psychology in arbitral proceedings, and forms an indispensable foundation for subsequent work in this area. Its innovative and forward-thinking analysis will be of immeasurable value to the international arbitration community, as well as to institutions supporting arbitration and to academics in the field. After neutrality and international enforcement, the next most valued feature of international commercial arbitration is confidentiality. For reasons easy to imagine, businessmen do not want their trade secrets, business plans, strategies, contracts, financial results or any other types of business information to be publicly accessible, as would commonly happen in court proceedings. Yet the case law of arbitration shows that in practical terms confidentiality is not to be taken for granted - in fact, it has become one of the most undetermined matters in international arbitration. Although 'the emperor of arbitration may have clothes, ' as one scholar has quipped, his raiments of secrecy can be 'torn with surprising ease'. This book deciphers the current degree of confidentiality in international commercial arbitration as reflected by the most important arbitration rules, national laws, other arbitration-related enactments, and practices of arbitral tribunals and domestic courts globally. Drawing on this data and analysis, the author then sets forth criteria to assess the breach of confidentiality in international arbitration and the proper rules for protecting or sanctioning such breaches. What do we understand by confidentiality in arbitration? What are its limitations? Who is bound to observe it? How can we quantify its breach? In addressing these questions, the book engages such issues as the following: reasons for disclosure - e.g., for the establishment of a defence, for the enforcement of rights, in the public interest or in the interests of justice disclosure by consent, express or implied; circumstances triggering statutory obligation of disclosure; recent trends towards greater transparency in investor-State arbitration; court measures in support of arbitral confidentiality such as award of damages for breach of confidentiality; and categories of persons bound by confidentiality, including third parties such as witnesses and experts. Structured along the main stages of the arbitral process, the analysis covers the duty of confidentiality from the initiation of arbitral proceedings through their unfolding to the issuance of the award and after. The scope of confidentiality is reviewed in the practice of arbitral

tribunals and domestic courts, and from the perspective of international arbitration institutions, with detailed attention to various arbitration rules and numerous significant cases. In its elucidation of the amount of confidentiality that 'veils' each phase of the arbitral process, and its ground-breaking identification of 'patterns of disclosure', this book is sure to raise awareness about the various facets and problems posed by confidentiality in arbitration. Although its scholarly contribution to the law of international commercial arbitration cannot be gainsaid, corporate counsel worldwide will quickly prize its more practical value. IAI Series No. 5 The International Arbitration Institute (IAI) series on international arbitration is a new periodic series of publications that will focus on cutting edge issues and developments in international arbitration. About the IAI: The International Arbitration Institute (IAI), an organization created under the auspices of the Comite Francais de l'Arbitrage (CFA), was created to promote exchanges international arbitration. The IAI is designed to promote exchanges on current issues in the field of international commercial arbitration. Its activities include the regular organization of international conferences, colloquiums, as well as conducting various research projects. About the book: Arbitrators routinely refer in their decisions to awards rendered by other arbitral tribunals that deal with the same issues. However natural it may seem to arbitrators and to parties who will refer to arbitral precedents in an attempt to support their position, such an approach raises many practical and theoretical questions: Is there such a thing as arbitral precedent? What weight should arbitrators give to decisions previously rendered by other arbitral tribunals? Can arbitral "case law" exist without consistency? Does such consistency exist? Is it necessary or simply desirable? What is the respective weight to be given to arbitral and national case law when arbitrators have to decide a case in accordance with a given law? These are some of the questions that this book explores, in the context of both international commercial arbitration and investment arbitration. International Arbitration: Law and Practice (Third Edition) provides comprehensive and authoritative coverage of the basic principles and legal doctrines, and the practice, of international arbitration. The book contains a systematic, but concise, treatment of all aspects of the arbitral process, including international arbitration agreements, international arbitral proceedings and international arbitral awards. The Third Edition guides both students and practitioners through the entire arbitral process, beginning with drafting, enforcing and interpreting international arbitration agreements, to selecting arbitrators and conducting arbitral proceedings, to recognizing, enforcing and seeking to annul arbitral awards. The book is written in clear, accessible language, suited for both law students and non-specialist practitioners, as well as more experienced readers. This highly regarded work addresses both international commercial arbitration and the related fields of investment and state-to-state arbitration and is essential reading for any student of international arbitration and any practitioner seeking a complete introduction to the field. The Third Edition has been comprehensively updated to include recent legislative amendments, judicial decisions and arbitral awards. Among other things, the book provides detailed treatment of the New York Convention, the UNCITRAL Model Law on International Commercial Arbitration, all leading institutional arbitration rules (including ICC, SIAC, LCIA, AAA and others), the ICSID Convention and ICSID Arbitration Rules, and judicial decisions from leading jurisdictions. The Third Edition is integrated with the author’s classic International Commercial Arbitration and with the online Born International Arbitration Lectures, enabling students, teachers and practitioners to explore particular topics in more detail. About the Author: Gary B. Born is the world’s leading authority on international arbitration and litigation. He has practiced extensively in both fields in Europe, the United States, Asia and elsewhere. He is the author of International Commercial Arbitration (Kluwer Law International 3rd ed. 2021), International Arbitration and Forum Selection Agreements: Drafting and Enforcing (Kluwer Law International 6th ed. 2021), International Commercial Arbitration: Cases and Materials (Aspen 3rd ed. 2021) and International Civil Litigation in United States Courts (Aspen 6th ed. 2018). Over the last half-century, as UNCITRAL official, professor, arbitrator and father of the Willem C. Vis Arbitration Moot, Eric Bergsten has been at the forefront of progress in international commercial arbitration. Now, on the occasion of his eightieth birthday, the international arbitration and sales law community has gathered to honour him with this substantial collection of new essays on the many facets of the field to which he continues to bring his intellect, integrity, inquisitive nature, eye for detail, precision, and commitment to public service. Celebrating the long-standing and sustained contribution Eric Bergsten has made in international commercial law, international arbitration, and legal education, more than fifty colleagues – among them quite a few of the best-known arbitrators and arbitration academics in the world – present 45 pieces that, individually both engaging and incisive, collectively present a thorough and far-reaching account of the state of the field today, with contributions covering international sales law, commercial law, commercial arbitration, and investment arbitration. In addition, nine essays on issues in legal education mirror the great importance of the renowned Willem C. Vis International Commercial Arbitration Moot, Eric’s Vienna project which has offered a life-changing experience for so many young lawyers from all over the world. To an extent that may surprise many, international arbitral proceedings are prone to serious interference from the obstructive or even criminal behaviour of interested and‘stakeholdersand’. Numerous anecdotes involving not only bribery and subornation but actual violent threats of retaliation have emerged since the editors of this book addressed an audience at the Vienna Arbitration Days 2010, at which time they used the popular term guerilla and– denoting such tactics as ambushes, sabotage, and intimidation and– to evoke their topic, and called for effective means to combat this undermining of the integrity and popularity of international arbitration. Their call bore fruit, and this collection of contributions by a wide spread of seasoned arbitration practitioners and– the driving forces in their field and– as well as leading academics with distinguished backgrounds and reputations bears powerful witness to the importance of the subject. Going beyond anecdote, these authors adopt an analytic view of guerrilla tactics in arbitration as a broad collective of unconventional means that undermine the mechanismand’s envisioned mode of operation. They offer eminently practical, and‘hands-onand’ discussions that give this topic foundation and elaborate on the issue in detail, from the perspectives of counsel, arbitrators, and arbitral institutions, to the specifics and intricacies of national and international litigation and the role of international institutions, to an intensive discussion on ethics in international arbitration, and and– most importantly and– the way forward. Among the specific topics are the following: dealing with state entities; sanctions available for arbitrators to curtail guerrilla tactics; influence of international institutions; and use of diplomatic channels. The book describes actual experiences from all major legal systems worldwide. Further practical guidance includes details of how to seek assistance from state courts, bar associations, the IMF, and the World Bank. As an invaluable source of knowledge and guidance, particularly as an instrument available to practitioners faced with arbitration guerrillas in jurisdictions all over the world, this book will rapidly become an indispensable handbook for use in difficult factual situations where time and means of recourse are limited. The distinguished international lawyer Michael Pryles, who launched a meteoric career as an arbitrator after many years of teaching and writing on conflicts of law and other topics, has made a mark on arbitral law and practice that is recognized worldwide. In this book, over forty prominent arbitrators and arbitration scholars offer insightful essays on the thorny matters of jurisdiction, admissibility and choice of law in arbitration – topics which have long interested Professor Pryles and are of wide interest. Among the specific issues and topics examined are the following: • res judicata; • investment arbitration; • free trade agreements; • party autonomy; • application of provisional measures; • issue estoppel; • evidentiary inferences; • interim measures; • emergency and default proceedings; • the intersection of financing and jurisdiction; • consolidation of cases; and • non-contractual claims. Remarkable for its roster of highly distinguished contributors, this book is the only in-depth treatment of its subject. By turns thought-provoking and practical, it is bound to appeal to and be put to use by arbitrators and other lawyers who handle international cases. It will also prove of great value to global law firms and companies doing transnational business. International Arbitration: Law and Practice (Second Edition) provides a comprehensive coverage of the basic principles and legal doctrines, and the practice, of international arbitration. It contains a systematic and concise treatment of all aspects of the arbitral process, including international arbitration agreements, international arbitral proceedings and international arbitral awards. The book addresses both international commercial arbitration and the related fields of investment and state-to-state arbitration, and is essential reading for any student of international arbitration and any practitioner seeking a complete introduction to the field. Accolades for Gary B. Bornand’s International Commercial Arbitration (2009 and& 2nd ed. 2014), recipient of the American Society of International Lawand’s 2010 Certificate of Merit: and“An unparalleled book on the law, practice and theory of international commercial arbitration and… indispensable for both practitioners and academics.and” Professor Jack L. Goldsmith III, Harvard Law School and“Stunningly comprehensive, accessible, and bristling with insights: the definitive text on international arbitration.and” Professor Harold Hongju Koh, Yale Law School and“A monumental work of legal scholarship.and” Professor Campbell McLachlan, Victoria University of Wellington and“An

extraordinary combination of both practical experience and academic analysis.and” Professor Dr. Daniel Girsberger, University of Lucerne General Characteristics of Recoverable Damages in International Arbitration /Paul-A. Gélinas --Mitigation of Damages /Alexander S. Komarov --The Expectation Model /Jan Paulsson --The Obligation to Mitigate Damages /Yasuhei Taniguchi --Punitive and Exemplary Damages in International Arbitration /Jacques Werner --Damages in Investor-State Arbitration: Applicable Law and Burden of Proof /Hugo Perezcano Diaz --Recovery of Damages for Breach of an Obligation of Payment /Nayla Comair-Obeid --Means to be Made Whole: Damages in the Context of International Investment Arbitration /Henry Weisburg and Christopher Ryan --Problems of Delay and Disruption Damages in International Construction Arbitration /Mr. Justice Vivian Ramsey --The Parties' Costs of Arbitration /Bernard Hanotiau. States get involved in international affairs either directly or through their instrumentalities. The activities of these instrumentalities raise many issues, two of which have given rise to significant recent developments both in arbitral and domestic case law. The first is whether and under what conditions a State may be held liable for the conduct of such instrumentalities on the basis of an investment treaty. This issue will be the subject of a systematic survey of ICSID and ICC case law and that of other arbitral tribunals so as to identify the circumstances in which such liability may arise. The second issue, which is addressed by State courts, is whether and under what conditions State instrumentalities that have a separate and autonomous legal personality may be held liable for the pecuniary obligations of the State. A comparative law study focusing in particular on solutions found in French, English and U.S. law will provide answers to the question as to whether an award holding a State liable may be enforced against the assets of instrumentalities of that State, where such instrumentalities are prima facie separate juridical persons. After decades of focus on harmonization, which for too many represents no more than Western legal dominance and a largely homogeneous arbitration practitioner community, this ground-breaking book explores the increasing attention being paid to the need for greater diversity in the international arbitration ecosystem. It examines diversity in all its forms, investigating how best to develop an international arbitral order that is not just tolerant of diversity, but that sustains and promotes diversity in concert with harmonized practices. The numerous arbitral regimes around the world differ in subtle yet complex ways. These variations can have a profound effect on the procedural rights and obligations of the parties. Broadly speaking, the choice of regime will impact the way in which an arbitration is conducted; its duration and expense; the outcome of the dispute; and the ultimate enforceability of the award. To inform the parties’ choice, this book is the first to deal specifically and in depth with a broad range of institutional and ad hoc arbitration rules on a comparative basis. It provides a practical guide to the rules in one book—a one-stop shop—from a distinctly “rule” and “guide” point of view. This book has its genesis in the authors’ experience as practitioners and educators in international commercial and investor-state arbitration—and as advisers to, and trainers for, arbitral institutions, arbitrators, judges and government officials around the world. This comprehensive, descriptive and analytical “road map” covers the broad range of issues addressed in nine representative major sets of arbitration rules. The authors detail the distinct ways in which rules governing such important issues as the following may differ among the various arbitral regimes: the governance structure and role of the administering institutions in the arbitration, including case management and administrative support; the critical and recommended issues to be established in the agreement to arbitrate, such as the place of arbitration and the governing law among others; the requirements and best practices for starting the arbitration on the right foot; the procedures for selecting, appointing and challenging arbitrators; the impact of the initial procedural conference on the proceedings; the rules on presenting the case in chief: written submissions, documentary evidence, witness and expert testimony and more; the costs and fees of leading institutions; the procedures and standards for award scrutiny and enforceability; and a range of special and innovative procedures such as expedited proceedings, interim relief and consolidation of proceedings. The comparative analysis is organized around the chronological phases of an international arbitration and supported by rule comparison tables and clear explanations of each step of the process. With this eminently practical book, contract negotiators, counsel and arbitrators can confidently navigate any international arbitration. Thorough coverage of the applicable rules and guidelines enables parties and/or the tribunal to design bespoke arbitration procedures based upon the various rules of leading regimes. Arbitral institutions can survey the different approaches and identify emerging best practices in the design and drafting of arbitral regimes. All in all, this volume is a useful guide and comprehensive framework of rules for both arbitration practitioners and users of arbitration services, as well as for students and teachers of international arbitration. La 4e de couverture indique : ""The last decade has seen an exponential growth in both international commercial arbitration and international investment arbitration. Nevertheless, arbitration proceedings can prove to be very costly, and their funding raises the delicate question of the accessibility of arbitration. The solution offered by third-party funding has undoubtedly become a fact of life in the world of arbitration, despite reservations in some quarters. Although continental countries continue to regard it with suspicion, Anglo-Saxon countries have embraced this solution and have already built up a body of experience in the field. This publication considers the various funding techniques specific to international arbitration before looking at some of the legal issues raised by such funding and the reactions it may arouse among international arbitration practitioners. This publication of the ICC Institute of World Business Law's latest contribution to its Dossiers series on new practices in international arbitration and is inspired by the wish to see those practices develop in a way that is compatible with the basic principles that ensure all parties' rights?" International Arbitration and the COVID-19 Revolution Edited by Maxi Scherer, Niuscha Bassiri & Mohamed S. Abdel Wahab The impact of the COVID-19 pandemic on all major economic sectors and industries has triggered profound and systemic changes in international arbitration. Moreover, the fact that entire proceedings are now being conducted remotely constitutes so significant a deviation from the norm as to warrant the designation ‘revolution’. This timely book is the first to describe and analyse how the COVID-19 crisis has redefined arbitral practice, with critical appraisal from well-known practitioners of the pandemic’s effects on substantive and procedural aspects from the commencement of proceedings until the enforcement of the award. With practical guidance from a variety of perspectives – legal, practical, and sector-specific – on the conduct of international arbitration during the COVID-19 pandemic and beyond, the chapters present leading practitioners’ insights into the unprecedented and multifaceted issues that arise. They provide expert tips and challenges in such practical matters as the following: preventing and resolving disputes of particular types – construction, energy, aviation, technology, media and telecommunication, finance and insurance; arbitrator appointments; issues of planning, preparation and sample procedural orders; witness preparation and cross-examination; e-signature of arbitral awards; setting aside and enforcement proceedings; and third-party funding. Also included are an empirical survey of users’ views and an overview of how the COVID-19 revolution has affected the arbitration rules of leading arbitral seats. With this timely and practical book, arbitration practitioners and scholars will gain up-to-date knowledge of sector-specific challenges brought about by the COVID-19 pandemic and approach arbitration proceedings with an understanding of the most important legal and practical considerations during the crisis and beyond. Irrespective of the increasing harmonization of law at the transnational level, every arbitration raises a number of confl ict of laws problems relating to procedural questions as well as to issues concerning the merits of the case. Unlike a state court judge, the arbitrator has no "lex fori" in the proper sense providing the relevant confl ict rules to determine the applicable law. This raises the question of what confl ict of laws rules to apply and, consequently, of the extent of the freedom the arbitrator enjoys in dealing with this and related issues. The best example of the importance of confl ict of laws questions in arbitration is the Vivendi-Elektrim saga where the outcome of the various proceedings depended on the question of characterization. This very beneficial book is dealing with - the arbitration agreement, - the jurisdiction of the arbitral tribunal, - the law applicable to the merits and - the arbitration procedure. This book comprehensively analyses the relevant legislative practice of all major arbitration venues in the world, as well as the arbitral practice of a number of arbitral institutions. The book proposes an analytical model for the determination of the procedural law of international arbitration, as well as a number of 'model' legislative provisions of substantive and private international law. 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. In this thoroughly researched study of the grounds and procedures involved in challenging an arbitrator, the author provides the first in-depth analysis of the pertinent rules, guidelines, and standards of all the major international arbitration tribunals, as well as relevant issues raised in national case law in the United States, France, England, Sweden and Switzerland. Among the matters addressed are the following: the arbitratorand’s duty to disclose and investigate conflicts of interest; the duty of the parties to investigate and inform the arbitrator of conflicts of interest; the formal and timing requirements of making a challenge; the challenge procedure and effect on the arbitral proceeding; the standard for disqualifying arbitrators; the consequences of a successful challenge; issues of independence giving raise to challenges, including multiple appointments, the arbitratorand’s relationship with a party/counsel in the arbitration and the relationship between the arbitratorand’s law firm and a party/counsel; issues of impartiality giving raise to challenges, including the membership of other tribunals, the conduct of the arbitration and the failure to disclose. In light of the continuing growth of international business and the manner in which it is conducted, this book will be of immeasurable practical value to parties in both business and government, as well as to international law firms and the arbitral community. As a detailed guide to evolving best practice and the general obligation to arbitrate in good faith, it has no peers. For young lawyers and students contemplating a career in international arbitration, understanding what it takes to be successful in the field can seem hidden and mysterious. Here is a book that, in a thoroughly engaging way, unlocks the black box and democratizes access to advice and information via short personal chapters by leading practitioners. Each chapter appears in both English and Spanish. Over forty of the most renowned names in arbitration worldwide offer reflections on life as an arbitration practitioner, highlighting such career opportunities and potential stumbling blocks as the following: balancing work and life; managing coexistence challenges in firms (e.g., the rat race, bullying, burnout, discrimination); preparing for a job interview; promoting disruptive innovation; arbitrating for the State; participating in deliberations; writing arbitral awards; handling dissenting opinions; and developing a personal brand The authors’ exploration of everything from academic work and practical experiences to how they have managed personal pressures will be greatly appreciated by all who seek to thrive in the arbitration market, whether in practice or academia. As an extraordinary compilation about what happens behind the scenes in the international arbitration world, this book will quickly become an essential consultation resource illuminating what it takes to succeed in the field and how best to achieve a meaningful and rewarding career. Its personal success stories reveal what practice in this area of law actually looks like and brilliantly demonstrate ways to foster career development. Assembled from Dispute Resolution Journal - the flagship publication of the American Arbitration Association - the chapters in the Handbook have all, where necessary, been revised and updated prior to publication. The book is succinct, comprehensive and a practical introduction to the use of arbitration and ADR, written by leading practitioners and scholars. The Handbook contains valuable guidance on international commercial arbitration, including the management of arbitration disputes, how to select an international arbitral institution, an explanation of the effect of international public policy, the duties of arbitrators, the presentation and evaluation of evidence in international arbitration, and how to arbitrate against a state sovereign. The enforcement of international arbitral awards is explored, including interim relief and problems with enforcement, the New York Convention, parallel proceedings, and pivotal decisions such as Chromalloy and TermoRio. International mediation is also examined, including guidelines for selecting the best mediator for an international dispute, the power of mediation to resolve international commercial disputes, and the differences in U.S. and European approaches. Lastly, the section on investment and trade arbitration and mediation explores bilateral investment treaties, examines WTO arbitration procedures, offers advice on saving time and money in cross-border commercial disputes, and provides guidance for U.S. investors to follow in dealing with sovereign states. The chapters in the Handbook were selected from an extensive body of writings and, in the main, represent world-class assessments of arbitration and ADR practice. All the major facets of the field are addressed and provide the reader with comprehensive and accurate information, lucid evaluations, and an indication of future developments. They not only acquaint, but also ground the reader in the field. "This important book will be of great interest to arbitration lawyers, international lawyers and business people, as well as to academics, libraries, and students of dispute resolution."--Publisher's website. Peter Ashford provides a unique guide for the understanding and implementation of party representation guidelines in international arbitration. Combining detailed discussion and commentary on the guidelines, this is an invaluable resource for arbitrators and international arbitral institutions around the world in investment and commercial arbitration disputes. The School of International Arbitration of the Centre for Commercial Law Studies at Queen Mary University of London celebrated its 30th anniversary in April 2015 with a major conference featuring presentations by 35 international arbitration practitioners and scholars from many countries representing a variety of legal systems. This volume has emerged from that conference. What is striking is not only the range and diversity of the topics examined but also the emergence of new subjects for examination, demonstrating that arbitration law and practice do not stand still but are constantly evolving. The issues and topics covered include the following: - Evolution of case law and practice in international arbitration; - The concept and autonomy of arbitral award; - Parties in international arbitration; - Parallel proceedings in international arbitration; - Court review of arbitration awards; - Geographic expansion of international arbitration; - Counsel regulation and conflicts disclosures; - The use of technology in international arbitration; - Teaching and research in international arbitration. This superbly organised and edited volume, like earlier conference volumes from the School of International Arbitration, is sure to be welcomed and acclaimed, and like them will prove of lasting value. The Rise of Transparency in International Arbitration is inspired by a joint research conducted in the last years by the Milan Chamber of Arbitration and the Law School of the University Carlo Cattaneo–LIUC, Castellanza, in Italy. The two bodies have shared a common concern in order to increase the use of international commercial arbitration and to develop a proper culture in the field: the need for enhancing transparency and especially for a wider dissemination of arbitral awards. The advantages of arbitration as the main alternative means of dispute resolution are well known and undisputed. Privacy and confidentiality are among them and at the same time among the prevailing features of any arbitral proceedings. However, sometimes users have the feeling to deal with a close and too slow-growing world. The need, if not the request, for a greater accountability of the arbitral world in the whole is more and more widespread. In this context the aim of this book is on the one hand to spur discussion and to shed new light on the traditional idea of confidentiality in international commercial arbitration (and in some other figures alike). Although this idea is sometimes founded upon sound reasons that cannot be ignored or totally set aside, it must be reconsidered by taking into account the rise of transparency. On the other hand, a specific proposal is made in order to step ahead from the current situation, with particular reference to the issue of the publication of the awards. In this respect, the main outcome is the Guidelines for the Anonymous Publication of Arbitral Awards, already adopted and experienced by the Milan Chamber. They are addressed to institutions, practitioners, scholars with the goal to favor the circulation of the awards and of the related decisions. 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 practise 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 practise 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.