Download Ebook International Commercial Arbitration In Latin America Regulation And Practice In The Mercosur And The Associated Countries

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3D2 - ORR HARTMAN

Arbitration is the most common mechanism for disputes' settlement in developing countries. Following the move to free market economies, arbitration will play an increasingly fundamental role in order to protect foreign investors in the Middle East and North African Region (MENA). This book examines the pulse and dynamics of international investment arbitration and the new era of mediation in state contracts in the region. The author explores the harmonization of international arbitration and the sensitive issue of le Contrat Administratif in Middle East civil law countries. The volume also discusses the pivotal role of international organizations such as UNCTAD and ICSID in codifying fair and prompt mechanisms for dispute settlement. Using Latin American countries as a prime example of how international legislative instruments serve international investment law principles and comparing Latin American experiences where appropriate, the book demonstrates how lessons can be learned in respect of alternative dispute resolution, international commercial arbitration and investor-states arbitration. It provides suggestions and recommendations for the future and includes useful appendices detailing recent worldwide trends, regional and international instruments in the arbitration world.

This book presents a country-by-country review of the law, arbitral practice and leading cases on the recognition and enforcement of international commercial arbitral awards in the region.0In a global economy where arbitration has become standard for dispute resolution between commercial entities of different nationalities, the enforcement of international commercial arbitral awards in local jurisdictions is the ultimate bottom-line. Yet even with international conventions in place to facilitate the process, practical information on how Latin American courts enforce international commercial arbitral awards is limited.

Asia has witnessed an extraordinary growth in the use of international arbitration in the past two decades. Arbitration in Asia is an ideal reference to guide practitioners and business people in the proper selection of a suitable arbitral seat or jurisdiction in Asia. The book includes substantive chapters reflecting detailed commentary and analysis on 18 Asian jurisdictions from the area's leading arbitration practitioners and experts. The materials in this looseleaf volume provide a practical reference guide and resource tool for the law and practice of international commercial arbitration in Asia.

Whereas arbitration and non-judicial dispute settlement mechanisms are of growing importance in international economic transactions, their present and future role in financial transactions is not yet fully explored. This timely publication aims to fill this gap in the literature and includes analyses of bank remedies, direct negotiation and mediation in financial and business conflicts, debt renegotiations, restructuring of syndicated loans, arbitration in project financing, and the roles of the ICC, NAFTA and OAS. Some of the expert papers focus in particular on the role of arbitration and dispute resolution in Latin America, Greater China and Russia. Non-Judicial Dispute Settlement in International Financial Transactions is based on the edited and revised papers of an international conference--part of a global series of conferences held in 1999 on the `New International Financial Architecture'--organised by the Law Centre of European and International Cooperation (R.I.Z., Cologne), the Centre for Commercial Law Studies (London), the Asian Institute of International Financial Law (Hong Kong), and the SMU Institute of International Banking and Finance (Dallas).

International Commercial Arbitration in New York focuses on the distinctive aspects of international arbitration in New York. Serving as an essential strategic guide, this book allows practitioners to represent clients more effectively in cases where New York is implicated as either the place of arbitration or evidence or assets are located in New York. Each chapter elucidates a vital topic, including the existing New York legal landscape, drafting considerations for clauses designating New York as the place of arbitration, and material and advice on selecting arbitrators. The book also covers a series of topics at the intersection of arbitral process and the New York courts, including jurisdiction, enforcing arbitration agreements, and obtaining preliminary relief and discovery. Class action arbitration, challenging and enforcing arbitral awards, and biographical materials on New York-based international arbitrators is also included, making this a comprehensive, valuable resource for practitioners.

This is the first of a regular compilation of arbitration awards in cases administered by the International Centre for Dispute Resolution (ICDR) of the American Arbitration Association. The book features articles and commentaries by many leading figures in international arbitration and summaries of important court decisions concerning ICDR arbitration cases in the United States and enforcement of ICDR awards outside the United States. Featuring over a dozen ICDR awards with commentaries, the ICDR Awards & Commentaries also includes articles and casenotes from a prestigious group of authors.

Although negotiation still lies at the heart of international commercial agreements, much of the detail has migrated to the Internet and has become part of electronic commerce. This incomparable one-volume work??now in its sixth edition??with its deeply informed emphasis on both the face-to--face and electronic components of setting up and performing an international commercial agreement, stands alone among contract drafting guides and has proven its enduring worth. Following its established highly practical format, the book’s much-appreciated precise information on a wide variety of issues??including those pertaining to intellectual property, alternative dispute resolution, and regional differences??is of course still here in this new edition. There is new and updated material on such matters as the following: • the need for contract drafters to understand and to use the concepts of “standardization” (i.e., the work of the International Organization for Standardization (ISO) as a contract drafting tool); • new developments and technical progress in e-commerce; • new developments in artificial intelligence in contract drafting; • the possible use of electronic currencies such as Bitcoin as a payment device; • foreign direct investment; • special considerations inherent in drafting licensing agreements; • online dispute resolution including the innovations referred to as the “robot” arbitrator; • changes in the arbitration rules of major international organizations; and • assessment of possible future trends in international commercial arrangements. Each chapter provides numerous references to additional sources, including a large number of websites. Materials from and citations to appropriate literature in languages other than English are also included. In its recognition that a business executive entering into an international commercial transaction is mainly interested in drafting an agreement that satisfies all of the parties and that will be performed as promised, this superb guide will immeasurably assist any lawyer or business executive to plan and carry out individual transactions even when that person is not interested in a full-blown understanding of the entire landscape of international contracts. Business executives who are not lawyers will find that this book gives them the understanding and perspective necessary to work effectively with the legal experts.

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.

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

This initial volume collects and thoroughly indexes selected primary documents essential to a full understanding of the adjudications contained in subsequent volumes. It is designed to be a convenient, stand-along reference valuable in connection with investor-state arbitrations of all kinds. Among the documents compiled are treaties, arbitration rules, and other legal texts relied upon by arbitrators and parties. The work orders the documents in a logical, user-friendly manner, and includes a detailed index and a full bibliography.

The chapters of this volume represent the majority of Professor Carbonneau’s scholarly writings on the subject of international commercial arbitration. They reflect his interest over the course of thirty years of law-teaching in international litigation, comparative law, and-of course - international arbitration. Some of the chapters are of a recent vintage, while others were written a decade or two ago. Whatever their date of production, the chapters have a continuing professional interest. Each addresses some of the major issues of trans-border arbitration law. A number of chapters emphasize the importance of courts in developing and maintaining a legal culture that is hospitable to arbitration. The work of the courts has been instrumental to the reception of arbitration in the United States and in several European jurisdictions. The courts can “make or break” arbitration by upholding arbitration agreements and enforcing arbitral awards. Other chapters underscore that arbitration can operate as a complete legal system. It not only provides workable trial procedures, but arbitrators can also create law in their rulings. With the addition of an internal arbitral appellate mechanism, arbitrations can function with almost absolute independence. The world law on arbitrations seems to favor the “a-national” and “a-juridical” operation of the arbitral process. A few of the chapters recognize that arbitration is being increasingly employed to resolve political or mixed political and commercial disputes. Investment arbitration and BITs are the most recent expression of this development; it had been apparent in WTO and NAFTA dispute resolution. The Iran-U.S. Claims Tribunal presented the first great occasion for assessing the vocation of arbitration in a mixed dispute situation. While arbitration has made significant inroads in this area, political sovereignty remains resistant to the imposition of limitations. In many less visible “political” cases, determinations are nonetheless made and rendered enforceable. The concluding chapters address more specific developments in the field of ICA. A number of cases point to the strong, perhaps overweening, support of the judiciary for arbitration. The courts in some jurisdictions support arbitration unequivocally and are bent upon a single outcome no matter the impact on doctrine. Lawyer presence in the arbitral process has lead to increased formalization in some proceedings. The “judicialization” of arbitration tilts the process toward the protection of rights and hinders its ability to function effectively and reach finality. Lawyers can readily misunderstand and undermine the gra-

vamen of arbitration. The concluding chapters also establish that the UK Arbitration Act 1996 is one of the world's outstanding arbitration statutes. It rivals and bests the UNCITRAL Model Law on ICA and is the equal of the French codified law on arbitration. Finally, the express text of the New York Arbitration Convention appears to have been altered significantly by court practice. The possible limitations of national law have been neutralized and the provisions of the Convention articulate a truly trans-border regulation of the enforcement of awards. In sum, the chapters in this book reflect the author's lifetime work in the area of international arbitration and are required reading for all those practicing in the field- law students, arbitrators, academics and practicing lawyers.

Latin American Investment Protections provides a unique country-by-country discussion of legal protections and dispute resolution/arbitration relating to foreign investment in Latin America, including applicable national laws, international treaties, stabilization regimes and known investor-State disputes.

This volume on the UNIDROIT principles of international commercial contracts provides quick access to all case law and legal literature for specific problems, paired with in-depth scholarly analysis.

In recent years many Latin American countries have liberalized their trade and investment regimes, opening their markets to free international trade. At the same time, regional economic integration has boomed. This book is the first systematic analysis in any language of these globally significant developments, and the first comprehensive legal study of dispute settlement relating to foreign direct investment and trade in the region. Undertaken by an expert in the field, this study describes the current institutional framework of Latin American trade and investment law as well as specialized legal issues in the region's various economic blocs. Among the many issues and topics raised the following may be mentioned: • questions of compliance and procedure in the context of today's international investment regime; • formalized dispute settlement mechanisms; • alternative dispute resolution channels, including dispute prevention practices; • legitimacy and transparency of the various dispute settlement mechanisms; • inclusion of social clauses in trade and investment agreements; and • avoidance of investment treaty liability. In order to offer a most accurate view of the effectiveness of the protection granted to foreign investors, special attention is given to relevant case law – completely covering the period 1985–2015 – as well as arbitral precedents before international bodies and in jurisdictions across the region. The book concludes with a critical examination of the future prospects of international economic law dispute settlement in the Americas, pinpointing current trends and unveiling future possible avenues for change. As an in-depth explication of how the rules and principles of international economic law are applied in Latin America, this book has no peers. For practitioners drafting business agreements with Latin American companies, or needing to ensure availability of appropriate remedies, this book's detailed insight into international litigation in the region, including case law illustrating the main topics, will prove to be of immeasurable value. Professionals in the arbitral community worldwide, as well as governments, dedicated research centres and officials in international organizations will welcome this book's model for comparative integration studies, systematic guidance on procedure and case law of domestic and international courts and arbitral tribunals, and extensive treatment of dispute settlement mechanisms in trade and investment agreements.

Law and Practice of International Commercial Arbitration.

The CISG is a well-known, modern and effective law of sales that has fanned out from Vienna to the four corners of the globe. It has been introduced into the legal system of multiple Latin American countries, some of which are global trade players. This book gives the reader a comprehensive understanding of the Latin American legal approach toward the CISG. It shows that Latin America is provided with numerous experts who are prepared to deal with and apply the CISG to international sales contracts. Their views are supplemented by studies from outside Latin America by other internationally-acclaimed CISG scholars. (Series: International Commerce and Arbitration, Vol. 21) [Subject: Commercial Law, Arbitration Law, Trade Law, Mediation Law, Latin American Law]

Updated and Expended This single volume title is structured on an institution-by-institution basis, rather than as a country-by-country guide. This allows for an unprecedented level of accessibility - currently unavailable elsewhere. This title offers a unique consolidated overview of Latin America's institutions and their dispute resolution procedures. This incomparable book explains in clear English the different dispute resolution procedures of which companies and their counsel can take advantage in the course of doing business. The author pays close attention to the underlying treaties and protocols, some of which are not available in English. Among the many valuable resources provided are the following: an overview of regional and sub-regional institutions relevant to international dispute resolution description of other institutions which provide investment guarantee protection and dispute resolution services, including the Multilateral Investment Guarantee Agency (MIGA), the Overseas Private Investment Corporation (OPIC), and the Inter-American Development Bank (IDB) and its sister institutions insight into the way each institution is structured and how each legislates for its member states analysis of substantive and procedural rights available to investors and states under the rules of each institution rules of operation of supra-national/sitting courts and ad hoc tribunals, including the Inter-American Commission and Court of Human Rights, the Inter-American Commercial Arbitration Commission (IACAC), the Andean Court of Justice, the Caribbean Court of Justice, Mercosur's established arbitral tribunals and Permanent Review Tribunal, and the Central American Court of Justice analysis of major Free Trade Agreements (FTAs), including the Group of Three Agreement, the US-CAFTA-DR, and the proposed Free Trade Area of the Americas (FTAA) investment protection afforded by Bilateral Investment Treaties (BITs) and Free Trade Agreements, with a country-by-country compendium of the BITs and FTAs signed by each Especially valuable coverage includes information that has been dispersed and difficult to locate in English, such as details of MIGA's dispute mediation service and recent changes in Central American Common Market rules.

In this book, The leading experts in international commercial arbitration presented their point of view from their respective countries on the present situation of arbitration in Latin America. They reached the conclusion that international commercial arbitration in Latin American countries is currently in a state of good health, after analyzing: The general ratification of the international arbitration regulatory conventions. The legislative amendments enacted in the different parliaments. The judicial activity in Latin American countries, In which case law, with its inevitable surprises, follows the lines of the best case law in countries familiar with arbitration. The widespread participation on behalf of Latin American companies together with their legal advisors in arbitration proceedings is quite effective, not so much as the defendant party, but in many cases, As aggressive plaintiffs. Many ad hoc arbitrations are being held, but, above all, The statistics from the arbitration administrative institutions demonstrate the importance of arbitration in Latin America. The usage of bi- or multilateral treaties of international public law to protect investments, As a basis for setting up the arbitral proceedings for international private law, confirms the prosperity of arbitral proceedings in Latin America.

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. Key Features: Comparative and thorough analysis of the provisions of the Model Law Consideration of the interpretations of the Model Law adopted by courts, with references to numerous cases from common law jurisdictions (Singapore, Hong Kong, India, Australia, New Zealand, Canada), Germany and Austria, central Europe (Poland, Hungary, Bulgaria), Spain, South Korea and Egypt Insight into variations in the statutory implementation of the Model Law in various jurisdictions across Europe, Asia, the Middle East and Latin and North America, with the most common amendments identified and highlighted Discussion on whether the amendments adopted in Model Law jurisdictions should be persuasive in other Model Law jurisdictions Exploring how the Model Law is applied and interpreted in multiple jurisdictions, this practical and exhaustive commentary will be an essential resource for arbitrators and commercial litigators and will also appeal to scholars in the fields of arbitration, international dispute resolution, and international commercial law.

A companion to Carbonneau on International Arbitration: Collected Essays, the essays in this volume represent the majority of the author's scholarly writings on the topic of U.S. arbitration law. They reflect his three decades of experience as a law professor and as the Editor-in-Chief of the World Arbitration & Mediation Report (renamed Review) and the Journal of American Arbitration. Each one tackles an aspect of the debate about the role of arbitral adjudication in contemporary American society and provides an assessment of the evolution and content of the U.S. law of arbitration. In particular, Carbonneau on Arbitration: Collected Essays examines the work of the U.S. Supreme Court in arbitration and provides a critical, but balanced, assessment of that decisional law. The chapters of this volume represent the majority of the author's scholarly writings on international commercial arbitration over thirty years. The chapters address various major issues and themes of transborder arbitration law, including (1) the importance of courts in developing and maintaining a legal culture that is hospitable to arbitration, (2) arbitration as a complete legal system, (3) the increasing use of arbitration to resolve political or mixed political and commercial disputes, and (4) the "judicialization" of arbitration. Some of the chapters are of a recent vintage, while others were written a decade or two ago. Whatever their date of production, these essays are of continuing interest to practitioners in and scholars of the field.

Based on and includes revisions to : Traité de l'arbitrage commercial international / Ph. Fouchard, E. Gaillard, B. Goldman. 1996--Cf. foreword.

Examines the formation, nature and effect of arbitrators' contract, addressing topics including the appointment, challenge, removal and duties and rights of arbitrators. This book also examines the practice of various jurisdictions including the USA, England, China, Argentina and Nigeria, alongside relevant case law from the ICSID and the PCA.

Bringing together academics and private international lawyers from a wide range of jurisdictions and institutions, this volume explores how private international law can best contribute to the development of the global legal architecture needed to integrate our emerging multicultural world society.

Preface --Welcoming Remarks --Opening Address --Greetings --Arbitration in Settlement of International Commercial Disputes Involving the Far East --Overcoming Regional Differences: Arbitral Practice, Comparative Law and the Approximation of Laws --List of Oral Interventions --List of Written Communications.

As the only complete and systematic treatment on the subject, this book offers the first comprehensive analysis of the Panama Convention, its implementing legislation in the United States, and United States court decisions construing its provisions. By comparing the Panama and New York Conventions, it identifies important differences, such as the Panama Convention's mandatory application of the Rules of Procedure of the IACAC to ad hoc arbitrations and differences in the Conventions' provisions concerning the grounds for recognition and enforcement of arbitral awards. By comparing Chapter 3 of the Federal Arbitration Act with the other provisions of the federal act, this book exposes problems in the implementing law as well as ways in which Chapter 3 improves on the federal law implementing the New York Convention. Through a critical review of Convention jurisprudence in the United States, it highlights at least three areas in which the courts need to do a much better job: the Convention's field of application application of the IACAC Rules differentiation between the New York and Panama Conventions

Arbitration clauses in international commercial contracts are often reused from existing contracts. By so doing, the parties choose to apply, for example, either ad hoc or institutional arbitration and the UNCITRAL, ICC, LCIA, SCC, Swiss or other arbitration rules without necessarily being aware of the consequences. Moreover, parties often assume that an arbitration clause has the effect of excluding any kind of interference from a court of law and of rendering any but the chosen law redundant. This book highlights the specific features of various forms of arbitration and enables lawyers to make informed choices when drafting arbitration clauses. Chapters explain the framework for arbitration, its relationship with national law, and the features of the main arbitration institutions in Europe. The book also highlights new trends in other parts of the world that may have repercussions on the theory of international arbitration.

"Arbitration and mediation in international business was first published in 1996 and was one of the first comprehensive studies on the practice of international business dispute resolution, covering both international commercial arbitration and the so-called ?alternative? techniques such as mediation. The book also provided an empirical analysis of how both arbitration and mediation are conducted in a crossborder context, along with a normative guide to the relative costs and benefits of these two methods. This second edition is not just an updated version of the first edition but a new book in itself: Benefitting from the contributions of two co-authors, the work has been enhanced by discussions of innovative tools for making settlement negotiations more effective, and by the in-depth analysis of practical techniques to integrate mediation and arbitration in international business. Also, a comprehensive new empirical survey was conducted in order to capture new trends in this rapidly developing field. The result is a ?must have? resource for anyone having to deal with potential conflict in international business relationships."--Publisher's website.

Highlights specific features of various international commercial arbitration forms, thus enabling lawyers drafting arbitration clauses to make informed choices.

An examination of arbitral and alternative dispute resolution (ADR) processes in the African context.

International Arbitration in the United States is a comprehensive analysis of international arbitra-

tion 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.

The great strength of the arbitration process lies in its independence from any particular legal culture. Inevitably, its cross-cultural perspective has brought it to the fore as the preferred means of resolving international commercial disputes. The Institute of Advanced Legal Studies in London has done more than any other group to promote and sustain the development of international arbitration and to define the law and practice that has grown up around it. In a series of remarkable public lectures held during its jubilee year, the Institute reasserted its preeminent and creative role in the field of alternative dispute resolution at the international level. These lectures form the basis of the insightful papers assembled in this book. The nine authors bring a truly international perspective to their work. Their combined experience has involved them in arbitration in many countries in Europe, Asia, North America and South America; several of them have in addition had various posts in international diplomacy and in major international organisations. They include Dr Christian Borris, on the civil law versus common law in arbitration culture; Professor Andreas F. Lowenfeld, on the `mix' that creates the international arbitration process; Dr Serge Lazareff, on the search for a common procedural approach; Sigvard Jarvin, who compares the leading international arbitration seats; Jonathon Crook, on arbitration seats in the Far East; Ambassador Malcolm R. Wilkey, on the practicalities of cross-cultural arbitration; Jean Reed Haynes, on the confidentiality of international arbitration; Dr Horacio A. Grigera NaandÓn, on Latin American arbitration Culture; and Dr Bernardo M. Cremades, on how interactive arbitration overcomes the clash of legal cultures. Conflicting Legal Cultures in Commercial Arbitration brings international arbitration as it is currently practised into sharp focus, and will be of great value to all practitioners, academics and students in the field.

Energy projects in Latin America are a major contributor to economic growth worldwide. This book is the first to offer a comprehensive, in-depth analysis of specific issues arising from energy and natural resources contracts and disputes in the region, covering a wide range of procedural, substantive, and socio-legal issues. The book also includes how states have shifted from passive business partners to more active controlling players. The book contains an extensive treatment and examination of the particularities of arbitration practice in Latin America, including arbitrability, public order, enforcement, and the complex public-private nature of energy transactions. Specialists experienced in resolving international energy and natural disputes throughout the region provide detailed analysis of such issues and topics, including: state-owned entities as co-investors or contracting parties; role of environmental law, indigenous rights and public participation; issues related to political changes, corruption, and quantification of damages; climate change, renewable energy, and the energy transition; force majeure, hardship, and price reopeners; arbitration in the electricity sector; take-or-pay contracts; recognition and enforcement of awards; tension between stabilization clauses and human rights; mediation as a method for dispute settlement in the energy and natural resources sector; and different comparative approaches taken by national courts in key Latin American jurisdictions. The book also delivers a clear explanation on the impact made to the arbitration process by Covid-19, emerging laws, changes of political circumstances, the economic global trends in the oil & gas market, the energy transition, and the rise of new technologies. This invaluable book will be welcomed by in-house lawyers, government officials, as well as academics and rest of the arbitration community involved in international arbitration with particular interest in the energy and natural resources sector.

International commercial arbitration has undergone fundamental changes in most countries of Latin America in the last decade, especially in the countries of the MERCOSUR and the associated countries. This manual provides practitioners and scholars alike with quick access to and in-depth analysis of the laws of Argentina, Bolivia, Brazil, Chile (including the new law on international commercial arbitration of September 2004), Paraguay, and Uruguay, as well as of the relevant international treaties, such as the MERCOSUR-Agreements of 1998. The book follows the structure of the UNCITRAL-Model Law, which guarantees easy access to the sometimes complicated national laws. The direct topical comparative analysis provides for a deeper insight than mere country reports. Interviews with nearly 100 judges, lawyers, and scholars assure that the practical reality is well reflected in the analysis. A bilingual annex contains the English translations of all relevant legislation.

"This book, by a leading international arbitration practitioner, offers suggested language for every option that a drafter of an international arbitration clause may need. Following a succinct assessment of the choice between arbitration and litigation and commentary on the choices among arbitration fora and formats, the author presents an accessible how-to for drafting. While other works offer theory and a smattering of drafting tips, there is no other comprehensive collection of workable language, presented accessibly with easy-to-reference appendices. This book will be a standard reference for both in-house counsel and outside practitioners. This book provides, in an accessible format, clauses that address all the significant issues that contracting parties face, and in any event should consider, when they decide to draft a dispute resolution clause for an international contract. Those who wish immediate access to suggested language may turn directly to the Appendices. Those who wish to understand the analysis that leads to the suggested language should read the text."--Publisher's website.

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. - (U.S. S.Ct. 2020); BG Group plc v. Republic of Argentina, 572 U.S. 25 (U.S. S.Ct. 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 & Tourism Holding Co. v. Ministry of Religious Affairs, Gov’t of Pakistan [2010] UKSC 46 (U.K. S.Ct.); Swiss Federal Tribunal – Judgment of 25 September 2014, DFT 5A_165/2014 (Swiss Fed. Trib.); Indian Supreme Court – Bharat 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 & Gas Pte Ltd v. Petroprod Ltd, [2011] SGCA 21, ¶19 (Singapore Ct. App.); 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 Jürgen Voss, ICSID Case No. ARB/06/18, 1 March 2011.

This fully updated new edition provides the best-known practical overview of the law regarding companies, business activities, and capital markets in Europe, at both the European Union (EU) and Member State levels. It incorporates analysis of recent developments including the impact of global initiatives in such aspects of the corporate environment as regulation of financial institutions and non-financial reporting obligations with a view to sustainability and other social responsibility concerns. The authors, all leading experts in European corporate law, describe current and emerging trends in such areas of corporate law practice as the following: - rules on cross-border mergers; - employee involvement in business activities; - the initiatives by the Organisation for Economic Co-operation and Development (OECD) and the EU to curb tax avoidance; - Member States’ implementation of EU legislation; - a company’s freedom to incorporate in a jurisdiction not its own; - competition among the legal forms of different Member States; and - safeguarding of employee involvement in cross-border transactions. With respect to national law, the laws of Belgium, France, Germany, the Netherlands, Poland, Spain, and the United Kingdom are taken into account; Italy is now included in this new edition. As in earlier editions, the authors demonstrate that analysis and comparison of national corporate laws yield highly valuable general principles and observations, not least because business organizations, wherever located, tend to show a fundamentally similar set of legal characteristics. The Third Edition will continue to be of great value to practitioners and academics who wish to acquire a better understanding of European corporate law, in its supranational dimension as well as in the similarities and differences among the various national legal systems.

The scope and importance of International Commercial Arbitration (ICA) has expanded exponentially in the last few decades and has become the natural and logical method to resolve international business and economic disputes. This collective work captures the development of ICA from different perspectives and uniquely brings together the ideas, suggestions and perspectives of in-house counsel as the most important users of ICA, along with outside counsel, arbitrators themselves, and major arbitration organizations who all help provide the service. Most, if not all, of the contributing authors have served as counsel or arbitrator in arbitrations and have further contributed, through their writings, teachings or activities in arbitral and other institutions, to the evolution of ICA covered by this collective work. Accordingly, International Commercial Arbitration Practice: 21st Century Perspectives is an indispensable tool for the reader–practitioner, arbitrator, academic, magistrate or student–not only to obtain useful general information on ICA practice today but to gain insightful views as to the influence of this institution in the settlement of international commercial disputes in specific economic areas, industries and commercial activities. International Commercial Arbitration Practice: 21st Century Perspectives brings the process alive and provides the reader with a useful practice guide whether he or she represents a client participating in an international commercial arbitration, is in-house counsel for a company considering arbitration as a possible method of dispute resolution, or is an arbitrator with cases at hand. The book is organized by Parts which contain thematically related chapters. Part I deals with an overview of key elements in ICA practice and includes chapters on how arbitration is conducted under different legal systems such as common law, civil law, and shari'a law, as well as a chapter on cultural issues in international arbitration. Part II contains geographical regional overviews covering most regions of the world (Western Europe, Russia/NIS countries, Asia (particularly China & Hong Kong and the Indian Subcontinent), Middle East & North Africa, Latin America, the U.S., Canada, and Australia & New Zealand. Part III includes individual industry sector views of how ICA is conducted in individual industry and business sectors such as oil & gas, LNG, mining, construction, telecommunications, satellite communications, intellectual property, sports, banking & finance, insurance & reinsurance, securities, shipping & maritime, corporate shareholder and bankruptcy settings. These chapters are highly instructive because many of them were written by current or former in-house counsel in these industries or, in some cases, by outside counsel who focus on these industries. Part IV of the book describes recent trends at several major global commercial arbitration institutions such as the ICC, ICDR, LCIA, CPR and WIPO. Part V deals with questions of how technology has been changing ICA practice in recent years, including chapters relating to the use of technology by some major arbitral institutions, videoconferencing in ICA, and online arbitration of internet domain name and e--commerce cases.