Recognition and Enforcement of Foreign Arbitral Awards

George A. Bermann 2017-07-17

This book examines how the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, commonly known as The New York Convention, has been understood and applied in [insert number] jurisdictions, including virtually all that are leading international arbitration centers. It begins with a general report surveying and synthesizing national responses to a large number of critical issues in the Convention’s interpretation and application. It is followed by national reports, all of which are organized in accordance with a common questionnaire raising these critical issues. Following introductory remarks, each report addresses the following aspects of the Convention which include its basic implementation within the national legal system; enforcement by local courts of agreements to arbitrate (including grounds for withholding enforcement), recognition and enforcement of foreign awards by local courts under the Convention (including grounds for denying recognition and enforcement), and essential procedural issues in the courts’ conduct of recognition and enforcement. Each report concludes with an overall assessment of the Convention’s interpretation and application on national territory and recommendations, if any, for reform. The New York Convention was intended to enhance the workings of the international arbitral system, primarily by ensuring that arbitral awards are readily recognizable and enforceable in States other than the State in which they are rendered, subject of course to certain safeguards reflected by the Convention’s limited grounds for denying recognition or enforcement. It secondarily binds signatory states to enforce the arbitration agreements on the basis of which awards under the Convention will be rendered. Despite its exceptionally wide adoption and its broad coverage, the New York Convention depends for its efficacy on the conduct of national actors, and national courts in particular. Depending on the view of international law prevailing in a given State, the Convention may require statutory implementation at the national level. Beyond that, the Convention requires of national courts an apt understanding of the principles and policies that underlie the Convention’s various provisions. Through its in-depth coverage of the understandings of the Convention that prevail across national legal systems, the book gives practitioners and scholars a much-improved appreciation of the New York Convention “on the ground.”
between recognition and enforcement and between recognition sought at the seat of the arbitration and outside the seat; - the role of the courts in reviewing arbitral awards and, in particular, the Public Policy Exception's focus on safeguarding due process standards; - the more favourable rights\textsuperscript{a} principle embodied in Article VII(1); - the relevance of forum shopping and asset spotting to the application of the Convention; and - the role of formalities and formalism. The end result is an invaluable work that will prove enormously useful to all international commercial arbitration practitioners and scholars, regardless of location.


The 1958 New York Convention has been called the most effective instance of international legislation in the entire history of commercial law. However, the succinct text of the Convention leaves open a host of significant and complex questions, which may be, and have been, answered in a variety of ways; as difficult cases arise and demand solutions, they generate inconsistent outcomes. For all its remarkable success, the Convention has on occasion proved itself to be unreliable and unpredictable. This book simultaneously exposes the difficulties of the Convention and explores potential solutions. It examines each substantive article of the New York Convention in accordance with the following outline: • the text and its issues; • original intent; • the prism of the rules of interpretation of the Vienna Convention; • judicial outcomes; and • appraisal. By drawing on the Convention’s drafting history in great detail, the book presents a coherent accounting of how the frequently recurring interrogations about the text are reflected (or not) in judicial practice. The author studied more than 1,700 decisions rendered under the Convention since its inception in 1958 in order to provide a succinct selection of landmark cases per article. With its intense investigation of the complex reality underlying contracting States’ commitment in principle and judicial application in fact, the author’s judicial undertakings provide a clear conceptual framework that will help avoid outcomes at odds with the purposes of this important instrument. Lawyers and judges will rely on this book not only to situate the Convention in the national legal orders where it is intended to produce its effects, but also discover practical ways to respond to distinct questions of application.

**Autonomous Versus Domestic Concepts under the New York Convention** - Franco Ferrari 2021-03-09 International Arbitration Law Library # 61 The 1958 New York Convention is universally acclaimed as one of the most important instruments on international commercial arbitration. Although the Convention ensures that contracting States cannot justify failure to comply with their treaty obligations by reference to domestic law, the courts of different contracting States apply the Convention differently. This diverging case law arises from uncertainty as to whether certain concepts employed in the Convention must be construed autonomously or in light of domestic law. This volume concludes with an analysis of the New York Convention as an instrument of uniform law presents insightful contributions by some of the world’s most distinguished academics and practitioners in the field of arbitration and is sure to significantly contribute to arbitral practice and jurisprudence in the Convention’s more than 160 contracting States. With extensive reference to case law from major arbitration hubs, the contributors examine the Convention with the aim of identifying the boundaries between autonomous and domestic concepts. Key elements covered include the following: the role of private international law under the Convention; notions of arbitrability and arbitral award; procedures for the enforcement of awards; nullity, invalidity, and conflict of laws under Articles II(3) and VI(1); the incapacity defence under Article VI(1); deviations from procedure; autonomous boundaries as to what falls under the issue of scope; and public policy under the Convention. The first and only resource of its kind, this book provides an invaluable clarification of the extent to which the Convention leaves room for the application of domestic law and, if so, how to determine which particular domestic law may be applicable. It will be welcomed by counsel, judges, arbitrators, and academics throughout the States that have signed the New York Convention.

**Public Policy Exception Under the New York Convention** - Anton G. Maurer 2013-06-01 The Public Policy Exception under the New York Convention: History, Interpretation, and Application describes in detail the drafting history of the public policy exception of Art. V (2) (b) of the New York Convention in order to determine the purpose the signatory States wanted to achieve with this clause. The book also explains how this clause is applied by the courts in many economically relevant States, and especially in Brazil, Russia, India, and China. In September 2012, the Indian Supreme Court, in a case entitled Bharat Aluminium Co. v. Kaiser Aluminium Technical Service, Inc., announced a long expected decision practically reversing the judgments of Bhatia International and Venture Global and holding that Indian Courts are not permitted to set aside foreign arbitral awards. In this Revised Edition, the author explains and explores the reasoning of the Indian Supreme Court in this landmark decision and discusses the practical implications and consequences. Public Policy Exception under the New York Convention: History, Interpretation, and Application is of importance for all internationally active companies as well as for lawyers and courts. The book aids lawyers and companies in drafting arbitration clauses and in enforcing foreign arbitral awards. Often, judgments will not be enforced abroad, this is especially true with respect to enforcement of foreign arbitral awards. Therefore, internationally active companies and their advisors need guidance on where foreign arbitral awards in their favor will be enforced abroad.


**The Effect of the 1958 New York Convention on Foreign Arbitral Awards in the Arab Gulf States** - Boyadj Mohamed Seyadli 2017-06-21 In the second half of the twentieth century, alongside the evolution of the global economy, modern technology, rapid transportation and multinational enterprises, there was an increased demand for a dispute resolution mechanism that met the needs of traders, international trade and economic policy-makers. Arbitration as an alternative dispute resolution has significantly gained in the Arab Gulf States over the past two decades or so. This is no doubt reason enough to take a closer look at the main theme that defines arbitration in this region. National courts of the Arab Gulf states are invariably seen as not very arbitration friendly, some possibly even hostile to arbitration. Public order, alongside the Islamic legal traditions, is seen as unruly horse that could possibly undermine the development of international commercial arbitration in this region. The contribution in this book will go some way toward dissipating the concerns that are routinely raised about the procedural and practical soundness of arbitration in the Arab Gulf states. In addition, the book serves to place arbitration in the Arab Gulf states in its present legal systems, national laws and courts practices.


**Enforcement of Arbitration Agreements and International Arbitral Awards** - Emmanuel Gaillard 2008 Enforcement of Arbitration Agreements and International Arbitral Awards provides the most exhaustive commentary on the fundamental aspects of the New York Convention. The significant legal developments and associated practice over the last 50 years have been put under the microscope by distinguished academics and practitioners in the area. Each of the 31 chapters provides focused analysis of individual issues with the emphasis on the relevant case law from various Contracting States without ever straying from a global outlook.

**Justice in International Law** - Stephen M. Schwebel 2011-05-19 Since 1947, Stephen M. Schwebel has written some 200 articles and book reviews on topics of international law, international arbitration and international relations. This volume brings together thirty-two of the legal articles and commentaries written since the first volume of his essays was published in 1994. The essays analyze contentious issues of international arbitration and international law such as the place of preparatory work in interpreting treaties, the role of a judge of the nationality of a party to a case sitting in judgment in the International Court of Justice, and the meaning of the term ‘investment’ in ICSID jurisprudence. Together with his unofficial writings, his judicial opinions are catalogued in the list of publications with which this volume concludes.

**New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards** - P. Sanders 1959

**The 1958 New York Convention in Action** - Marike Paulsson 2016-02-24 The 1958 New York Convention has been called the most effective instance of international legislation in the entire history of commercial law. However, the succinct text of the Convention leaves open a host of significant and
The New York Convention—Gerold Zeiler 2019-01-15 Originally drafted during the Cold War era to facilitate trade between Western and Eastern European countries, the European Convention on International Commercial Arbitration (ECICA) has come to the fore in recent years as commercial relationships proliferate between Western Europe and such resource-rich countries as Russia, Ukraine, and Kazakhstan. This commentary is the first comprehensive overview written in English of the Convention’s provisions, annexes, subsequent agreements, and relevant case law and scholarship. Following three introductory chapters—on subjectivity arbitrability, applicable law, and order public in enforcement procedures—the book provides a detailed commentary and analysis of each of the Convention’s articles in turn. Detailed answers will be found to such questions as the following: • Which law is applicable to the substance of a dispute within the Convention’s scope of application? • Can a defective arbitration clause be “saved” and, if so, how? • In which circumstances can awards be enforced which have been set aside in the state of origin? • In which circumstances may courts decide in a matter governed by an arbitration agreement? In contrast to the other major international commercial arbitration body of rules—the New York Convention—the ECICA goes beyond enforcement and recognition of awards and codifies standards of conduct and procedure. These innovative provisions are discussed in depth. Arbitration disputes are increasing across the vast geographical region in which the ECICA is applicable, and practitioners acting in such disputes will welcome this comprehensive overview. Global firms, in particular, will be able to conduct arbitration proceedings, should an arbitration award be set aside in its country of origin, in accordance with the Convention, which is the case in many instances around the world.

New York Convention—Giorgio Gaja 1996 This text is part of the International Commercial Arbitrations service, and includes the text of the New York Convention, a list of ratifications, adhesions and reservations; the European Convention, its implementing legislation in the United States, and United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 10 June 1958 and the Panamanian Convention and Its Implementation Under the Federal Arbitration Act. The book also contains an overview in English of the Convention’s provisions, annexes, subsequent agreements, and relevant case law and scholarship. Following three introductory chapters—on subjectivity arbitrability, applicable law, and order public in enforcement procedures—the book provides a detailed commentary and analysis of each of the Convention’s articles in turn. Detailed answers will be found to such questions as the following: • Which law is applicable to the substance of a dispute within the Convention’s scope of application? • Can a defective arbitration clause be “saved” and, if so, how? • In which circumstances can awards be enforced which have been set aside in the state of origin? • In which circumstances may courts decide in a matter governed by an arbitration agreement? In contrast to the other major international commercial arbitration body of rules—the New York Convention—the ECICA goes beyond enforcement and recognition of awards and codifies standards of conduct and procedure. These innovative provisions are discussed in depth. Arbitration disputes are increasing across the vast geographical region in which the ECICA is applicable, and practitioners acting in such disputes will welcome this comprehensive overview. Global firms, in particular, will be able to conduct arbitration proceedings, should an arbitration award be set aside in its country of origin, in accordance with the Convention, which is the case in many instances around the world.


The Enforcement of Foreign Arbitral Awards—Mostafa Fahim Nia 2017 This book concentrates on the enforcement of foreign arbitral awards under the New York Convention. It is to be noted that the subject is an immense area which allows for an unlimited amount of analysis and discussion. Therefore, the focus will be directed at those key issues which, in the author’s estimation, are most likely to represent the core of recognition and enforcement before the national courts. The importance of this book stems from the importance of arbitration as a peaceful means to settle disputes in the field of international trade. In fact, the effectiveness of international arbitration depends on the enforcement of arbitration awards, since any lack of protection against the losing party. Therefore, the enforcement of foreign arbitral awards is considered as a significantly important subject in the field of international commercial arbitration. The main objectives of this book are: to provide a detailed and comprehensive account of how foreign arbitral awards are recognised and enforced; to identify and analyse the main controversies and complexities in the judicial application of the New York Convention; to cast light on unexplored corners and highlight unanticipated problems; and to suggest ways forward for the legal systems in question. This book seeks also to examine the commitment of the countries towards the application of the New York Convention, particularly with regard to the application of Article V in refusing the enforcement of foreign awards. The use of a comparative method in this book will provide more information for understanding the countries’ attitudes toward foreign arbitration. This method will provide some insight into the differences between domestic and national courts in enforcing foreign arbitral awards, and can be used to deduce the best way to implement the provisions of foreign arbitral awards. It highlights also areas of strengths and weaknesses concerning the law prevailing in each jurisdiction. In this regard, the author would like to state that this is the first comparative study addressing the subject of foreign awards enforcement under the current regimes in almost all countries (common law and civil law countries). Therefore, this book will act as a valuable resource and will enrich the legal library with a contemporary comparative study.

Enforcement of Foreign Arbitral Awards and the Public Policy Exception—Bruno Zeller 2021-07-22 The book presents arguments derived from primary sources related to international arbitration in South Asian jurisdictions, a list of the same is made available therein. The book is a research statement on the contemporary concerns within international commercial arbitration, especially related to enforcement of foreign arbitral awards. Importantly, the book through a unique methodology of interface, presents the gratuities nature of Article 34 of the UNCITRAL Model Law when read with Article V of the New York Convention, especially the plea to the States within Article VII of the same Convention to ease the restrictions and the process of enforceability of foreign arbitral awards. The book also articulates another important immediate need, that of harmonizing the public policy exceptions between the UNCITRAL Model Law, the European Convention on International Commercial Arbitration—the delimitation of public policy exception to recognition and enforcement of foreign arbitral awards. It critiques the jurisprudence related to arbitration in jurisdictions spread across different geographic regions, thereby enabling the reader to gain an insight into their practices, apart from ensuring a comparative perspective. The book addresses the primary concern related to international arbitration—enforcement of foreign arbitral awards and the grounds for challenges articulated within the New York Convention and the UNCITRAL Model Law. It addresses these grounds, and articulates the necessity for carving the criteria for the application of public policy exception. The book will not only be a useful resource for policy makers, students and researchers interested in international commercial arbitration, and private international law, but also for practitioners working on dispute resolution in trans-jurisdictional disputes in South Asia and beyond. “...The present book is not just another book contributing to the endless list of literature already widely used in International Commercial Arbitration on public policy but, in my opinion, is unique in many respects, including valuable for its regional perspective...” -Justice Deepak Verma, Former Judge of Supreme Court of India and Arbitrator “...This book addresses this core element of the success story of arbitration: enforcement and refusal to enforce and, hence, its relevance cannot be overstated...” -Csoongr Nagy, Professor of Law and Head, Department of Private International Law, University of Szeged, Hungary Detailed Forewords are available in the book and can be freely downloaded from https://link.springer.com/book/10.1007/978-981-16-2634-0

International Arbitration—Gary B. Born 2015-03-12 This important casebook is based upon one of the leading books in the field Born's treatise, International Commercial Arbitration. It offers a comprehensive approach to international commercial arbitration (focused on the New York Convention and UNCITRAL Model Law), while providing comparative examples drawn from state-to-state and investment arbitration. An easy-to-use chronological structure follows the course of an international arbitration. Features: Thoroughly revised to reflect amendments to UNCITRAL Rules, ICC Rules and other institutional arbitration rules New sections addressing IBA Guidelines on Party Representation in International Arbitration Revised to reflect amendments to representative national arbitration legislation in France, Singapore and elsewhere Streamlined excerpts of cases and awards, added excerpts of new arbitral awards on selected topics.

The Panama Convention and Its Implementation Under the Federal Arbitration Act—John Bowman 2002-10-09 As the only complete and systematic treatment on the subject, this book offers comprehensive and detailed examination 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 law, 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.

Yemen's Ratification of the New York Convention—Wasim Yahya Al-Jerafi 2013 The United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, also known as the New York Convention, is the backbone of the universal mechanism for the enforcement system of foreign arbitral awards. Despite its universal success, Yemen has yet to ratify the Convention. Although Yemen is introducing new legislation on international arbitration, this legislation fails to provide clear guidance on the grounds for refusal of enforcement of foreign arbitral awards, unlike those listed in Article V of the New York Convention, which constitutes the core of the Convention. This thesis aims to examine the grounds of invalidity of arbitration agreements, and the public policy violation embodied in Articles V(1)(a) and V(2)(b) of the Convention. It adopts doctrinal and functional comparative approaches that comprise theoretical discussion and interpretation, as well as application by the courts of contracting States- paying particular attention to English law and American law. This thesis then also critically analyses the corresponding provisions under the new Yemeni legislation. Through a careful comparative analysis, the thesis also seeks to evaluate the degree of compatibility between the grounds' applications and the relevant principles in operation in Yemen, which are derivative from Islamic Shar‘i‘ah law. The thesis finds that the new Yemeni law on international arbitration has several shortcomings regarding the specific areas of the study, and it makes a set of recommendations for legislative improvement. Moreover, the thesis demonstrates how the Convention is compatible with Shar‘i‘ah principles, thereby showing that there are no considerable barriers to its ratification by Yemen. Ultimately, in order to rectify the shortcomings in Yemen's impending legislation on international arbitration, it is recommended that the Yemeni government considers ratifying the New York Convention. This progressive step will help Yemen adopt a pro-enforcement policy towards foreign arbitral awards and establish Yemen as an arbitration-friendly jurisdiction.

Enforcement of Foreign Arbitral Awards and Judgments in New York—Andreas A. Frischknecht 2016-04-24 Merely obtaining a favorable arbitral award or judgment at the end of a dispute holds little value unless the prevailing party is able to enforce it. This book, more thoroughly than any other source, shows creditors how to leverage New York—a leading global financial center known for its pro-enforcement policies and the powerful discovery tools it makes available to creditors. No other resource explores the current state of the law in New York as comprehensively as this book. Beyond its sheer practical significance given the likelihood of investing millions of dollars in a New York transaction, this book provides creditors and their counsel with the critical information they need to define their global enforcement strategy and facilitate their enforcement efforts not only in New York but potentially worldwide. Among the issues and topics that the book tackles are the following: • review of the fundamentals of U.S. practice and procedure for non-New York practitioners; • easy to understand, jargon-free explanation of the often daunting state and federal procedures for enforcement; • up-to-date, clear presentation of the relevant case law, including key state and federal decisions; • explanation of how state and federal laws intersect with international law; • review of significant recent developments impacting a creditor’s ability to reach foreign defendants and their assets outside the U.S. in post-judgment execution proceedings; and • comprehensive advice on the practicalities of executing a judgment. Given the critical role New York plays in a host of cross-border transactions and its status as a hub for worldwide judgment and award enforcement, the demand to better understand the laws and judicial system within the state has never been higher. This comprehensive yet practical guide to navigating award and judgment enforcement in New York provides the understanding both the basics and the nuances in this area that is critical for any domestic or international practitioner when advising a client as to the likelihood of collection in or through New York.

Rethinking the New York Convention—Wen Shen 2013 The New York Convention is regarded as one of the most successful treaties in the past 55 years. Its simplicity and brevity in wording, but complexity and diversity in application, have triggered endless discussions, debates, and writings. Rethinking the New York Convention: A Law and Economics Approach offers, for the first time, a unique jurisprudence-oriented analysis by applying two major analytic approaches, namely Darwinian legal theory and game theory. Four key topics are examined in detail: the evolution of the treaty, the competition among various jurisdictions, lex mercatoria and governing law in arbitration, and the doctrine of public policy. This choice of key topics offers the opportunity to look into these so-called core dilemmas surrounding the New York Convention from different angles, inspiring the reader to think outside the box. In addition, against the background of the current financial crisis, this book reconsiders the New York Convention in the context of global governance and discusses the need for a reform of the existing regime of cross-border transactions and activities. It explores the topic in a refreshing style and will be useful for anyone who is interested in arbitration or law and economics. (Series: European Studies in Law and Economics - Vol. 11)


Online Arbitration in Theory and in Practice—Ihab Abdel Salam 2021-10 This book presents an overview of online arbitration and electronic contracting worldwide, examining their national and international contexts, and assessing their ongoing relevance. It offers solutions to the salient challenges facing both online arbitration and electronic contracting, dealing first hand with online arbitration as an online dispute resolution technique for solving both traditional and electronic commerce disputes that may arise out of the breach of contractual obligations in international commercial contracts, while also comparing between common law and civil law countries. In the theory of law, this book analyses the international legal framework that regulates e-commerce, and its impact on electronic contracting, including Model Laws and International Conventions such as the Model Law on Electronic Commerce of 1996 and the Electronic Communications Convention of 2005. It also investigates whether the UN Convention on Contracts for the International Sale of Goods of 1980 applies to e-commerce contracts. In addition, it extensively examines the possibility for the enforcement of online arbitration agreements and online arbitral awards under the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958. Regarding the practice of law, the volume examines how national courts apply both national laws and the New York Convention of 1958 when dealing with the enforcement of online arbitration agreements, and whether courts apply the provisions of national laws of arbitration literally. As such, it encourages the adoption of a more liberal judicial regime in favour of the enforcement of online arbitral awards and online arbitration agreements in national courts. This book represents a valuable resource for academics, arbitrators, practicing lawyers, corporate counsels, law students, researchers, and professionals who are willing to solve their cross-border commercial disputes through online arbitration.


The Delegate from New York—John Lansing 1967

National Interest and International Aviation—Erwin von den Steinen 2006-01-01 Many of the problems and opportunities facing society today are determined by issues of mobility. Access to people, products, information and resources has emerged as a priority in the foreign policies of most states. Inevitably, considerations of national interest have played a central role in the structure and operations of the international aviation system. Meanwhile, air transport has been a catalyst for the phenomenon of globalization. This first in-depth exploration of the vital relationship between aviation policy and national interest in todays global economy focuses on those areas of concern where the international community has common ground or where conflicts of interest are most likely to arise. Revealing deeply informative perspectives gained over decades of distinguished public service in many areas of aviation policy, Erwin von den Steinen reviews the rules that govern the conduct of commercial air services between nations and considers the prospects of aviation in the 21st Century. He explains how timely understanding of national interest can provide a context for global and local policy to connect, and why the international aviation system is vital for the peaceful and sustainable development of modern states and societies. With such insights and powerful, practical recommendations, von den Steiness analysis will be of enormous value to those concerned with air transport, from technical research and design to the highest levels of government, as well as to
Arbitration in Egypt-Ibrahim Shehata 2021-10-05 Egypt, and in particular the Cairo Regional Centre for International Commercial Arbitration (CRI/CA), has clearly cemented its status as a preferred seat for arbitration cases in both the Middle East–North Africa (MENA) region and the African continent. To assist parties with a need or desire to arbitrate disputes arising in these regions - whether commercial or investment – this incomparable book, the first in-depth treatment in any language of arbitration practice under Egyptian law, provides a comprehensive overview of the arbitration process and all matters pertaining to it in Egypt, starting with the arbitration agreement and ending with the recognition and enforcement of the arbitral award. Citing more than 2,500 cases – both awards and arbitral-related court judgments – the book’s various chapters examine in detail how Egypt’s arbitration law, based on the UNCITRAL model law, encompasses such internationally accepted arbitral provisions and aspects as the following: application of the New York Convention; concept of arbitrability; choice of applicable law; formation of the arbitral tribunal; selection of arbitral rules, liability of arbitrators, and arbitration procedures; evidence and experts and burden of proof; form and content of arbitral awards; annulment and enforcement procedures; interaction between Sharia law and arbitration; role of Egypt’s Technical Office for Arbitration (TOA); and judicial fees. Special issues such as third-party funding and public policy as well as particular areas of dispute such as construction, sports, real estate, labor and employment, tax, competition, intellectual property, and technology transfer are all covered. The author offers practical guidelines tailored to arbitration in these specific areas of law. An added feature is the many figures and other visuals that accompany the text. For whoever is planning to or is currently practicing arbitration in the Middle East, this matchless book gives arbitrators, in-house counsel and arbitration practitioners everything that is needed to answer any question likely to arise. This book should be on the shelf of every practitioner and academic wishing to comprehend arbitration in Egypt as construed by the Egyptian Courts.

The Principles and Practice of International Commercial Arbitration- Margaret L. Moses 2008-03-17 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. As the book explains, the reason why arbitration works is that 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, yet 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 American Influence on International Commercial Arbitration- Pedro J. Martinez-Fraga 2020-06-30 As in its first edition, this book traces the contours of select US common law doctrinal developments concerning international commercial arbitration. This new edition supplements the foundational work contained in the first edition in order to produce a broader and deeper work. The author explores how the US common law may help bridge cross-cultural legal differences by focusing on the need to address these contrasting approaches through the nomenclature and goal of securing equality between party-autonomy and arbitrator discretion in international commercial arbitration. This book thus focuses on the common law developments that have shaped the arbitral community, the role of initiative and –autonomy forming part of the US common law discovery rubric that may contribute to promoting expediency, efficiency and transparency in international commercial arbitration proceedings. It does so by carefully analyzing, among other things, the International Bar Association (IBA) Rules on Evidence Gathering, the Prague Rules, and the role of 28 USC §1782 in international arbitration.

UNCITRAL Model Law on International Commercial Arbitration-Ilias Bantekas 2020-03-05 This book provides a comprehensive commentary on the UNCITRAL Model Law on International Arbitration. Combining both theory and practice, it is written by leading academics and practitioners from Europe, Asia and the Americas to ensure the book has a balanced international coverage. The book not only provides an article-by-article critical analysis, but also incorporates information on the reality of legal practice in UNCITRAL jurisdictions, ensuring it is more than a recitation of case law and variations in legal text. This is not a handbook for practitioners needing a supportive citation, but rather a guide for practitioners, legislators and academics to the reasons the Model Law was structured as it was, and the reasons variations have been adopted.

International Arbitration: Law and Practice-Gary B. Born 2021-06-07 This 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. This 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 interpreting arbitral awards. In addition, 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 comprehensive 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 the United States Courts (Aspen 6th ed. 2018).


International Commercial Contracts-Giulitta Cordero-Moss 2014-05-29 Any practising lawyer and student working with international commercial contracts faces standardised contracts and international arbitration as mechanisms for dispute settlement. Transnational rules may be applicable, but national law is still important. Based on extensive practical experience, this book analyses international contract practice and its interaction with the various applicable sources: which role is played by the contractual regulation, which by national law, which by transnational sources, what is the interaction among these factors, and how does this all apply to contracts that refer disputes to international arbitration?

The UNCITRAL Model Law after Twenty-Five Years: Global Perspectives on International Commercial Arbitration-Frédéric Bachand 2013-08-01 The UNCITRAL Model Law after Twenty-Five Years: Global Perspectives on International Commercial Arbitration is a celebration of the Model Law’s significant contribution to international arbitration law. It assesses and evaluates the Model Law’s impact on the development of a universal arbitration law for a complex and mobile transnational community of lawyers, judges and arbitrators. Written from the perspective of counsel,
arbitrators, legislators and judges, this collection is bold in its coverage of Model Law practice. It considers questions of legislative implementation; pre-award issues such as the review of arbitral jurisdiction and the production of evidence; post-award issues such as judicial review of arbitral awards; interpretation and harmonization methods; and questions of future reform. This is one of the only books on the market that considers the application of the UNCITRAL Model Law in both great depth and breadth, and from multiple perspectives. It provides critical assessments and evaluations of the impact that the Model Law has had after 25 years in various aspects of the arbitral process. The issues covered pertain to both substantive and procedural elements; theoretical and practical; historical and evolutionary. The UNCITRAL Model Law after Twenty-Five Years: Global Perspectives on International Commercial Arbitration adopts a comparative approach and covers practice in nearly all Model Law countries and many others. As a seminal critique of the progress that the Model Law has made to date, this collection of articles will be of great benefit to judges, arbitrators, lawyers, academics and anyone interested in the future of international commercial arbitration.