



The Principles and Practice of International Commercial Arbitration

Fourth Edition

MARGARET L. MOSES

CAMBRIDGE

The Principles And Practice Of International Commercial Arbitration

Peter Ashford



The Principles And Practice Of International Commercial Arbitration:

The Principles and Practice of International Commercial Arbitration Margaret L. Moses, 2024-02 This book provides immediate access to the world of international commercial arbitration which is the favoured method of international dispute resolution

The Principles and Practice of International Commercial Arbitration Margaret L. Moses, 2017-04-06 Arbitration has become the dispute resolution method of choice in international transactions This book provides the reader with immediate access to understanding the world of international arbitration explaining 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 the most recent changes in arbitration laws rules and guidelines The third edition includes new sections on state to state arbitration the role and power of the arbitrator reform efforts in international investment treaties transparency in international arbitration and third party funding 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 best 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 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 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

Law and Practice of International Commercial Arbitration Alan Redfern, 2004 Highly acclaimed by practitioners all over the world Law Practice of International Commercial Arbitration has deservedly become the leading text in its field With its comprehensive review of the legal context within which international commercial arbitration operates Redfern Hunter is the ultimate user friendly explanation of how arbitration and in particular international commercial arbitration works The 4th edition has been expanded to give a wider global scope to the work Readers can also benefit from the expert insight and advice of world renowned international practitioners international practitioner Contains a comprehensive review of the international commercial arbitration process from start to finish Includes commentary on suitable places of arbitration developments in international trade law and the increasing harmonisation of national laws governing international arbitration Appendices include the major international

rules of arbitration and conventions Explains how arbitration should be conducted to be cost effective and profitable Fully updated to take account of the latest developments all over the world including a new chapter on investment arbitrations

International Commercial Arbitration and the Arbitrator's Contract Emilia Onyema, 2010-04-05 This book examines the formation nature and effect of the arbitrators contract addressing topics such as the appointment challenge removal and duties and rights of arbitrators disputing parties and arbitration institutions The arguments made in the book are based on a semi autonomous theory of the juridical nature of international arbitration and a contractual theory of the legal nature of these relationships From these premises the book analyses the formation of the arbitrator s contract in both ad hoc and institutional references It also examines the institution s contract with the disputing parties and its effect on the arbitrator s contract under institutional references The book draws from national arbitration laws and institutional rules in various jurisdictions to give a global view of the issues examined in it The arbitrator s contract is analysed from a global perspective of arbitral law and practice with insights from various jurisdictions in Africa Asia Europe North and South America The primary focus of the book is an analysis of the formation of the arbitrator s contract and the terms of this contract and the institution s contract The primary question of the consequences if any of the breaches of the terms of these contracts and its impact on the exclusion or limitation of liability of arbitrators and institutions is also analysed with the conclusion that since these transactions are contractual and the terms can be categorised as in any normal contract then normal contractual remedies can be applied to the breaches of these terms *International Commercial Arbitration and the Arbitrator s Contract* will be of great value to arbitration practitioners and researchers in arbitration It will also be very useful to students of arbitration on the topics of arbitrators and arbitration institution

International Commercial Arbitration Simon

Greenberg, Christopher Kee, J. Romesh Weeramantry, 2011-01-17 There has been an exponential rise in the use of ICA for resolving international business disputes yet international arbitration is a scarcely regulated specialty industry *International Commercial Arbitration An Asia Pacific Perspective* is the first book to explain ICA topic by topic with an Asia Pacific focus Written for students and practising lawyers alike this authoritative book covers the principles of ICA thoroughly and comparatively For each issue it utilises academic writings from Asia Europe and elsewhere and draws on examples of legislation arbitration procedural rules and case law from the major Asian jurisdictions Each principle is explained with a simple statement before proceeding to more technical theoretical or comparative content Real world scenarios are employed to demonstrate actual application to practice *International Commercial Arbitration* is an invaluable resource that provides unique insight into real arbitral practice specific to the Asia Pacific region within a global context

Discourse and

Practice in International Commercial Arbitration Christopher N. Candlin, 2016-05-23 It is increasingly held that international commercial arbitration is becoming colonized by litigation This book addresses in a range of ways and from various locations and sites those aspects of arbitration practice that are considered crucial for its integrity as an institution

and its independence as a professional practice The chapters offer multiple perspectives on the major issues in play highlighting challenges facing the institution of arbitration and identifying opportunities available for its development as an institution The evidence of arbitration practice presented is set against the background of practitioner perceptions and experience from more than 20 countries The volume will serve as a useful resource for all scholars and practitioners interested in the institution of arbitration and its professional practices The fundamentals of international commercial arbitration Niek Peters,2017-10-30 Written from a comparative perspective with an eye for international conventions and instruments this book deals with the particulars of international commercial arbitration In an easily accessible manner it amongst others considers the characteristics of international commercial arbitration advantages and perceived disadvantages of international commercial arbitration pros and cons of ad hoc and institutional arbitration laws applicable in international commercial arbitration essentials of the arbitration agreement and questions of arbitrability the establishment and composition of the tribunal the duty to disclose conflicts of interests and the challenge of arbitrators the end of the arbitrators mandate and their replacement the organisation of the arbitration powers duties and liability of arbitrators the jurisdiction of arbitrators the course of the arbitration proceedings from the request for arbitration to the award including questions of evidence and document production the form and contents of awards recognition enforcement and annulment of awards Everything is presented practically and analytically amongst others drawing on case law different and the experience of the author Where indicated national arbitration acts as well as various predrafted arbitration rules are compared and differences are highlighted For those who want to get acquainted with international commercial arbitration or seek guidance with regard to a specific question that may arise in the course of an international commercial arbitration this book provides a convenient work *Fouchard, Gaillard, Goldman on International Commercial Arbitration* Philippe Fouchard,Berthold Goldman,1999-09-02 Based on and includes revisions to *Trait de l arbitrage commercial international* Ph Fouchard E Gaillard B Goldman 1996 Cf foreword International Commercial Arbitration Jack J. Coe,1997 This practical handbook of the principles procedures of international commercial arbitration gains in usefulness prestige each year Emphasizing the features of American law that pervade international practice in this field it is of inestimable value to practitioners both in outside the United States Introductory chapters on the international business environment alternative dispute settlement methods apart from arbitration are followed by a general presentation of common themes in international commercial arbitration The author then provides an introduction to the American system for the foreign reader Further chapters cover the arbitration agreement its enforcement drafting considerations for the arbitral clause a survey of arbitral institutions judicial assistance for arbitration aspects of arbitral proceedings the powers functions of the arbitral tribunal Matters relating to the award are also covered a final chapter deals with the particular situation of the State as a party to arbitration

International Arbitration and International Commercial Law Eric E. Bergsten,2011-01-01 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

International Commercial Agreements William Fox,Ylli Dautaj,2023-12-05 Precise planning drafting and vigorous negotiation lie at the heart of every international commercial agreement But as the international business community moves toward the third decade of the twenty first century a large amount of the detail of these agreements has migrated to the Internet and has become part of electronic commerce This incomparable one volume work now in its seventh edition begins by discussing and analyzing all the basic components of international contracts regardless of whether the contracting parties are interacting face to face or dealing electronically at some distance from each other The work stands alone among contract drafting guides and has proven its enduring worth Using an established and highly practical format the book offers precise information and analysis of a wide variety of issues and forms of agreement as well as the various forms of international commercial dispute resolution The seventh edition includes new and updated material on a large number of issues and concepts such as new developments and technical progress in electronic commerce the use of concepts of standardization i e the work of the International Organization for Standardization as a contract drafting tool new developments in artificial intelligence in contract drafting the use of cryptocurrencies as a payment device expedited arbitration early neutral evaluation and digital procedures for dispute resolution online dispute resolution including the phenomenon of the robot arbitrator and foreign direct investment investment law and investor state dispute resolution Each chapter provides numerous references to additional sources including websites journal articles and texts Materials from and citations to appropriate literature and languages other than English are included Recognizing that business executives entering into an international commercial transaction are mainly interested in drafting and negotiating an agreement that satisfies all of the parties and that will be performed as promised this superb guide will measurably assist any lawyer or business executive in planning and implementing contracts and resolving disputes 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 legal experts

Taming the Guerrilla in International Commercial Arbitration Navin G. Ahuja, 2022-05-23 The book explores the definition and nature of guerrilla tactics in international commercial arbitration It analyses various such tactics deployed pre Covid and during Covid times and portrays them in a way that enables one to visualise how and possibly why they might be deployed Attempts to codify ethical standards and rules regulating the behaviour of legal representatives in international arbitration are examined The book covers a range of culture clashes addresses several elephants in the room and looks at factors inherent in the arbitral process that create opportunities and increase temptations to misbehave It considers the remedies and sanctions available in international arbitration and compares them to those available to the courts in civil litigation In addition to recommendations for future research the book offers solutions to curb the problem in line with party autonomy and with a critical analysis This manuscript is an essential solutions based text that not only addresses a comprehensive range of modern day guerrilla tactics in international commercial arbitration but also offers thoughtful methods to deal with the shenanigans that parties may bring to the arbitral process Chiann Bao Independent Arbitrator Arbitration Chambers and Vice President of the International Chamber of Commerce Court of Arbitration Dr Ahuja s book is a thoughtful and highly practical contribution to the study of procedures in international commercial arbitration It is replete with scholarly analysis careful treatment of authority pragmatic insights and policy discussions Any practitioner or student of international arbitration would benefit from this volume Gary Born Author International Commercial Arbitration 3d ed 2021 A highly readable and informative book which identifies and analyses the numerous guerrilla tactics parties may attempt to deploy in international commercial arbitration the factors which may encourage such behaviour and practical mechanisms to keep the proceedings on track Both erudite and practical this book is a must read for parties counsel and arbitrators alike Prof Benjamin Hughes Independent Arbitrator The Arbitration Chambers Guerrilla tactics are a pertinent problem in arbitration Dr Ahuja s well written book not only describes the various tactics in a succinct way but provides extremely useful guidance on how to tackle them It will be a primary source of reference for every practitioner faced with such tactics Prof Dr Stefan Kr ll Chairman of the Board of Directors of the German Arbitration Institute DIS Taming the Guerrilla in International Commercial Arbitration offers a refreshingly candid and balanced discussion of sharp practices in international arbitration The book collects a wealth of information on guerrilla tactics previously only available in separate survey reports articles and guidelines on the topic It additionally includes a chapter addressing tactics deployed in virtual or remote arbitrations due to the Covid 19 pandemic The comprehensive research and analysis presented in this book make it a valuable resource to counsel parties arbitrators academics and those who deliver practical arbitration training A must read for those who want to better understand the practices that may lead some to disfavor arbitration and ways the arbitration community can respond

to guerrilla tactics to improve the arbitration process for all participants Dana MacGrath Independent Arbitrator MacGrath Arbitration From an unreasoned fiat of a wise man who left both sides equally unhappy but resolved the disputes effectively arbitration has evolved into a full scale trial before a party chosen tribunal Its informality and expedition puts in peril the fundamental right of the recalcitrant to delay proceedings Dr Ahuja has assiduously articulated the measures aptly christened Guerrilla Tactics used to disrupt and derail arbitrations An indispensable read for the practitioner and an insightful treatise for the policy maker Harish Salve SA QC Blackstone Chambers This book shines a spotlight on arbitration s dark arts guerrilla tactics Dr Ahuja illuminates this shadowy world with excellent and much needed scholarship that is practice based and useful for all stakeholders in arbitration His examination of the root causes of this problem recommendations on how to control it comparisons with litigation practice and suggestions for future research marvellously combine to make this a work that is required to be consulted by all serious counsel arbitrators institutions and academics in the field of arbitration Romesh Weeramantry Head International Dispute Resolution Centre for International Law National University of Singapore

Dealing with Bribery and Corruption in International Commercial Arbitration Emmanuel Obiora Igbokwe, 2023-01-10 International Arbitration Law Library Volume 65 International commercial arbitration is by no means free from bribery and corruption Although a plethora of legal scholarship clearly affirms this contention a thorough study on the particularly important question of the authority and duty of international commercial arbitrators to investigate a suspicion or indication of bribery or corruption sua sponte that is on their own initiative has been surprisingly lacking This important book fills this gap inter alia by locating sua sponte authority in the position of arbitral tribunals in establishing the facts of a case and ascertaining and applying the applicable normative standards In addition to providing a comprehensive examination of how the issue of bribery and corruption is dealt with in contemporary international commercial arbitration the book also highlights the role of arbitrators in global efforts to combat transnational commercial bribery and corruption Among others the following critical issues are thoroughly investigated arbitrability of issues of public interests intermediary contracts role of arbitrators in the fact finding process party autonomy versus overriding mandatory rules iura novit curia in international commercial arbitration in the context of bribery and corruption notion of transnational or truly international public policy arbitrators duty to act as guardians of international commerce investigative tools available to arbitrators dealing with manifestly recalcitrant parties possible consequences of violating the obligation to sua sponte investigate and the view from developing countries The analysis leans primarily on Swiss law as Switzerland is one of the most important jurisdictions in international commercial arbitration Switzerland has also been involved in some of the most famous and controversial arbitration cases wherein bribery and corruption became an issue However the study also includes a comparative analysis of the relevant laws jurisprudence and doctrine of other major arbitration venues particularly England France and Germany Not only in the light it sheds on how and whether international commercial arbitrators have hitherto

justified the trust States have placed in them regarding the protection of the public interests but also in the practical solutions it offers arbitrators faced with issues of bribery and corruption this deeply researched book equips arbitration practitioners and arbitration institutions with a hitherto lacking in depth analysis on the question of sua sponte investigation It also provides invaluable insights on how this issue might affect the future legitimacy and expansion of this dispute settlement mechanism Outside the field of arbitration the book also provides jurists legal scholars in house counsel for companies doing transnational business and public officials with highly enlightening perspectives on the interaction between international commercial arbitration and public interests

Expedited Procedures in International Commercial Arbitration Andreas Wehowsky, 2023-07-24 International arbitration has enjoyed remarkable success However in recent years repeated concerns relating to the efficiency of the proceedings have emerged These concerns have led to the introduction of provisions for expedited arbitral procedures Through analysing various arbitration rules this book will examine the requirements under which expedited procedures are admissible what the central characteristics of such procedures are and how such procedures can be classified and described in comparison to a conventional arbitral procedure A significant part will examine the tension between procedural efficiency on the one hand and on quality of the procedure and award on the other In an excursus early determination procedures will be examined to complete the tool box to increase procedural efficiency

Handbook on International Commercial Arbitration Peter Ashford, 2014-03-01 This handbook will assist the practitioner whether lawyer counsel or arbitrator in some of the practical minefields of international commercial arbitration It considers the typical course of an international commercial arbitral proceeding from deciding what claims may be arbitrated to calculating damages and the contents of an award giving guidance and sample documents for each step It also provides an extensive discussion of discovery and the presentation of evidence during hearings This will work in aid the efficiency of the arbitral process especially by reducing time and cost For counsel and arbitrators alike it provides a convenient reference work for the problems that inevitably arise in the procedural and substantive steps in arbitration Analyzing the relevant law and rules from a range of jurisdictions and international arbitral institutions the Handbook is a truly invaluable companion for everyone involved in international commercial arbitration

International Commercial Arbitration Gary Born, 2009 International Commercial Arbitration Third Edition is an authoritative treatise providing the most complete available commentary and analysis on all aspects of the international commercial arbitration process This completely revised and expanded edition of Gary Born's authoritative work is divided into three main parts dealing with the International Arbitration Agreement International Arbitral Procedures and International Arbitral Awards The Third Edition provides a systematic framework for both current analysis and future developments as well as exhaustive citations from all leading legal systems

INTERNATIONAL ARBITRATION AGREEMENTS Legal Framework for International Arbitration Agreements International Arbitration Agreements and the Separability Presumption Choice of Law Governing

International Arbitration Agreements Formation Validity and Legality of International Arbitration Agreements International Arbitration Agreements and Competence Competence Effects and Enforcement of International Arbitration Agreements Interpretation of International Arbitration Agreements INTERNATIONAL ARBITRAL PROCEDURES AND PROCEEDINGS Legal Framework for International Arbitral Proceedings Selection Challenge and Replacement of Arbitrators in International Arbitration Rights and Duties of International Arbitrators Selection of Arbitral Seat in International Arbitration Procedures in International Arbitration Disclosure and Discovery in International Arbitration Provisional Measures in International Arbitration Consolidation Joinder and Intervention in International Arbitration Choice of Substantive Law in International Arbitration Confidentiality in International Arbitration Legal Representation and Professional Conduct in International Arbitration INTERNATIONAL ARBITRAL AWARDS Legal Framework for International Arbitral Awards Form and Content of International Arbitral Awards Correction Interpretation and Supplementation of International Arbitral Awards Annulment of International Arbitral Awards Recognition and Enforcement of International Arbitral Awards Preclusion Lis Pendens and Stare Decisis in International Arbitral Awards Legal Interpretation in International Commercial Arbitration Joanna

Jemielniak, 2016-04-22 This book fills a gap in legal academic study and practice in International Commercial Arbitration ICA by offering an in depth analysis on legal discourse and interpretation Written by a specialist in international business law arbitration and legal theory it examines the discursive framework of arbitral proceedings through an exploration of the unique status of arbitration as a legal and semiotic phenomenon Historical and contemporary aspects of legal discourse and interpretation are considered as well as developments in the field of discourse analysis in ICA A section is devoted to institutional and structural determinants of legal discourse in ICA in which ad hoc and institutional forms are examined The book also deals with functional aspects of legal interpretation in arbitral discourse focusing on interpretative standards methods and considerations in decision making in ICA The comparative examinations of existing legal framework and case law reflect the international nature of the subject and the book will be of value to both academic and professional readers

Overriding Mandatory Rules in International Commercial Arbitration Hossein Fazilatfar, 2019-12-27 Overriding Mandatory Rules in International Commercial Arbitration discusses the applicability of mandatory rules of law in international commercial arbitration and addresses the concerns of the arbitrators and judges at various stages of arbitration and the enforcement of the award **International Trade and Investment Dispute Settlement** Giorgio Sacerdoti, Niall Moran, 2025-06-17 This book provides a thorough comparative analysis of the trade dispute settlement system of the WTO Regional Trade Agreements and of Investor State Dispute Settlement ISDS Reviewing in parallel their origins features development and current challenges highlighting commonalities and differences the book analyzes criticisms leveled against both regimes explores current reform efforts at the WTO ICSID and UNCITRAL including the controversial proposal to replace ISDS with a Multilateral Investment Court and engages in the on going debate by evaluating possible outcomes As to

trade the book highlights the WTO system's successful operation for more than 20 years and its hobbling functioning since the paralysis of the Appellate Body in 2019. As to ISDS, the book details the procedural protection granted to foreign investors under Bilateral Investment Treaties (BITs), other International Investment Agreements, and investment chapters of trade agreements such as NAFTA, USMCA, CETA, and the CPTPP, alongside the impact of case law on the regulatory space of states. This authoritative book intends to serve as a fundamental reference for students and researchers in international investment and trade law, as well as for international lawyers, adjudicators, and diplomats involved in dispute settlement.

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