

## Arbitration Of Commercial Disputes International And English Law And Practice

Dispute Resolution in China provides an up-to-date summary, commentary and analysis of how disputes are settled in today's China. Like in many other jurisdictions, litigation and arbitration are the main dispute resolution methods to settle large commercial disputes in China. While litigation is more commonly used in domestic commercial disputes, arbitration is the most popular dispute resolution method among foreign parties who conduct business in China or with Chinese parties. Each of the chapters contained in this book deals with a selected topic in dispute resolution and is authored by a leading expert in the field. This book is a necessary resource for arbitration and litigation attorneys, as well as other professionals conducting business in China's increasingly regulated and complex business environment.

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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.

The Public Order Exception in International Trade, Investment, Human Rights and Commercial Disputes' analyses on a stand-alone as well as on a comparative basis - from a substantive and also from a procedural perspective - the public order exception's application in international dispute resolution. Parties to international disputes increasingly invoke the need to protect the domestic public order in order to justify actions otherwise in breach of their obligations under international law. The term 'public order' nevertheless remains unclear as do the criteria and factors against which different international dispute bodies assess the parties' respective claims. This unique book presents, systematizes and synthesizes all relevant jurisprudence in this field of law, identifies points of controversy and provides practical insights on the factors and grounds that are determinate in both upholding and dismissing the exception's application.

An examination of the techniques of arbitration and mediation.

Until now, the resolution of international commercial and investment disputes has been dominated almost exclusively by international arbitration. But that is changing. Whilst they may be complementary mechanisms, international mediation and conciliation are now coming to the fore. Mediation rules that were in disuse gather momentum, and dispute settlement centres are introducing new mediation rules. The European Union is encouraging international mediation in both the commercial and investment spheres. The 2019 Singapore Mediation Convention of the United Nations Commission on International Trade Law (UNCITRAL) is aiming to ensure enforcement of international commercial settlement agreements resulting from mediation. The first investor-State disputes are mediated under the International Bar Association (IBA) rules. The International Centre for Settlement of Investment Disputes (ICSID)'s conciliation mechanism is resorted to more often than in the past. The International Chamber of Commerce (ICC) has recently administered its first mediation case based on a bilateral investment treaty, and a new training market on mediation is flourishing. Mediation in Commercial and Investment Disputes brings together a line-up of outstanding, highly-qualified experts from academia, mediation and arbitration institutions, and international legal practice, to address this highly topical, complex subject from a variety of angles.

ICCA's Congress Series No. 12, reflecting the contributions of numerous renown arbitration experts to the 2004 ICCA Beijing Conference, commences with an overview of the current international arbitration regime in China and Hong Kong, noting both the progress that has been achieved and the work that remains to be done there. The remainder of the volume comprises two sets of papers on contemporary substantive and procedural issues in international commercial arbitration. The first set contains in-depth reports on the topical subjects of arbitration of foreign investment disputes, the granting of provisional or interim measures with respect to arbitration and the enforceability of awards, supplemented by commentary from the point of view of various specializations and regions. The second, also using the format of reports and commentary, addresses modalities of conciliation and settlement in relation to arbitration, including various non-binding (ADR) processes, issues (drafting step clauses and confidentiality) in integrated dispute resolution systems, which may combine conciliation and arbitration, and the role of arbitrators as settlement facilitators.

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.

Securing fast, inexpensive, and enforceable redress is vital for the development of international commerce. In a changing international commercial dispute resolution landscape, the combined use of mediation and arbitration has emerged as a dispute resolution approach which offers these benefits. However, to date there has been little agreement on several aspects of the combined use of processes, which the literature often explains by reference to the practitioner's legal culture, and there is debate as to how appropriate it is for the same neutral to conduct

both mediation and arbitration. Identifying the main ways of addressing concerns associated with the same neutral conducting both mediation and arbitration (same neutral (arb)-med-arb), this book examines how effectively these methods achieve the goal of fast, inexpensive, and enforceable dispute resolution, evaluating to what extent the perception and use of the same neutral (arb)-med-arb depends on the practitioner's legal culture, arguing that this is not a 'one-size-fits-all' process. Presenting an empirical study of the combined use of mediation and arbitration in international commercial dispute resolution, this book synthesises existing ways of addressing concerns associated with the same neutral (arb)-med-arb to provide recommendations on how to enhance the use of combinations in the future.

This handbook focuses on available methods for preventing and resolving commercial disputes in international commerce. It examines the different types of disputes encountered in international trade and outlines the fundamental principles applicable to international commercial arbitration. Text of the major international arbitration convention and rules, as well as a list of arbitration institutions worldwide are also included.

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.

The contributions in this book cover a wide range of topics within modern dispute resolution, which can be summarised as follows: harmonisation, enforcement and alternative dispute resolution. In particular, it looks into the impact of harmonised EU law on national rules of civil procedure and addresses the lack of harmonisation in the US regarding the recognition and enforcement of foreign judgments. Furthermore, the law on enforcement is examined, not only by focusing on US law, but also on how to attach assets in order to enforce a judgment. Finally, it addresses certain types of alternative dispute resolution. In addition, the book looks into the systems and cultures of dispute resolution in several regions of the world, such as the EU, the US and China, that have a high impact on globalisation. Hence, the book is diverse in the sense of dealing with multiple issues in the field of modern dispute resolution. The book offers explorations of the impact of international rules and EU law on domestic civil procedure, through case studies from, among others, the US, China, Belgium and the Netherlands. The relevance of EU law for the national debate and its impact on the regulation of civil procedure is also considered. Furthermore, several contributions discuss the necessity and possibility of harmonisation in the emergency arbitrator mechanisms in the EU. The harmonisation of private international law rules within the EU, particularly those of a procedural nature, is juxtaposed to the lack thereof in the US. Also, the book offers an overview of the current dispute settlement mechanisms in China. The publication is primarily meant for legal academics in private international law and civil procedure. It will also prove useful to practitioners regularly engaged in cross-border dispute resolution and will be of added value to advanced students, as well as to those with an interest in international litigation and more generally in the area of dispute resolution. Vesna Lazić is Senior Researcher at the T.M.C. Asser Institute, Associate Professor of Private Law at Utrecht University and Professor of European Civil Procedure at the University of Rijeka. Steven Stuij is an expert in Private International Law and a PhD Candidate/Guest Researcher at the Erasmus School of Law, Rotterdam. Ton Jongbloed is Guest Editor on this volume.

"Arbitration clauses in investment treaties often provide investors with a choice between ICSID arbitration, on the one hand, and rules originally drafted for commercial arbitration on the other. *The Use of Commercial Arbitration Rules in Investment Treaty Disputes* studies how domestic courts and commercial arbitration institutions impact the scope of arbitral tribunal jurisdiction when commercial arbitration rules are used. Based on extensive studies of court decisions and previously-unknown arbitral awards, Joel Dahlquist's book analyses the practice of domestic courts in reviewing treaty-based jurisdiction, and explains how the two most used commercial arbitration institutions - the ICC and the SCC - have drafted, interpreted and applied their arbitration rules in treaty-based disputes"--

International business exchanges between and with Asian countries have increased enormously over the last few years. As a natural consequence, this has brought about an increasing number of trade disputes that are being resolved through arbitration as an effective alternative to more expensive litigation. This volume offers a variety of perspectives on this important international dispute resolution practice in Asia. Essentially interdisciplinary in approach, it brings together specialists in law, international commercial arbitration and discourse analysis. The contributing authors include practitioners as well as academics. Together they explore the interrelations between discourses and practices in the field of arbitration in Asia. The work also investigates the extent to which the 'integrity' of arbitration principles, typical of international commercial arbitration practice, is maintained in various Asian contexts. The authors focus particularly on arbitration norms and practices as they are influenced by local juridical, cultural and linguistic factors. The book will be a valuable resource for academics and practitioners working in the areas of arbitration and dispute resolution, as well as researchers with an interest in language, communication and discourse analysis.

In 2019, the world economic slowdowns already under way reflected common influence across the countries. The cyclical and structural slowdowns in China have fueled disputes in the market place and thus created a rising number in the statistics of commercial dispute resolution in China. Many developments in the field of arbitration and mediation mark the milestones of building the rule-based practice. Some of these developments have already brought positive effects in the dispute resolution industry amid the slowing down economy. To present an insightful understanding of the developments of commercial dispute resolution in China, the Beijing Arbitration Commission/Beijing International Arbitration Center (hereinafter referred to as the "BAC/BIAC") continually invites experts to author 12 chapters of this book, namely, the chapters on commercial arbitration, commercial mediation, construction, real estate, energy, international trade, investment, finance, intellectual property, civil aviation, entertainment, and sports. In the chapter on commercial arbitration, the authors believe many efforts in the regulatory and judicial directions have further promoted China as a viable choice of arbitration seat. In the direction of regulation, the Several Opinions on Improving the Arbitration System to



Strengthen the Creditability of Arbitration issued by the General Office of the Central Committee of the Communist Party of China and the General Office of the State Council, as the first central-level government's policy for arbitration, has laid out an ambitious plan for the vigorous and competitive arbitration industry in China. In the direction of judicial policy, the Supreme People's Court and the Hong Kong Special Administrative Region Department of Justice signed the Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region, as a symbolic cooperation between the mainland courts and courts in Hong Kong SAR, has bridged the gap in mechanisms of enforcing the interim measures resulting from the arbitration in the region. Breakthroughs in practice has also been recorded in 2019. For example, the BAC/BIAC has adopted its new arbitration rules which introduce a long-expected reform in the framework of arbitration fees. The transparency and the fee's redistribution of the BAC/BIAC's new rules are not only praised by the Chinese practitioners, but also regarded as a breakthrough of the internationalization of Chinese arbitration industry and a guarantee of process of cultivating the professionalism among the Chinese arbitrators. In the chapter on commercial mediation, the authors predict that the signing of the United Nations Convention on International Settlement Agreements Resulting from Mediation may align the mediation theories and practice in China to the international counterparts and safeguard the healthy development of commercial mediation in China. The impact of economic slowing down also project profound changes in each different specialized sector. More detailed and targeted legislation and regulations have emerged in 2019 as the response to the changing climate of business environment. In the chapter on construction, numerous legislations and regulations have been referred to. The Construction Law of the People's Republic of China, the Regulation on Government Investment and the Regulation on Ensuring Wage Payment to Migrant Workers, and other laws and regulations have been revised, reflecting the liability rearrangement among the relevant parties. The arbitrability of a PPP contract provided in the Provisions on Several Issues Concerning the Trial of Administrative Agreement Cases touched on the controversial matters in the dispute resolution of PPP contracts, triggering even more controversial arguments. In the chapter on real estate, a series of regulation and policies were recorded as the response to the Central Government's call for "Fang Zhu Bu Chao" (meaning, cooling down the real estate market). Rising disputes in this sector have already brought challenges to the industry. In the chapter on energy, the authors compliment the regulative efforts and progress to promote open-up of market and fair competition and to safeguard the role of the market force. In the chapter on investment, the authors observe an emerging mindset of a new framework of regulating foreign investment, which has been promoted by the Law of the People's Republic of China on Foreign Investment. Concurrently, the Minutes of the National Conference for the Work of Courts in the Trial of Civil and Commercial Cases makes clarification in some long-debated issues of dispute resolution. In the chapter on international trade, the signing of the phase I of Sino-US trade agreements will have a profound impact on the development of international trade and the settlement of related disputes, thus being recorded by the authors. In the chapter on finance, the authors brief the Minutes of the National Conference for the Work of Courts in the Trial of Civil and Commercial Cases and look into various matters including bill discount, guarantees beyond authority, and independent guarantee. In the chapter on intellectual property, the authors highlighted the revision of the Trademark Law of the People's Republic of China, the Law of the People's Republic of China against Unfair Competition, the Law of the People's Republic of China on E-commerce, and other important legislations and pointed out the significance of these developments. In the chapter on entertainment, the authors explain the regulatory measures and predict the upgrade and adjustments in the future as many unresolved disputes have projected the ongoing changes of balance of the entertainment industry. In the chapter on civil aviation, the authors highlight the development of UAV sectors and the reframing of the legislation in the general aviation, which has been regarded as the guarantee of future prosperity of the industry. In addition, as the 2022 Beijing Olympic Winter Games are approaching, the authors comment on many disputed cases in the sport industry. In this book, experts from the front line gathered together and wrote each chapter as the reflection of their first-handed experience on the overview, updates of legislation and regulation, case studies, debated issues, and outlook of the industries. It is the eighth edition of the Annual Review and Preview of the Commercial Dispute Resolution in China. In this edition, for the first time, experts from in-and-out China co-authored one of the chapters, ie., the chapter on sport, which is a new creation of this book. The authors of this new chapter examine the Chinese legislation, regulation, and cases in the field of sport from different perspectives. For example, the athlete Yang Sun's arbitration case has been debriefed and may help readers gain the pulse of the dispute resolution of sport in China. In general, the book presents to all stakeholders a reference of the commercial dispute resolution in China and unlocks intricacies of each different sectors. This book endeavors to record the development of rules, leading cases, and the pulse of the field. By reading this book, practitioners will understand what to look for when solving commercial disputes in China. It is our sincere hope that this book will become a guide for the marketplace, helping different entities manage their commercial risks and disputes. BAC/BIAC's team invited authors' bids and conducted multi-layers review of the content for this book and will do the same in the future publication of this series. We spare no efforts to present the annual edition as an important reference and useful guide for readers who are keen to take a closer look at the commercial dispute resolution in China. In return, we would like to invite all readers to share the information in this book and in other editions of this series, and to make it a platform for the knowledge exchange between Chinese practitioners and international counterparts. Towards this end, on one hand, we publish this book in both Chinese and English, in collaboration with the Chinese and English publishers, namely the China Legal Publishing House and Wolters Kluwer. On the other hand, the concurrent event, namely the Annual Summit of the Commercial Dispute Resolution in China, has been and will be continually organized in different cities around the globe. It is BAC/BIAC's mission to promote internationalization of Chinese theories and practice on the commercial dispute resolution. We have been doing and will continue to exert all efforts to unite practitioners from different jurisdictions to help us achieve this mission. Last but not least, BAC/BIAC notices the COVID-19 pandemic has brought great uncertainties to the commercial field and its dispute resolution practice. Many constructive thoughts have been expressed in some chapters of this book, addressing issues amid the pandemic. Both BAC/BIAC and the authors keep eyes on the development of this pandemic and propose Chinese wisdom to overcome the uncertainties. We sincerely thank all the authors, readers, and publishers to endorse our effort in the series publication of the Annual Review and Preview of Commercial Dispute Resolution in China. We welcome your continued support in the future and firmly believe in the brighter future of an open-minded, inclusive, and diversified commercial dispute resolution in China.

Arbitration is the normal and preferred mode for resolving international commercial disputes. It presents an essential advantage over national courts by offering neutrality of adjudication, but is

currently only available where both parties have consented to it. This innovative book proposes a fundamental rethink of this assumption and argues that arbitration should become the default mode of resolution in international commercial disputes.

This significant work is now reissued in paperback, without appendices. The text provides a detailed yet clear and accessible guide to English and international arbitration law. The book initially deals with the principles of arbitration as examined from an international perspective. The authors identify fundamental principles of arbitration law that are common to all jurisdictions, and show how some principles of arbitration law are treated differently in various jurisdictions. The book also examines some of the key jurisprudential questions, such as whether an international commercial arbitration is anchored to the place or seat of the arbitration, whether an arbitral award can be enforced even if it has been annulled, and the continuing development and use of the *lex mercatoria* to resolve international commercial arbitrations. The sections on English arbitration law are structured around the provisions of the English Arbitration Act 1996. The work examines in turn the parties to the arbitration, the arbitration agreement, the powers and jurisdiction of the arbitral tribunal, the making of an award and its enforcement. In order to assist practitioners the authors have particularly focused on areas of the law which have changed over recent years and which are still developing. The book gives detailed analysis of court decisions and trends in areas where no clear authority exists, such as in the incorporation of arbitration clauses, and the drafting of arbitration notices. The book also deals thoroughly with costs and appeals. The final section of *Arbitration of Commercial Disputes* provides a comprehensive set of precedents. The precedents section includes both standard arbitration clauses and bespoke agreements, plus examples of clauses dealing with other forms of ADR prior to arbitration. There are also a number of procedural precedents including a set of Terms of Reference, Directions and a confidentiality agreement. There is finally a set of Awards and a section on applications to the English courts.

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.

This book is intended as an easily accessible desktop resource for lawyers who regularly counsel businesses when negotiating international deals, and for those who represent the same clients in achieving a successful resolution when disputes emerge. The text is divided into chapters that follow the life cycle of an international commercial dispute as seen through the eyes of the parties, from when they agree how to resolve disputes in their contracts to the endgame of enforcement. Additionally, the appendices include a number of model submissions for further reference.--Provided by publisher.

Présentation de l'éditeur : "In recent years, a growing body of provisions called "protocols," "guidelines," "checklists" or even "rules" has emerged in international arbitration. Unlike national or international law, or institutional arbitral rules, these provisions are not "mandatory" for arbitration participants. They range from provisions that can be incorporated into the parties' agreement to arbitrate to suggestions as to the best practices that arbitrators and other arbitration participants may choose to follow. These materials are often collectively referred to as "soft law." *Soft Law in International Arbitration* provides a guide to what the editors consider to be the most useful of such materials. The book organizes these materials into five categories, each introduced with commentary by a prominent member of the international arbitration community. Thus, the eighteen documents contained in this book can be regarded as helping to fill in the spaces that substantive law and arbitration rules have intentionally left blank. *Soft Law in International Arbitration* is an indispensable commentary for practitioners and academics alike."

Assembled from *Dispute Resolution Journal* - the flagship publication of the American Arbitration Association - the chapters in the Handbook have all, where necessary, been revised and updated prior to publication. The book is succinct, comprehensive and a practical introduction to the use of arbitration and ADR, written by leading practitioners and scholars. The Handbook contains valuable guidance on international commercial arbitration, including the management of arbitration disputes, how to select an international arbitral institution, an explanation of the effect of international public policy, the duties of arbitrators, the presentation and evaluation of evidence in international arbitration, and how to arbitrate against a state sovereign. The enforcement of international arbitral awards is explored, including interim relief and problems with enforcement, the New York Convention, parallel proceedings, and pivotal decisions such as *Chromalloy* and *TermoRio*. International mediation is also examined, including guidelines for selecting the best mediator for an international dispute, the power of mediation to resolve international commercial disputes, and the differences in U.S. and European approaches. Lastly, the section on investment and trade arbitration and mediation explores bilateral investment treaties, examines WTO arbitration procedures, offers advice on saving time and money in cross-border commercial disputes, and provides guidance for U.S. investors to follow in dealing with sovereign states. The chapters in the Handbook were selected from an extensive body of writings and, in the main, represent world-class assessments of arbitration and ADR practice. All the major facets of the field are addressed and provide the reader with comprehensive and accurate information, lucid evaluations, and an indication of future developments. They not only acquaint, but also ground the reader in the field. The book is a compilation which includes the major statutes affecting international commercial arbitration law.

The Brussels I Regulation, which ensures the free circulation of judgments within the EU, was recently revised; one of the main issues addressed was whether the Regulation affects the efficient resolution of international commercial disputes through arbitration within the Union. This book provides an in depth examination of the interface between the

Regulation and international commercial arbitration. The author demonstrates that the consequences of this interface can encourage the use of delaying tactics, hampering the efficient resolution of international disputes.

China and International Commercial Dispute Resolution is a unique collection of papers which deal expertly with legal issues arising from international commercial dispute resolution in China, utilizing a multiplicity of approaches including doctrinal, comparative, empirical, economic and legal analyses.

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.

This is the fourth edition of this highly regarded work on the law of international commercial litigation as practised in the English courts. As such it is primarily concerned with how commercial disputes which have connections with more than one country are dealt with by the English courts. Much of the law which provides the framework for the resolution of such disputes is derived from international instruments, including recent Conventions and Regulations which have significantly re-shaped the law in the European Union. The scope and impact of these European instruments is fully explained and assessed in this new edition. The work is organised in four parts. The first part considers the jurisdiction of the English courts and the recognition and enforcement in England of judgments granted by the courts of other countries. This part of the work, which involves analysis of both the Brussels I Regulation and the so-called traditional rules, includes chapters dealing with jurisdiction in personam and in rem, anti-suit injunctions and provisional measures. The work's second part focuses on the rules which determine whether English law or the law of another country is applicable to a given situation. The part includes a discussion of choice of law in contract and tort, with particular attention being devoted to the recent Rome I and Rome II Regulations. The third part of the work includes three new chapters on international aspects of insolvency (in particular, under the EC Insolvency Regulation) and the final part focuses on an analysis of legal aspects of international commercial arbitration. In particular, this part examines: the powers of the English courts to support or supervise an arbitration; the effect of an arbitration agreement on the jurisdiction of the English courts; the law which governs an arbitration agreement and the parties' dispute; and the recognition and enforcement of foreign arbitration awards.

Arbitration of International Business Disputes 2nd edition is a fully revised and updated anthology of essays by Rusty Park, a leading scholar in international arbitration and a sought-after arbitrator for both commercial and investment treaty cases. This collection focuses on controversial questions in arbitration of trade, financial, and investment disputes. The essays address some of the most interesting topics in cross-border business dispute resolution, many of which have endured over several decades and remain subject to radically different views. Examples include the proper role of judicial review, the allocation of jurisdictional tasks, evolution of arbitration's statutory and treaty framework, free trade and bilateral investment agreements, and the balance between fixed rules and arbitral discretion. The book is structured around three themes: arbitration's legal framework; the conduct of arbitral proceedings; and a comparison of arbitration in specific fields such as finance, intellectual property, and taxation. In each of these areas, analysis includes the tensions between fairness and efficiency, and the accurate application of substantive law as well as the implications of mandatory procedural norms.

Augmented by more than a dozen new contributions and a revised introduction, this 2nd edition retains all of its earlier practical and scholarly relevance, and includes a Foreword by V. V. (Johnny) Veeder QC.

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 stare decisis."--Descripción del editor.

International Arbitration Law Library Volume 59 The eastward shift in international dispute resolution has already involved initiatives not only to improve support for international commercial arbitration (ICA) and investor-state dispute settlement (ISDS) but also to develop alternatives such as international commercial courts and mediation. Focusing on these initiatives and their accompanying case law and trends in the Asia-Pacific region, this invaluable book challenges existing procedures and frameworks for cross-border dispute resolution in both commercial and treaty arbitration. Specially assembled for this project, an outstanding team of experienced and insightful arbitrators and scholars describes pertinent developments including: ICA and ISDS in the context of China's Belt and Road Initiative; the Singapore Convention on Mediation; the shift to virtual hearings and other challenges from the COVID-19 pandemic; mistrust of the application of the rule of law in certain East Asian jurisdictions; growing public concern over ISDS arbitration; tensions between confidentiality and transparency; and potential regional harmonisation of the public policy exception to arbitral enforcement. The contributors chart evolving practices and high-profile cases to make informed observations about where changes are needed, as well as educated guesses about the chances of reforms being successful and the consequences if they are not. The main jurisdictions covered are China, Hong Kong, Japan, Malaysia, India, Australia and Singapore. The first in-depth study of recent trends in dispute resolution practice related to business in the Asia-Pacific region, the book's practical analysis of new resources for dealing with the increasing competition



among countries to become credible regional dispute resolution hubs will prove to be of great value to specialists in the international business law sector. Lawyers will be enabled to make informed decisions on which venue and dispute resolution methods are the most suitable for any specific dispute in the region, and policymakers will confidently assess emerging trends in international dispute resolution policy development and treaty-making.

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