

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

International Arbitration: Law and Practice (Third Edition) provides comprehensive and authoritative coverage of the basic principles and legal doctrines, and the practice, of international arbitration. The book contains a systematic, but concise, treatment of all aspects of the arbitral process, including international arbitration agreements, international arbitral proceedings and international arbitral awards. The Third Edition guides both students and practitioners through the entire arbitral process, beginning with drafting, enforcing and interpreting international arbitration agreements, to selecting arbitrators and conducting arbitral proceedings, to recognizing, enforcing and seeking to annul arbitral awards. The book is written in clear, accessible language, suited for both law students and non-specialist practitioners, as well as more experienced readers. This highly regarded work addresses both international commercial arbitration and the related fields of investment and state-to-state arbitration and is essential reading for any student of international arbitration and any practitioner seeking a complete introduction to the field. The Third Edition has been comprehensively updated to include recent legislative amendments, judicial decisions and arbitral awards. Among other things, the book provides detailed treatment of the New York Convention, the UNCITRAL Model Law on International Commercial Arbitration, all leading institutional arbitration rules (including ICC, SIAC, LCIA, AAA and others), the ICSID Convention and ICSID Arbitration Rules, and judicial decisions from leading jurisdictions. The Third Edition is integrated with the author's classic *International Commercial Arbitration* and with the online *Born International Arbitration Lectures*, enabling students, teachers and practitioners to explore particular topics in more detail. About the Author: Gary B. Born is the world's leading authority on international arbitration and litigation. He has practiced extensively in both fields in Europe, the United States, Asia and elsewhere. He is the author of *International Commercial Arbitration* (Kluwer Law International 3rd ed. 2021), *International Arbitration and Forum Selection Agreements: Drafting and Enforcing* (Kluwer Law International 6th ed. 2021), *International Commercial Arbitration: Cases and Materials* (Aspen 3rd ed. 2021) and *International Civil Litigation in United States Courts* (Aspen 6th ed. 2018).

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

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

Law, Practice and Leading Cases

International Commercial Arbitration in Latin America

International Arbitration in the Energy Sector

A Thirty-year Review: 1970-2000

International Arbitration in Latin America

Conflicting Legal Cultures in Commercial Arbitration: Old Issues and New Trends

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.

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

International Commercial Arbitration is an authoritative 4,250 page treatise, in three volumes, providing the most comprehensive commentary and analysis, on all aspects of the international commercial arbitration process that is available. The Third Edition of International Commercial Arbitration has been comprehensively revised, expanded and updated, To include all legislative, judicial and arbitral authorities, and other materials in the field of international arbitration prior to June 2020. It also includes expanded treatment of annulment, recognition of awards, counsel ethics, arbitrator independence and impartiality and applicable law. The revised 4,250 page text contains references to more than 20,000 cases, awards and other authorities and will enhance the treatise's position as the world's leading work on international arbitration. The first and second editions of International Commercial Arbitration have been routinely relied on by courts and arbitral tribunals around the world ((including the highest courts of the United States, United Kingdom, Singapore, India, Hong Kong, New Zealand, Australia, the Netherlands and Canada) and international arbitral tribunals (including ICC, SIAC, LCIA, AAA, ICSID, SCC and PCA), e.g.: U.S. Supreme Court – GE Energy Power Conversion France SAS, Corp. v. Outokumpu Stainless USA, LLC, 590 U.S. - (U.S. S.Ct. 2020); BG Group plc v. Republic of Argentina, 572 U.S. 25 (U.S. S.Ct. 2014); Canadian Supreme Court – Uber v. Heller, 2020 SCC 16 (Canadian S.Ct.); Yugraneft Corp. v. Rexx Mgt Corp., [2010] 1 R.C.S. 649, 661 (Canadian S.Ct.); U.K. Supreme Court – Jivraj v. Hashwani [2011] UKSC 40, ¶78 (U.K. S.Ct.); Dallah Real Estate & Tourism Holding Co. v. Ministry of Religious Affairs, Gov't of Pakistan [2010] UKSC 46 (U.K. S.Ct.); Swiss Federal Tribunal – Judgment of 25 September 2014, DFT 5A_165/2014 (Swiss Fed. Trib.); Indian Supreme Court – Bharat Aluminium v. Kaiser Aluminium, C.A. No. 7019/2005, ¶¶138-39, 142, 148-49 (Indian S.Ct. 2012); Singapore Court of Appeal – Rakna Arakshaka Lanka Ltd v. Avant Garde Maritime Servs. Ltd, [2019] 2 SLR 131 (Singapore Ct. App.); PT Perusahaan Gas Negara (Persero) TBK v. CRW Joint Operation, [2015] SGCA 30 (Singapore Ct. App.); Larsen Oil & Gas Pte Ltd v. Petroprod Ltd, [2011] SGCA 21, ¶19 (Singapore Ct. App.); Australian Federal Court – Hancock Prospecting Pty Ltd v. Rinehart, [2017] FCAFC 170 (Australian Fed. Ct.); Hague Court of Appeal – Judgment of 18 February 2020, Case No. 200.197.079/01 (Hague Gerechtshof); Arbitral Tribunals – Lao Holdings NV v. Lao People's Democratic Republic I, Award in ICSID Case No. ARB(AF)/12/6, 6 August 2019; Gold Reserve Inc. v. Bolivarian Republic of Venezuela, Decision regarding the Claimant's and the Respondent's Requests for Corrections, ICSID Case No. ARB(AF)/09/1, 15 December 2014; Total SA v. The Argentine Republic, Decision on Stay of Enforcement of the Award, ICSID Case No. ARB/04/01, 4 December 2014; Millicom Int'l Operations B.V. v. Republic of Senegal, Decision on Jurisdiction of the Arbitral Tribunal, ICSID Case No. ARB/08/20, 16 July 2010; Lemire v. Ukraine, Dissenting Opinion of Jürgen Voss, ICSID Case No. ARB/06/18, 1 March 2011.

Lessons from Developments in the MENA Region

Latin American Investment Protections

Soft Law in International Commercial Arbitration

International Investment Arbitration

Contractual Knowledge

International Commercial Arbitration Practice: 21st Century Perspectives

Arbitration clauses in international commercial contracts are often reused from existing contracts. By so doing, the parties choose to apply, for example, either ad hoc or institutional arbitration and

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

Arbitration 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.

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

Arbitration Clauses for International Contracts - 2nd Edition

Fouchard, Gaillard, Goldman on International Commercial Arbitration

Recognition and Enforcement of International Commercial Arbitral Awards in Latin America

November 5-6, 1987, Hotel Intercontinental, Miami, Florida

International Commercial Arbitration and African States

"The great strength of the arbitration process lies in its independence from any particular legal culture. Inevitably, its (cross-cultural perspective) has brought it to the fore as the preferred means of resolving international commercial disputes. The Institute of Advanced Legal Studies in London has long been concerned to promote scholarship and research in the law and practice relating to alternative dispute resolution. During its jubilee year, the Institute organised a prestigious series of lectures, which formed the basis of this book on the law pertaining to international arbitration. The nine authors bring a truly international perspective to their work. Their combined experience has involved them in arbitrations in many countries in Europe, Asia, North America and South America; several of them have in addition had various posts in international diplomacy and in major international organisations. They include Dr. Christian Boris, on the civil law versus common law in arbitration culture; Professor Andreas F. Lowenfeld, on the 'mix' that creates the international arbitration process; Dr. Serge Lazareff, on the search for a common procedural approach; Sigvard Jarvin, who compares the leading international arbitration seats; Jonathon Crook, on arbitration seats in the Far East; Ambassador Malcolm R. Wilkey, on the practicalities of cross-cultural arbitration; Jean Reed Haynes, on the confidentiality of international arbitration; Dr. Horacio A. Grigera Naon, on Latin American arbitration culture; and Dr. Bernardo M. Cremades, on how interactive arbitration overcomes the clash of legal cultures. *Conflicting Legal Cultures in Commercial Arbitration* brings international arbitration as it is currently practised into sharp focus, and will be of great value to all practitioners, academics and students in the field."--Publisher's website.

International Arbitration in the United States is a comprehensive analysis of international arbitration law and practice in the United States (U.S.). Choosing an arbitration seat in the U.S. is a common choice among parties to international commercial agreements or treaties. However, the complexities of arbitrating in a federal system, and the continuing development of U.S. arbitration law and practice, can be daunting to even experienced arbitrators. This book, the first of its kind, provides parties opting for "private justice" with vital judicial reassurance on U.S. courts' highly supportive posture in enforcing awards and its pronounced reluctance to intervene in the arbitral process. With a nationwide treatment describing both the default forum under federal arbitration law and the array of options to which parties may agree in state courts under state international arbitration statutes, this book covers aspects of U.S. arbitration law and practice as the following: .institutions and institutional rules that practitioners typically use; .ethical considerations; .costs and fees; .provisional measures; and .confidentiality. There are also chapters on arbitration in specialized areas such as class actions, securities, construction, insurance, and intellectual property.

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

A Relational Contract Theory Interpretation of Investment Treaties

Conflicting Legal Cultures in Commercial Arbitration

Comparative Perspectives on Laws, Treaties, and Disputes for Investors, States and Counsel

The fundamentals of international commercial arbitration

Regulation and Practice in the MERCOSUR and the Associated Countries

Old Issues and New Trends

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

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

Disputes in the energy and natural resources sector are at the heart of international arbitration. With more arbitrations arising in the international energy sector than in any other sector, it is not surprising that the highest valued awards in the history of arbitration come from energy-related arbitrations. Energy disputes often involve complex and controversial issues relating to security, sovereignty, and public welfare. International Arbitration in the Energy Sector puts international energy disputes into a global context, providing broad coverage of different forms and systems of dispute resolution across both renewable and non-renewable sectors. With contributions from leading practitioners, arbitrators, academics, and industry experts from across the globe, the eighteen chapters in the book enable readers to compare the approaches to, and learnings from, energy arbitrations across various legal systems and geographic regions. After outlining the international energy arbitration legal framework, the text delves into a detailed analysis of the problems which regularly arise in practice. These include, among other things, commercial disputes in Part I (e.g. over the upstream oil sector and long-term gas supply contracts), investor-state disputes in Part II (e.g. under the Energy Charter Treaty), and public international law disputes in Part III (e.g. concerning international boundaries and the distribution of natural resources). Alongside recent developments in the international energy sector, attention is given to climate and sustainable development disputes, which raise important questions about enforcing sustainability objectives on individuals, corporations, and states. Backed by analyses of arbitral awards, national court and international tribunal decisions, treaties, and other international legal instruments, as well as current events and news in the energy industry, this text offers a unique contribution to international energy literature and provides insightful commentary on the prevalent issues in the field. It is essential reading for any practitioner or researcher in the energy and natural resources sector.

International Arbitration in the United States

Legal Theory of International Arbitration

Towards Default Arbitration

Commentary on the UNIDROIT Principles of International Commercial Contracts (PICC)

International Commercial Arbitration and the Arbitrator's Contract

A Report to the National Chambers of Commerce and Industry, the Inter-American Council of Commerce and Production, Bar Associations, and International Institutions of the Western Hemisphere

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.

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

This course follows the development of the so-called "soft law" from its origins in public international law to commercial arbitration, where it is used today as a label for various instruments and phenomena, covering both procedural aspects and the applicable substantive law: model laws, arbitration rules, guidelines, the UNIDROIT Principles, the lex mercatoria, and others. It presents three particularly well-known sets of guidelines by the International Bar Association and discusses the pros and cons of "soft law" instruments and their potential normativity. The analysis suggests that "soft law" instruments are typically less well recognised in practice than is generally assumed. The author explains what such instruments can achieve and what minimum requirements they have to fulfil to at least aspire to some legitimacy. He argues ultimately that "soft law" instruments can be very useful tools, but they do not carry any normativity.

Report of the Inter-American Commercial Arbitration Commission, 1938-1947

Legal and Non-legal Particularities of Commercial International Arbitration in Latin America

ICDR Awards and Commentaries

One Hundred Years of Legal Experimentation in Global Markets

Consent in International Arbitration

Submitted to the Ninth International Conference of American States, Bogotá, Colombia

International Commercial Arbitration in Latin America Regulation and Practice in the MERCOSUR and the Associated Countries Oceana Publications

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

In Contractual Renegotiations and International Investment Arbitration, Aikaterini Florou explores the complex phenomenon of the renegotiation of investor-state contracts. The author reconstructs the relationship between those contracts and the overarching investment treaties using an original interpretative methodology based on transaction cost economics and relational contract theory.

The Section of International Law and Practice, the International Law Section of the Florida Bar and the Division for Professional Education Present Resolution of International Commercial Disputes

Enforcement of Arbitration Agreements in Latin America: Papers Presented at the 1998 Vancouver IBA Conference

Rethinking International Commercial Arbitration

Arbitration in Asia - 2nd Edition

A Bibliography on International Commercial Arbitration and ADR in Latin America

Practice, Participation and Institutional Development

The present work, based on a Course given at The Hague Academy of International Law in the Summer 2007, identifies the philosophical postulates that underlie this field of study and shows their profound coherence and the practical consequences that follow from these postulates in the resolution of international disputes.

The editors of Recognition and Enforcement of International Commercial Arbitral Awards in Latin America: Law, Practice and Leading Cases, present a country by country review of the law, practice and leading cases on the recognition and enforcement of international arbitration awards in the region.

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

Choice-of-law Problems in International Commercial Arbitration (Volume 289).

Uniform Law on International Commercial Arbitration

Inter-American Commercial Arbitration

Different Forms and their Features

International Arbitration: Law and Practice

International Conventions, Country Reports and Comparative Analysis : a Handbook

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.

This volume provides a genealogy of global economic governance through the history of contracts, examining how and by whom they were designed and legally validated. It will appeal to lawyers, economists, and historians interested in the globalization of markets over the past century.

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

Contractual Renegotiations and International Investment Arbitration

Energy and Natural Resources Disputes

International Commercial Arbitration

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.

The great strength of the arbitration process lies in its independence from any particular legal culture. Inevitably, its cross-cultural perspective has brought it to the fore as the preferred means of resolving international commercial disputes. The Institute of Advanced Legal Studies in London has done more than any other group to promote and sustain the development of international arbitration and to define the law and practice that has grown up around it. In a series of remarkable public lectures held during its jubilee year, the Institute reasserted its preeminent and creative role in the field of alternative dispute resolution at the international level. These lectures form the basis of the insightful papers assembled in this book. The nine authors bring a truly international perspective to their work. Their combined experience has involved them in arbitration in many countries in Europe, Asia, North America and South America; several of them have in addition had various posts in international

diplomacy and in major international organisations. They include Dr Christian Borris, on the civil law versus common law in arbitration culture; Professor Andreas F. Lowenfeld, on the 'mix' that creates the international arbitration process; Dr Serge Lazareff, on the search for a common procedural approach; Sigvard Jarvin, who compares the leading international arbitration seats; Jonathon Crook, on arbitration seats in the Far East; Ambassador Malcolm R. Wilkey, on the practicalities of cross-cultural arbitration; Jean Reed Haynes, on the confidentiality of international arbitration; Dr Horacio A. Grigera Naandón, on Latin American arbitration Culture; and Dr Bernardo M. Cremades, on how interactive arbitration overcomes the clash of legal cultures. Conflicting Legal Cultures in Commercial Arbitration brings international arbitration as it is currently practised into sharp focus, and will be of great value to all practitioners, academics and students in the field.

Examining the notion, nature, and extent of consent in both commercial arbitration and investment arbitration, this book provides practitioners and academics with a thorough, case-related analysis of an issue which raises many questions. Whilst considering the evolution of arbitration and its consensual nature - enlargement of the parties' freedom to consent to arbitration, and development from commercial arbitration to investment arbitration - it addresses important theoretical questions to offer practical solutions. These include: how consent to arbitrate is expressed and when mutual consent to arbitration is reached; which law shall govern the arbitration agreement or, more particularly, consent as an element of the substantive validity of it; and, conversely, according to which law will a possible lack of consent be judged; how consent should be interpreted; which relationship exists between consent as part of the substantive validity of an arbitration agreement and its formal validity; which, if any, are the implied terms when consenting to arbitration; how consent to arbitrate influences procedural aspects (counterclaims, joinder, consolidation), and which solutions adopted by treaties, national laws or arbitration rules are, or would be, the most respectful of parties' consent in this respect; what in investment arbitration is the relationship between consent and most-favoured-nation clauses or the influence of umbrella clauses. The book includes original arguments and puts forward new suggestions with regard to the changeable consensual character of arbitration. It also provides a particular focus on problems that frequently arise in practice of international arbitration, for example issues related to complex multiparty arbitration and to jurisdictional questions in investment arbitration.