

MODEL LAW DECISIONS

Cases Applying the UNCITRAL Model Law
on International Commercial Arbitration
(1985–2001)

Henri C. Alvarez,
Neil Kaplan, CBE, QC,
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Model Law Decisionscases Applying The Uncitral Model Law On International

**Richard Chernick, Daniel M.
Kolkey, Barbara Reeves Neal**



Model Law Decisionscases Applying The Uncitral Model Law On International:

Arbitration Law in America Edward J. Brunet, 2006-01-09 This is a book about changing the terms of American Arbitration Law The book contains individual views of the four co authors and criticisms of the individual recommendations of the authors The book contains point and counterpoint and numerous controversial ideas The authors present the competing arguments on some of the most controversial topics in arbitration arbitration of employment disputes between employers and their former employees and arbitration of disputes between consumers and product sellers Model Law Decisions:Cases Applying the Uncitral Model Law on International Henri Alvarez, 2002-12-16 The UNCITRAL Model Law on International Commercial Arbitration has been a great success in harmonizing the law of arbitration around the world Several dozen countries have either adopted the law or amended their own laws to be in conformity with it The fact that the law is the same in so many countries allows courts from each country to benefit from the interpretation of the Model Law provisions in many countries This book written by distinguished arbitration practitioners is a must for every international arbitration practitioner The authors have compiled decisions applying the Model Law from most Model Law jurisdictions and they have organized them in order to provide easy reference The cases are organized by section of the Model law with the cases applying that section from multiple jurisdictions summarized together Each summary includes a statement of the holding of the case a broader summary of the facts and the ruling and case citations This compilation will allow arbitration counsel to compare and to readily use rulings under each Model Law section from multiple jurisdictions Features The work compiles decisions applying the Model Law from various Model Law jurisdictions Cases are organized by section of the Model Law with the cases applying that section from multiple jurisdictions summarized together Benefits a substantial coverage of the UNCITRAL Model Law on Arbitration written by distinguished arbitration practitioners the work provides easy reference summaries not only include a statement of the holding of the case but also of the facts and the ruling and case citations this compilation allows arbitration counsel to compare and to readily use rulings under each Model Law section from multiple jurisdictions user friendly reference to cases *International Arbitration: Law and Practice* Gary B. Born, 2021-06-07 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 **Practitioner's Handbook on International Commercial Arbitration** Frank-Bernd

Weigand,2009-12-24 The Practitioner s Handbook on International Commercial Arbitration provides concise country reports on important jurisdictions for international arbitral proceedings as well as commentaries on well known arbitration rules which are frequently incorporated in international legal agreements Most international commercial contracts now include an arbitration clause as an alternative to resolving disputes in the state courts This second edition of the Practitioner s Handbook includes newly updated country chapters expanded international coverage and commentary on the most important arbitration rules worldwide It is written by world leading arbitration practitioners and academics and combines a practical approach with in depth legal research and analysis of important national and international case law The book is unique in its coverage providing uniformly designed country reports and thorough commentaries on internationally recognized arbitration rules in just one volume There are individual chapters for the following countries Austria Belgium China and provides details of national arbitration laws arbitral institutions in the jurisdiction model arbitration clauses and a bibliography including a list of key judicial decisions The first edition was reviewed as an outstanding book and an extremely useful tool The work is an indispensable one stop reference point for lawyers drafting international arbitration clauses or handling arbitration proceedings in different countries **International Commercial Arbitration** Gary B. Born,2014-10-01 The second edition

of Gary Born s International Commercial Arbitration is an authoritative 4 408 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 first edition of International Commercial Arbitration is widely acknowledged as the preeminent commentary in the field It was awarded the 2011 Certificate of Merit by the American Society of International Law and was voted the

International Dispute Resolution Book of the Year by the Oil Gas Mining and Infrastructure Dispute Management list serve in 2010 The first edition has been extensively cited in national court decisions and arbitral awards around the world The treatise comprehensively examines the law and practice of contemporary international commercial arbitration thoroughly explicating all relevant international conventions national arbitration statutes and institutional arbitration rules It focuses on both international instruments particularly the New York Convention and national law provisions in all leading jurisdictions including the UNCITRAL Model Law on International Commercial Arbitration Practitioners academics clients institutions and other users of international commercial arbitration will find clear and authoritative guidance in this work The second edition of International Commercial Arbitration has been extensively revised expanded and updated to include all material legislative judicial and arbitral authorities in the field of international arbitration prior to January 2014 It also includes expanded treatment of annulment recognition of awards counsel ethics arbitrator independence and impartiality and applicable law Overview of volumes Volume I covering International Arbitration Agreements provides a comprehensive discussion of international commercial arbitration agreements It includes chapters dealing with the legal framework for enforcing international arbitration agreements the separability presumption choice of law formation and validity nonarbitrability competence competence and the allocation of jurisdictional competence the effects of arbitration agreements interpretation and non signatory issues Volume II covering International Arbitration Procedures provides a detailed discussion of international arbitral procedures It includes chapters dealing with the legal framework for international arbitral proceedings the selection challenge and replacement of arbitrators the rights and duties of international arbitrators selection of the arbitral seat arbitration procedures disclosure and discovery provisional measures consolidation joinder and intervention choice of substantive law confidentiality and legal representation and standards of professional conduct Volume III dealing with International Arbitral Awards 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

Practitioner's Handbook on International Arbitration and Mediation - Third Edition Richard Chernick, Daniel M. Kolkey, Barbara Reeves Neal, 2012-04-01 The Practitioner's Handbook on International Arbitration and Mediation 3rd Edition is a unique work with each chapter written by a well known practitioner and expert in the field It covers each step of the international arbitration and mediation process and offers separate chapters that summarize the laws of leading arbitral venues This Handbook is intended to make the reader into a better practitioner or arbitrator mediator Moreover each chapter has been written to provide practical advice and guidance Unlike many works with multiple authors this work is not simply a collection of essays on a general subject This book is a unified work with cross references among the chapters and a consistent format throughout The Practitioner's Handbook is divided into three parts Part One describes in

detail each step of the international arbitration process and offers tips Part Two deals with each step and facet of an international mediation Each of these chapters is filled with Practitioners Expert Commentary Part Three summarizes the laws of leading arbitral jurisdictions like Hong Kong England Switzerland and France These chapters give you detailed guidance on the laws governing international arbitration in that particular jurisdiction As a result the chapters in Part Three are a bit more technical as the authors realized that the reader would need citations to and commentary on the local arbitration statutes and rules The CD ROM that accompanies this Work contains relevant original source material that is germane to the text A review of the table of contents of the material contained on the CD ROM will acquaint you with the range of material covered

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

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 Preclusion Lis Pendens and Stare Decisis in International Arbitral Awards

Recognition and Enforcement of Foreign Arbitral Awards in Theory and in Practice Ihab Abdel Salam Amro, 2014-03-26 This book initiates a discussion of the law and practice of recognition and enforcement of foreign arbitral awards in both common law and civil law countries In terms of law this book principally focuses on the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958 and the harmony or clash between the New York Convention and national arbitration laws of both

common law and civil law countries including the UK and the USA as common law countries and France Germany and Greece as civil law countries In terms of practice this book deeply and extensively examines the judicial application of the New York Convention in national courts of common law and civil law countries and sheds light on the best practices related to the judicial application of the New York Convention while also highlighting how future disputes can be resolved in national courts As such this book provides solutions for salient and recurring problems arising out of the erroneous judicial application or interpretation of the New York Convention by national courts and encourages the adoption of a more liberal regime in favour of the recognition and enforcement of foreign arbitral awards generally and the adoption of a more liberal interpretation of the New York Convention in national courts of both common law and civil law countries particularly This book which is based on more than 100 courts decisions from common law and civil law countries is a valuable resource for academics arbitrators practicing lawyers corporate counsels law students and researchers interested in international commercial arbitration as well as for business professionals involved in international trade and those who are willing to solve their commercial disputes through arbitration **Arbitration of International Business Disputes** William W.

Park,2012-09-20 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 The Work of UNCITRAL on

Arbitration and Conciliation Pieter Sanders,2004-01-01 This new edition Pieter Sanders focuses on the ongoing revision of the Model Law on Arbitration including reports on what has been achieved so far and detailed discussion of ten topics for revisions to be addressed in the future This is a book that will be of value to corporate counsel international lawyers business people academics and students in this important field of dispute resolution 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

Principles of International Economic Law Matthias Herdegen, 2016-10-06 Principles of International Economic Law provides a comprehensive overview of the central topics in international economic law with an emphasis on the interplay between the different economic and political interests on both the international and domestic levels Following recent tendencies the book sets the classic topics of international economic law like WTO law investment protection commercial law and monetary law in context with aspects of human rights environmental protection and the legitimate claims of developing countries The book draws a concise picture of the architecture of international economic law with all its complexities without getting lost in fragmented details Providing a perfect introductory text to the field of international economic law the book thoroughly analyses legal developments within their wider political economic or social context Topics covered range from codes of conduct for multinational enterprises to the human rights implications of the exploitation of natural resources The book demonstrates the economic foundations and economic implications of legal frameworks It puts into profile the often complex relationship between on the one hand international standards on liberalization and economic rationality and on the other state sovereignty and national preferences It describes the new forms of economic cooperation which have developed in recent decades such as the growing number of transnational companies in the private sector and forms of cooperation between states such as the G8 or G20 This fully updated second edition covers new aspects and developments including the growing importance of corporate social responsibility mega regional agreements like CETA TTIP and TPP trade and investment related aspects of human rights law

Principles of International Economic Law, 3e Matthias Herdegen, 2024-03-20 Principles of International Economic Law provides a comprehensive overview of the central topics in

international economic law with an emphasis on the interplay between the different economic and political interests on both the international and domestic levels Following recent tendencies the book examines classical topics of international economic law such as WTO law investment protection commercial law and monetary law in context with emerging aspects of human rights environmental protection and the legitimate claims of developing countries A perfect introductory text to the field of international economic law the book thoroughly analyses legal developments within their wider political economic or social context Topics covered range from codes of conduct for multinational enterprises to human rights implications of the exploiting natural resources and the legal impact of climate protection The book demonstrates the economic foundations and economic implications of legal frameworks It puts into profile the often complex relationship between on the one hand international standards on liberalization and economic rationality and on the other state sovereignty and national preferences It describes the newly developed forms of economic cooperation between states such as the G7 the G20 or the BRICS Herdogen s Principles of International Economic Law has established itself as a leading textbook in the field This fully updated third edition covers new aspects and developments with a particular focus on corporate social responsibility challenges for WTO law mega regional agreements such as CPTPP the impact of human rights law and environmental standards and cryptocurrencies

Convergence and Divergence of Private Law in Asia Gary Low, 2022-02-24 There have been an increasing need for greater integration of many Asian economies either within the confines of ASEAN or on a more geo economically strategic scale including major Asian jurisdictions like China Japan and Korea A number of key personalities within the regional legal fraternity have advanced views that such integration ought to occur through the harmonization of legal rules arguing that in doing so uncertainty and other transaction costs would be reduced and commercial confidence within the region concomitantly increased This edited volume brings together eminent and promising scholars and practitioners to investigate what convergence and divergence means in their respective fields and for Asia Interwoven in the details of each tale of convergence is whether and how convergence ought to take place and in so choosing what are the attendant consequences for that choice

Yearbook Commercial Arbitration, 2004 Albert J. Van den Berg, 2004-12-01 For nearly three decades the international legal business and academic communities have relied on the Yearbook Commercial Arbitration for comprehensive coverage of the complex field of international commercial arbitration With its reporting on developments in legislation and arbitral institutions and its excerpts of arbitral awards and court decisions Volume XXIX continues the Yearbook s tradition of providing topical information in special sections covering Awards from arbitral institutions not readily available elsewhere Court decisions on arbitration including Canadian court decisions on awards made in connection with NAFTA Chapter 11 and US Supreme Court decisions on procedural issues damages and the applicability of the Federal Arbitration Act Arbitration rules from leading arbitral institutions this year featuring The new arbitration rules and code of ethics from the Arbitration Chamber of Milan with an introduction by Rinaldo

Sali The New Swiss Rules of International Arbitration introduced by Dr Wolfgang Peter The American Arbitration Association
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 Yearbook is a vital resource for anyone involved in the practice and study of international arbitration **International Civil**
Litigation in United States Courts , Recognition and Enforcement of Foreign Arbitral Awards Herbert Kronke, Patricia
 Nacimiento, Dirk Otto, Nicola Christine Port, 2024-12-05 Few instruments in international law have become as clearly and
 successfully established worldwide as the 1958 New York Convention on the Recognition and Enforcement of Foreign
 Arbitral Awards It has continued to prove itself throughout the fourteen years since the publication of the first edition of this
 preeminent commentary a period during which the Convention s scope and application have been greatly augmented by
 numerous court decisions rendered in jurisdictions around the globe and regarding arbitral awards resulting from both
 commercial and investor State disputes as well as by abundant legal scholarship calling for an updated edition The second
 edition retains the book s article by article format both text and detailed analysis including each provision s theoretical
 underpinnings and practical application in a wide variety of jurisdictions around the world The editors have assembled a
 group of authors some already involved in the first edition some new each of them an experienced practitioner in the field of
 international arbitration in their particular country and deeply conversant with the leading and most recent arbitrations and
 relevant court decisions in their domestic case law The commentary includes updated and expanded coverage of such
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 the seat of the arbitration and outside the seat safeguarding due process standards the more favourable rights principle
 embodied in Article VII 1 forum shopping and the role of formalities and formalism To continue to provide a truly
 international view of how the Convention functions in practice the analysis thoroughly covers the major recent issues that
 have arisen in its application and their resolutions in diverse cases The end result is an invaluable work that will prove
 enormously useful to all international commercial arbitration practitioners and scholars regardless of location **Due**
Process in International Commercial Arbitration Matti S. Kurkela, Santtu Turunen, Conflict Management Institute

(COMI),2010-04-14 This is the first publication to identify a universal procedural code for international commercial arbitration This informative and well argued discussion of a uniform code for due process is a useful aid for both practitioners and scholars More than just a useful desk reference this publication uncovers a unifying arbitration principle in light of the diversity of national traditions The authors demonstrate how this unifying principle might establish a new standard procedure in arbitration law Guiding the reader through a step by step analysis of due process in international commercial arbitration the book is comprehensive without being esoteric Due Process in International Commercial Arbitration Second Edition thus helps both practitioners new to arbitration procedure and experienced attorneys looking for a cutting edge discussion of due process issues It can be used as a handbook for lawyers engaged in arbitral disputes To provide the necessary guidance for lawyers in need of quick reliable information authors Matti Kurkela and Santtu Turunen update readers on the numerous changes made to arbitration law since the book s 2005 edition Even more helpfully Kurkela and Turunen have added two new chapters to show lawyers what to expect in the midst of an arbitration proceeding a chapter on procedural rules from the New York Convention and a chapter on jurisdiction arising from sources outside the arbitration agreement As corporations engage in more globalized commerce and as arbitrators resolve more international legal disputes this resource provides both the broad background and the quick reference information necessary to understand the complexities of arbitration procedure A thorough Table of Contents Index and Appendix of primary documents facilitate practitioners research in this vital book This new edition s balance of comprehensiveness and concision make it a one stop resource for arbitration attorneys around the world Decision-making in International Construction

Arbitration Haytham Besaiso,2023-10-03 This book contributes to the empirical understanding of how arbitrators make their decisions on the substance of commercial disputes arising from international construction projects It is based on in depth interviews with 28 international construction arbitrators and on the analysis of dozens of international construction arbitration awards The combined experience of those who participated in the author s research amounted to hundreds of international construction arbitrations 300 cases in addition to several hundred international commercial arbitrations It presents the results of the first and largest research to be undertaken in this area and it will be useful to arbitration practitioners and scholars and to the wider audience of dispute resolution students practitioners and theorists In turn the book examines to what extent international arbitrators apply the law as the substantive norm providing an explanation for that and then offers insights into whether arbitrators in fact lean towards commercial and transnational norms to construe the parties contract before discussing to what extent international arbitrators take into account fairness considerations to reach their decisions on the merits of the parties claims The book also examines to what extent international arbitrators apply mandatory rules of foreign law Lastly it provides insight into the effect of arbitrators background characteristics on their decisions Written for arbitration practitioners arbitrators and legal counsel and scholars the book will be useful for both

experienced arbitrators and those starting their arbitration career or studying for their arbitration qualification It will also be useful for project professionals involved in contract management and dispute resolution **The United Nations**

Convention on the Use of Electronic Communications in International Contracts A.H. Boss, W. Kilian, 2008-12-09 The use of electronic commerce in international trade is growing by leaps and bounds No one can dispute the need for a system of rules to guide countries as well as private commercial parties through the many new developments and issues that arise The United Nations Convention on the Use of Electronic Communications in International Contracts ECC adopted by the United Nations General Assembly in December 2005 and currently undergoing the ratification process provides such a system This book is a guide and resource on the Convention its evolution interpretation and relationship to domestic laws throughout the world The book represents the outcome of a conference held at the Leibniz University of Hannover in September 2007 It consists of an introduction to the drafting of the Convention expert commentary on each article and perspectives in the context of domestic and substantive law A distinguished panel of authorities representatives of governments international organizations transnational companies and universities as well as practising attorneys all of whom have been active domestically and internationally in confronting the legal issues of electronic commerce discuss such aspects of the ECC as the following timing of dispatch and receipt of electronic communications transactions related to the financial sector altering the scope of the Convention by contract opting in and opting out choice of law versus party autonomy use of foreign case law to interpret the Convention legal information requirements writing and signature requirements error in electronic communications and problems of identity and data integrity Several authors provide in depth analysis of the interaction between ECC provisions and other relevant legal regimes including the United States ASEAN the EU Sri Lanka India and China as well as the interrelations between the ECC and ICC rules rules under the CISG and the trade usages of the lex mercatoria The various contributors highlight issues arising from each ECC provision and provide well informed insight into how remaining problems are likely to be resolved as the Convention enters into force Stakeholders from all concerned sectors of the legal community businesspersons and their counsel IGO and government officials and academics will benefit greatly from the detailed information analysis and guidance offered here

Embracing the Beat of Appearance: An Psychological Symphony within **Model Law Decisionscases Applying The Uncitral Model Law On International**

In some sort of used by monitors and the ceaseless chatter of immediate transmission, the melodic elegance and psychological symphony produced by the prepared term frequently disappear into the back ground, eclipsed by the persistent sound and disturbances that permeate our lives. But, located within the pages of **Model Law Decisionscases Applying The Uncitral Model Law On International** a charming fictional value full of organic emotions, lies an immersive symphony waiting to be embraced. Constructed by an elegant musician of language, that interesting masterpiece conducts visitors on an emotional trip, well unraveling the concealed tunes and profound influence resonating within each carefully constructed phrase. Within the depths with this moving review, we shall discover the book is key harmonies, analyze their enthralling writing model, and surrender ourselves to the profound resonance that echoes in the depths of readers souls.

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