Default Powers Of Arbitrators

The Powers and Duties of an Arbitrator *Default Powers of Arbitrators Is Arbitration Only As Good As the Arbitrator?* Excess of Powers in International Commercial Arbitration *Inherent Powers of Arbitrators* The Powers and Duties of an Arbitrator Arbitration Law of Canada **Arbitration Law of Pakistan** The Arbitration Act 1996 *Injunctive Relief and International Arbitration* **Contemporary Problems in International Arbitration Contract Interpretation in Investment Treaty Arbitration** *Costs in Arbitration Proceedings* Investment Treaty Arbitration as Public International Law UNCITRAL Model Law on International Commercial Arbitration Arbitration Law and Practice in Kenya **Regulatory Freedom and Indirect Expropriation in Investment Arbitration** *Procedure and Evidence in International Arbitration Redfern and Hunter on International Arbitration* Arbitration and Contract Law *The Function of Equity in International Law Arbitrating under the 2020 LCIA Rules Provisional and Emergency Measures in International Arbitration* **Arbitration and the Constitution** Russell On Arbitration **Post Award Issues: ASA Special Series No. 38 The fundamentals of international commercial arbitration Arbitration in India Explaining Why You Lost** Dealing with Bribery and Corruption in International Commercial Arbitration **The Principles and Practice of International Commercial Arbitration A Practical Guide to the SIAC Rules A Practical Guide to International Commercial Arbitration** UNCITRAL Notes on Organizing Arbitral Proceedings **Due Process as a Limit to Discretion in International Commercial Arbitration The Law and Practice Relating to Referees, References and Arbitrations** *Domestic Arbitration* **Arbitration in Argentina Arbitration in Egypt** *International Commercial and Investor-State Arbitration*

Right here, we have countless books **Default Powers Of Arbitrators** and collections to check out. We additionally give variant types and as well as type of the books to browse. The tolerable book, fiction, history, novel, scientific research, as with ease as various additional sorts of books are readily clear here.

As this Default Powers Of Arbitrators, it ends taking place inborn one of the favored ebook Default Powers Of Arbitrators collections that we have. This is why you remain in the best website to see the unbelievable books to have.

The Law and Practice Relating to Referees, References and Arbitrations Dec 26 2019 Excerpt from The Law and Practice Relating to Referees, References and Arbitrations: The Law and Practice as to References and the Powers and Duties of Referees Under the Code of Civil Procedure and Statutes of the State of New York; Also the Law and Practice as to Arbitrations and the Powers and Duties of Arbitrators Under the Code; With Fifteen years have elapsed since the publication of a work on Referees and References. During that time numerous cases have been passed upon by the courts, involving vital questions relating to the power of courts to make compulsory references in certain classes of cases, even when long accounts are involved. The decisions in these cases and the recent amendments of the statute, by which "short form" decisions are abolished and the method of reviewing referees' decisions changed, render a new work on the subject at this time necessary. This work is intended to cover every subject under the Code and the various statutes. It is designed as a "Ready Reference," and "Complete Digest" of the law on the subject, and for each proposition stated, authorities are cited in support of it. The kindred subject of Arbitration is also given place in the work, and the same care has been given to that branch of the work as to the former. When, in the view of the writer, a subject of importance was met, liberal quotations from opinions, stating the precise point involved, are given in foot-notes, thus saving the necessity of consulting reports, sometimes inaccessible. A complete and carefully prepared set of Forms are given as an appendix. About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving the original format whilst repairing imperfections present in the aged copy. In rare cases, an imperfection in the original, such as a blemish or missing page, may be replicated in our edition. We do, however, repair the vast majority of imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works.

The Arbitration Act 1996 Apr 22 2022 The Arbitration Act 1996 introduced radical changes to the English arbitration law. This fourth edition has been revised to include new case law and provides a section by section commentary on the act and covers all the key cases.

Arbitration in India Sep 03 2020 India has a long-standing tradition of dispute resolution through arbitration, with arbitral-type regulations going back to the eighteenth century. Today, amendments to the 1996 Indian Arbitration Act, a steady evolution of case law and new arbitral institutions position India’s vibrant system once more at the forefront of international commercial dispute resolution. In this handbook, over forty members of the international arbitration community in India and beyond offer authoritative perspectives and insights into topics on arbitration that matter in India. International arbitration practitioners, Indian practitioners, and scholars have combined efforts to produce a practical and informative guide on the subject. Among numerous notable features, the contributors provide detailed analysis and description of such aspects of arbitration as the following, with a focus on the Indian context: Indian application of the 1958 New York Convention; law governing the merits of the dispute and awards; investor-state dispute settlement; drafting arbitration clauses for India-centric agreements; managing costs and time; rise of virtual arbitration and technology; effect of public policy in light of extensive Indian jurisprudence; and arbitration of claims relating to environmental damage. Practical features include checklists for drafting arbitration clauses and a comparative chart of major commercial arbitration rules applicable to India. Also included is a comparative analysis of arbitral regimes in India, Singapore and England; chapters on the India Model Bilateral Investment Treaty and ISDS reforms; a special section on the enforcement of foreign awards; a section on the drafting of the award guided by leading arbitrators and stakeholders and a review of the new 2021 ICC Rules. For foreign counsel and arbitrators with arbitrations in India, this complete and up-to-date analysis provides guidelines for practitioners, corporate counsel, and judges on considerations to be borne in mind with respect to arbitration with an Indian nexus and whilst seeking enforcement and execution of an arbitral award in India. It will prove an effective tool for students and others in understanding and navigating the particularities and peculiarities of India’s system of domestic and international commercial arbitration.

The Function of Equity in International Law Apr 10 2021 This book provides a systematic and comprehensive study of the legal concept of equity as it operates in contemporary international law. A principle with a long pedigree, equity has been present in legal thought and in municipal legal systems since antiquity. Introduced in international legal decisions through claims commissions and arbitral tribunals, equity became progressively part and parcel of the international law mainstream. From international cultural heritage law to the law on climate change, from maritime boundary delimitations to decisions on security for costs in investment arbitration, the relevance of equity is more far-reaching than has previously been acknowledged. In contrast with earlier studies on the topic, this book is informed by a body of judicial and arbitral case law that has never been so substantial and varied. It also draws extensively on the prolific case law of investment tribunals, gaining insights from a valuable source that is typically overlooked in public international law scholarship. As the importance of international law increases, covering continuously new domains, the value of equity increases with it. It is this new equity in the international law of the 21st century that this book explores.

Provisional and Emergency Measures in International Arbitration Feb 08 2021

UNCITRAL Notes on Organizing Arbitral Proceedings Feb 26 2020

Due Process as a Limit to Discretion in International Commercial Arbitration Jan 27 2020 The absence of a coherent body of case law on due process has increasingly motivated recalcitrant parties to use due process as a strategic tool, thereby putting at risk the prospect of obtaining an enforceable award in expeditious proceedings. Countering this inherent danger, here for the first time is a comprehensive study on due process as a limit to arbitral discretion, showing how due process applies in practice in key jurisdictions around the world. Based on country reports prepared by leading arbitration practitioners and academics, the book explores how courts in major arbitration jurisdictions apply due process guarantees when performing their post-award review. The contributors, driven by an interest in exploring the interplay between due process and efficiency, focus on those due process guarantees that set limits to arbitral discretion. Matters covered include the following: the right to be heard and how it may be affected by submission deadlines, evidentiary offers by the opposing party, and directions to the parties as to which aspects require further pleading; the right to be treated equally and its interplay with the duty to give each party full opportunity to present its case and to comment on submissions and evidence filed by the other party; the duty to effect proper notice, including delivery and language issues; the independence and impartiality of arbitrators with a focus on when an arbitrator’s conduct can become the basis for a successful challenge; and courts’ standards of deference when examining issues arising at the post-award stage. An introductory general report thoroughly analyses the normative basis of due process and its interplay with party autonomy, as well as applicable standards of review and commonalities among manifestations of due process across jurisdictions. A signal contribution to the debate regarding the so-called due process paranoia affecting arbitral tribunals – a topic relevant in every single arbitration proceeding – this book provides practical guidelines on how to maintain the balance between due process and efficiency and how

to apply due process and counteract its misuse in arbitration proceedings. It will be welcomed by counsel, arbitrators, and judges from all countries, as well as by academics and researchers concerned with international commercial arbitration.

Contract Interpretation in Investment Treaty Arbitration Jan 19 2022 Overview of contract interpretation in investment treaty arbitration -- National laws and contract interpretation -- International law and contract interpretation -- The power of treaty-based tribunals to interpret contracts -- Contract interpretation as the incidental issue.

Regulatory Freedom and Indirect Expropriation in Investment Arbitration Aug 14 2021 Many investment arbitration cases involve a challenge to a regulatory measure of a host state on the basis of indirect expropriation. The practice of arbitral tribunals is diverse and unsettled. In recent years States have been trying to clarify the relationship between regulatory freedom (also known as 'police powers') and indirect expropriation by revising provisions on indirect expropriation in their investment treaties. This book provides the first focused analysis of indirect expropriation and regulatory freedom, drawing on a broad range of the jurisprudence of investment tribunals. The nature of regulatory freedom in international law has been explained on the bases of jurisprudence of international courts and tribunals such as the International Court of Justice (ICJ), Permanent Court of International Justice (PCIJ), dispute resolution bodies of the World Trade Organisation (WTO), European Court of Human Rights. While showing how cases involving standoff between regulatory freedom and indirect expropriation can be resolved in practice, the book goes on to present a conceptual framework for interpreting the nuances of this relationship. The book provides a detailed responses to the following complex questions: • To what extent do states retain regulatory freedom after entering into investment treaties? • What is the scope of regulatory freedom in general public international law? • What are the elements of regulatory freedom and standard of review? • How to draw a dividing line between regulatory freedom and indirect expropriation? • Whether the sole effects doctrine or the police powers is the appropriate method for distinguishing between regulatory freedom and indirect expropriation? While addressing these questions, the author analyses different theoretical approaches that reflect upon the relationship between regulatory freedom and indirect expropriation and how far they assist in understanding these potentially overlapping concepts; their relationship with each other; and the method for distinguishing between them. Given the dense network of around three thousand bilateral investment treaties (BITs) that impose an obligation to protect foreign investments in a State, this book will help practitioners identify, through analysis of cases from diverse fields, how a situation may be categorized either as regulatory freedom or as indirect expropriation. The analysis will also be of value to government officials and lawyers involved in negotiating and re-negotiating investment treaties, and to arbitrators who have to decide these issues. Scholars will welcome the book's keen insight into the contentious relationship between a customary international law norm and a treaty norm.

Redfern and Hunter on International Arbitration Jun 12 2021 Reviewing the legal context within which international commercial arbitration operates, this text has been updated to reflect recent developments in international law.

UNCITRAL Model Law on International Commercial Arbitration Oct 16 2021 This book provides a comprehensive commentary on the UNCITRAL Model Law on International Arbitration. Combining both theory and practice, it is written by leading academics and practitioners from Europe, Asia and the Americas to ensure the book has a balanced international coverage. The book not only provides an article-by-article critical analysis, but also incorporates information on the reality of legal practice in UNCITRAL jurisdictions, ensuring it is more than a recitation of case law and variations in legal text. This is not a handbook for practitioners needing a supportive citation, but rather a guide for practitioners, legislators and academics to the reasons the Model Law was structured as it was, and the reasons variations have been adopted.

Procedure and Evidence in International Arbitration Jul 13 2021 Central to the book s purpose is the procedural challenge facing arbitrators at each and every stage of the arbitral process when fairness arguments conflict with efficiency concerns and trade-offs must be determined. Some key themes include how can a tribunal be fair, and in particular be neutral, if parties are so diverse? How can arbitration be made efficient and cost-effective without undue inroads into fairness and accuracy? How does a tribunal do what is best if the parties are choosing a suboptimal process? When can or must an arbitrator ignore procedural choices made by the parties? The author thoroughly evaluates competing arguments and adds his own practical tips, expertly synthesizing and engaging with the conference literature and differing authors views. He identifies criteria that offer a harmonized approach to each stage of the arbitral process, with particular attention to such aspects of international arbitration as: appropriate trade-offs between flexibility and certainty; the rights, duties and powers of arbitrators; appointment and challenge of arbitrators; responses to guerilla tactics; drafting of arbitration agreements, including specialty clauses; drafting of required commencement notices and response documents; set-off; fast track arbitration and other efficiency options; strategic use of preliminary conferences and timetabling; online arbitration; multi-party, multi-contract, class arbitration; amicus and third party funders; pre-arbitral referees and interim relief; witness evidence, both factual and expert; documentary evidence, production obligations, and challenges to production; identifying applicable law; and remedies and costs."

Default Powers of Arbitrators Nov 29 2022 This text isolates the default jurisdiction of arbitrators for specialist consideration. Within the arbitral process it assumes a position of growing importance with the increasing demand for cost-effective and efficient arbitration.

Investment Treaty Arbitration as Public International Law Nov 17 2021 This book demonstrates how the public international law character of investment treaty arbitration has impacted on the dispute settlement procedure.

Arbitration and Contract Law May 11 2021 This book deals with the contractual platform for arbitration and the application of contractual norms to the parties' dispute. Arbitration and agreement are inter-linked in three respects: (i) the agreement to arbitrate is itself a contract; (ii) there is scope (subject to clear consensual exclusion) in England for monitoring the arbitral tribunal's fidelity and accuracy in applying substantive English contract law; (iii) the subject-matter of the arbitration is nearly always a ‘contractual’ matter. These three elements underlie this work. They appear as Part I (arbitration is founded on agreement), Part II (monitoring accuracy), Part III (synopsis of the English contractual rules frequently encountered within arbitration). The book will be a useful resource to foreign lawyers or English non-lawyers, English lawyers seeking a succinct discussion, and to arbitral tribunals.?

Contemporary Problems in International Arbitration Feb 20 2022 The establishment of a School of International Arbitration was a sufficiently important occurrence to have brought to London, for its inaugural conference, most of the world's leading experts on international arbitration. The three-day Symposium on March 25-27, 1985 sought to identify and consider the It was not the aim contemporary problems affecting international arbitration. of the Symposium to develop, propose or agree solutions to these problems, but rather to discuss the issues and alternative solutions. The success of the School will be measured in the future by its contribution, through research and teaching, to the development of solutions to the difficulties and uncertainties which reduce the effectiveness of international arbitration agreements and awards and the conduct of international arbitral proceedings. This book reproduces the papers presented at the Symposium (amended and varied by several contributors). It is not considered appropriate here to comment on or analyse paper by paper the ideas presented or discussions which ensued. However, it would be appropriate to make reference to specific developments in the short period since the Symposium directly relevant to the papers reproduced and the discussions which ensued. The pertinence of the subject-matter selected becomes clear from these subsequent developments.

Excess of Powers in International Commercial Arbitration Sep 27 2022 Although the idea of arbitral tribunal's mandate is in everyday use in the international arbitration scholarship, it remains an elusive concept lacking any legal definition. Often associated with other notions such as the tribunal's mission, powers, authority or even jurisdiction, the meaning of arbitral tribunal's mandate remains a moving target and escapes easy classification. Yet, perhaps somewhat surprisingly, a non-compliance with the arbitral tribunal's mandate provides a basis for a challenge of the arbitral award at the post-award stage (either during setting aside proceedings or at the enforcement stage). Since the concept of the tribunal's mandate is vague, it attracts, in turn, a broad interpretation of the ground leading to a frustration of the fundamental value of arbitration - the finality of the arbitral award. It is therefore essential to determine how the national courts review arbitral awards on the basis of 'excess of mandate' and consequently in what instances they accept the argument that the tribunal acted in violation of its mandate. This study aims at recognizing the similarities and differences of the 'excess of mandate' type of challenges in selected legal systems (namely the UNCITRAL Model Law, France, England, the U.S. and the New York Convention). Looking through the eyes of what the selected legal systems consider to be an 'excess of mandate' allows us to identify common features and contributes to a better understanding of the concept of the arbitral tribunal's mandate by arbitrators, judges and legal practitioners alike. Accordingly, this research adds a building block to the definition of the tribunal's mandate.

A Practical Guide to the SIAC Rules Apr 29 2020

Post Award Issues: ASA Special Series No. 38 Nov 05 2020 The arbitral tribunal's responsibilities and tasks often do not end when it has rendered it's award. Tribunals may be called to interpret their awards or correct clerical errors, the award may be sent back to them for amendments; arbitrators may have to comment on their awards or may be called as witnesses; they may be invited to continue even though all pending disputes have been decided; their fees may be challenged or they may have to claim tax reimbursements. These and other issues that arbitrators, parties and institutions have to face once the award has been rendered are examined by leading authorities.

A Practical Guide to International Commercial Arbitration Mar 29 2020 Providing a hands-on guide for those who require practical and easily accessible advice on issues relating to international commercial arbitration, this text deals with both the contractual arrangements necessary to provide for arbitration in the event of a dispute and the processes of arbitration itself.

Explaining Why You Lost Aug 02 2020 Generally speaking, the losing party is more interested than the winning party in understanding the reasons for the outcome of the proceeding. And yet, the requirement that, unless otherwise agreed by the parties, the award "shall state the reasons upon which it is based" is a widely recognized principle in international arbitration. The rules of most arbitral institutions also require that an award include reasons. This Institute Dossier addresses reasoning in International Commercial and Investment Arbitration Awards: Should an arbitrator state his reasons? Why? How extensive and/or complete must the reasoning be for the process to be fully comprehensible and thus legitimate to the parties? What may be the consequences of an unsatisfactory reasoning? Readers will get useful insights into the legal reasoning process by accessing data from a recent large-scale empirical study of legal reasoning in commercial disputes. They will also be treated to some creative writing tips in the hope that reading an award becomes a more interesting part of the job. The ICC Institute of World Business Law brings together the finest legal minds to strengthen links between international business practitioners and the legal profession. The Institute 'Dossiers' is a series that has gained international prestige. These Dossiers are the outcome of the Institute's annual meetings, where experts from around the globe come together to discuss salient issues of international commercial law and arbitration. An ICC Services publication, distributed by Kluwer Law International.

International Commercial and Investor-State Arbitration Aug 22 2019 This thought-provoking book combines analysis of international commercial and investment treaty arbitration in order to examine how they have been framed by the twin tensions of 'in/formalisation' and 'glocalisation'. Taking a comparative approach, the book focuses on Australia and Japan in their attempts to become regional hubs for international arbitration and dispute resolution services in the increasingly influential Asia-Pacific context as well as a global context.

The fundamentals of international commercial arbitration Oct 04 2020 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.

Arbitrating under the 2020 LCIA Rules Mar 09 2021 The London Court of International Arbitration (LCIA), the oldest of all major arbitral institutions, has, since its establishment well over a century ago, embodied the ideals that underlie the arbitral alternative and set its face against undue delay, soaring cost, complexity, and acrimony. Today, the LCIA administers cases arising under any system of law in any venue worldwide. Underscoring the institution's international nature, and over 80% of parties in pending LCIA cases today are not of English nationality. This highly practical and user-friendly guide provides not only a thorough analysis of the 2020 LCIA Rules but also a comprehensive explanation of the basic principles governing LCIA arbitration, along with an in-depth analysis of complex issues that may arise in the course of LCIA proceedings. Among the new and revised rules affecting LCIA practice and procedure described in detail include the following: use of technology, accommodating virtual conferencing, remote hearings and electronically signed awards, as well as confirming the primacy of electronic communication with the LCIA; tools to expedite proceedings, including the possibility of early dismissal determinations; explicit consideration of data protection; issues relating to bribery, corruption, terrorist financing, fraud, tax evasion, money laundering and/or economic or trade sanctions; streamlined accommodations for consolidation, composite Requests and concurrent conduct of arbitrations; conduct of authorised representatives of a party; requirements for appointment and removal of tribunal secretaries; and revised schedules of arbitration and mediation costs. The twenty-six chapters of the book provide references to essential national court judgments, statutory provisions, up-to-date statistics, and bibliographical sources on LCIA arbitrations. The 2020 LCIA Rules reflect the most sophisticated current modifications of arbitral procedure, fully aligned with the needs of current global commercial activities. For this reason, and because many companies worldwide include LCIA arbitration clauses in their agreements, this book is invaluable to business executives and corporate counsel as well as to scholars of alternative dispute resolution.

Arbitration in Egypt Sep 22 2019 Egypt, and in particular the Cairo Regional Centre for International Commercial Arbitration (CRCICA), has clearly cemented its status as a preferred seat for arbitration cases in both the Middle East–North Africa (MENA) region and the African continent. To assist parties with a need or desire to arbitrate disputes arising in these regions – whether commercial or investment – this incomparable book, the first in-depth treatment in any language of arbitration practice under Egyptian law, provides a comprehensive overview of the arbitration process and all matters pertaining to it in Egypt, starting with the arbitration agreement and ending with the recognition and enforcement of the arbitral award. Citing more than 2,500 cases – both awards and arbitral-related court judgments – the book's various chapters examine in detail how Egypt's arbitration law, based on the UNCITRAL model law, encompasses such internationally accepted arbitral provisions and aspects as the following: application of the New York Convention; concept of arbitrability; choice of applicable law; formation of the arbitral tribunal; selection, rights, duties, liability, and challenge of arbitrators; arbitral procedures; evidence and experts and burden of proof; form and content of arbitral awards; annulment and enforcement procedures; interaction between Sharia law and arbitration; role of Egypt's Technical Office for Arbitration (TOA); and judicial fees. Special issues such as third-party funding and public policy as well as particular areas of dispute such as construction, sports, real estate, labor and employment, tax, competition, intellectual property, and technology transfer are all covered. The author offers practical guidelines tailored to arbitration in these specific areas of law. An added feature is the many figures and other visuals that accompany the text. For whoever is planning to or is currently practicing arbitration in the Middle East, this matchless book gives arbitrators, in-house counsel and arbitration practitioners everything that is needed to answer any question likely to arise. This book should be on the shelf of every practitioner and academic wishing to comprehend arbitration in Egypt as construed by the Egyptian Courts.

The Powers and Duties of an Arbitrator Dec 30 2022 The scope of the arbitrator's powers in arbitration proceedings has been widely discussed in recent years, but remains understudied. Among prominent international arbitrators, none have focused on this issue more than Dr. Pierre A. Karrer. Dr. Karrer is celebrated here on the occasion of his seventy-fifth birthday by more than thirty leading arbitration practitioners and academics worldwide who have been part of, and have been influenced by, his extensive professional career. Following Dr. Karrer's primary interests, notably his advocacy of a strong arbitrator role in proceedings as evidenced in his lectures, presentations, and publications as well as in his own arbitrations, the contributions in this book consider such questions as the following: ·What are the sources of an arbitrator's power? ·What are the limits of an arbitrator's power? ·Should arbitrators have a role in encouraging settlement? ·May arbitrators regulate and impose sanctions against counsel? ·How managerial should arbitrators be? ·What are the duties and liabilities of arbitrators? ·What is the nature of the arbitrator's relationship to arbitral institutions? ·Are emergency arbitrators actually 'arbitrators'? ·Should arbitrators raise issues of arbitrability and public policy ex officio? ·To what extent may arbitrators delegate tasks and use tribunal secretaries? With its in-depth perspectives on the arbitrator's role, powers, and duties in an arbitration proceeding, and its extensive analysis of some of the most timely and controversial issues in arbitration today, this book offers an abundance of thought-provoking yet also practical commentary and guidance for practitioners and academics in the field of international arbitration and international commercial law.

Costs in Arbitration Proceedings Dec 18 2021 This revised text provides a practical guide to the law relating to all aspects of costs in arbitration proceedings. The Arbitration Act 1996, has made significant changes to the law on arbitration costs. These have, among other things, made arbitrators responsible for the cost-effective management of cases, and given them new powers to help them achieve this. In its second edition, "Costs in Arbitration Proceedings" has been updated to include sections on: agreements as to costs; the arbitrator's power to limit costs; and forms and precedents. It sets out the law of costs for the parties and of the parties, the arbitrators' fees, taxation of costs, and security for costs, costs implications of offers of settlement and application to the court in repect of costs. It is suitable for professional arbitration lawyers and also for the new or lay arbitrator.

Arbitration Law of Pakistan May 23 2022 Driven to a significant extent by Pakistan's rapidly growing status in trade and economic partnerships – in particular considering the country's role in the China and Pakistan Economic Corridor (CPEC) – interest in Pakistan's dispute settlement regime is on the rise. This ground-breaking book, by Pakistan's best-known arbitrator, practitioner, and legal scholar, is the first in any language to provide in-depth coverage of all significant topics of Pakistani law on both domestic and foreign arbitration, ranging from drafting of the arbitration agreement to the enforcement of arbitral awards. With comprehensive coverage of Pakistani statutes and case law affecting arbitration and bilateral investment treaties (BITs), the author describes and analyses such issues and topics as the following: concepts of separability, arbitrability, and competence-competence; rules governing the conclusion, interpretation, and enforcement of arbitration agreements; grounds on which courts assume jurisdiction; legal issues pertaining to the stay

of court proceedings in relation to both domestic and foreign arbitration; constitution of arbitral tribunals; interim measures; judicial review of both domestic and foreign arbitral awards; and available remedies of appeal and revision. Positioned to become the preeminent authority on the arbitration law of Pakistan, this book will be welcomed not only by Pakistani practitioners, arbitrators, judges, students, and academics as the first practical guide to arbitration practice and procedure in their country but also by foreign practitioners approaching Pakistani courts seeking interim measures and enforcement of arbitration agreements and arbitral awards. In addition, both domestic and foreign businessmen will discover clear paths to well-informed decisions on investment and commercial issues involving Pakistan.

The Powers and Duties of an Arbitrator Jul 25 2022 The powers and duties of an arbitrator' focuses on powers and duties of arbitrators in arbitration proceedings, a topic which has been widely discussed in recent years, but remains understudied. Among prominent international arbitrators, Dr. Pierre A. Karrer stands out as exemplifying and advocating the responsible exercise of powers to fulfil the duties of an arbitrator. At a time when arbitration is under ever greater scrutiny and subject to ever more searching and sometimes hostile enquiries, Dr. Karrer's work provides an example of how good the arbitral process can be when it is in the hands of a master. This book adds to the substantial contributions resulting from Dr. Karrer's career. More than thirty leading arbitration practitioners and academics worldwide who have been a part of, and have been influenced by, Dr. Karrer's extensive professional career have contributed to this book celebrating Dr. Karrer's career on the occasion of his seventy-fifth birthday.--

Domestic Arbitration Nov 24 2019

Arbitration in Argentina Oct 24 2019 This publication is the most comprehensive international book on arbitration in Argentina. It provides a complete description and analysis of the historical and contemporary structure of arbitration law and practice in the country, which is based on the UNCITRAL Model Law. Its chapters are authored by many of the most regarded Argentine authorities, many of whom are responsible for drafting Argentina’s current arbitration regulation. Throughout its thirty-one chapters, the book covers an ample number of topics in commercial and investment arbitration, and an exhaustive analysis of arbitration in different specific fields (energy, sports, consumers, among others). Some of the topics addressed in this book include the following: regulatory framework of arbitration in Argentina; arbitration agreements; arbitral proceedings and the applicable law; issues of arbitrability; interim measures; costs and financing of arbitrations; validity, recognition and enforcement of awards; arbitration and the MERCOSUR. This publication also includes some particular studies, for example those related to the tensions between investment arbitration and human rights, as well as the relationship between the country and the ICC, and the PCA. Although mainly focused in Argentina, the discussions contained in several contributions exceed such geographical boundaries. Given that the law and practice of arbitration in Argentina has seen remarkable changes in recent decades, this book is an essential tool for arbitrators, judges, in-house counsels, global law firms, large- and medium-sized companies doing transnational business, interested academics, and international arbitration centres. Because this publication draws from the teachings and experience of leading academics and practitioners, arbitration specialists will find in it all the guidance needed to identify and assess the different theoretical and practical legal avenues available when working on arbitrations with a seat in Argentina or with an Argentine element.

Is Arbitration Only As Good As the Arbitrator? Oct 28 2022 Whether arbitration is only as good as the arbitrator is a question that has often been asked. Indeed, an arbitration procedure can be a quick and efficient means of dispute resolution that can save parties a lot of money compared to a court procedure. However, arbitral awards, unlike court judgements, are not subject to ordinary judicial remedies and there is no recourse available against an award which is substantially wrong.

Inherent Powers of Arbitrators Aug 26 2022

The Principles and Practice of International Commercial Arbitration May 31 2020 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.

Dealing with Bribery and Corruption in International Commercial Arbitration Jul 01 2020 International Arbitration Law Library, Volume 65 International commercial arbitration is by no means free from bribery and corruption. Although a plethora of legal scholarship clearly affirms this contention, a thorough study on the particularly important question of the authority and duty of international commercial arbitrators to investigate a suspicion or indication of bribery or corruption sua sponte ¬– that is, on their own initiative – has been surprisingly lacking. This important book fills this gap, inter alia, by locating sua sponte authority in the position of arbitral tribunals in establishing the facts of a case and ascertaining and applying the applicable normative standards. In addition to providing a comprehensive examination of how the issue of bribery and corruption is dealt with in contemporary international commercial arbitration, the book also highlights the role of arbitrators in global efforts to combat transnational commercial bribery and corruption. Among others, the following critical issues are thoroughly investigated: arbitrability of issues of public interests; intermediary contracts; role of arbitrators in the fact-finding process; party autonomy versus overriding mandatory rules; iura novit curia in international commercial arbitration in the context of bribery and corruption; notion of transnational (or ‘truly international’) public policy; arbitrators’ duty to act as guardians of international commerce; investigative tools available to arbitrators; dealing with manifestly recalcitrant parties; possible consequences of violating the obligation to sua sponte investigate; and the view from developing countries. The analysis leans primarily on Swiss law, as Switzerland is one of the most important jurisdictions in international commercial arbitration; Switzerland has also been involved in some of the most famous and controversial arbitration cases wherein bribery and corruption became an issue. However, the study also includes a comparative analysis of the relevant laws, jurisprudence, and doctrine of other major arbitration venues, particularly England, France, and Germany. Not only in the light it sheds on how and whether international commercial arbitrators have hitherto justified the trust States have placed in them regarding the protection of the public interests but also in the practical solutions it offers arbitrators faced with issues of bribery and corruption, this deeply researched book equips arbitration practitioners and arbitration institutions with a hitherto lacking in-depth analysis on the question of sua sponte investigation. It also provides invaluable insights on how this issue might affect the future, legitimacy and expansion of this dispute settlement mechanism. Outside the field of arbitration, the book also provides jurists, legal scholars, in-house counsel for companies doing transnational business and public officials with highly enlightening perspectives on the interaction between international commercial arbitration and public interests.

Arbitration Law of Canada Jun 24 2022 Arbitration Law of Canada provides the busy lawyer and arbitrator with a handy day to day reference work. This is a comprehensive treatise on the law and practice of arbitration in Canada. The text covers all aspects of commercial arbitration: when to choose arbitration; how to draft an effective arbitration clause; how to choose an arbitrator; the legal and practical aspects of arbitrating in Canada under both the UNCITRAL Model Law as well as domestic legislation, and enforcing awards in Canada, regardless of the jurisdiction in which they were made. The book covers arbitration law in all the Canadian Provinces. It is not only a definitive legal text, but has been designed and organized to be a handy reference text for arbitration practitioners. The second edition includes a revised and expanded index, a complete index of cases, and a number of additional "practice notes". The chapters dealing with court involvement in arbitration, challenges and recognition of awards, have been extensively revised to take into account the numerous court decisions released since the last edition.

Injunctive Relief and International Arbitration Mar 21 2022 This book explores from an English law and Institutional perspective the various types of injunctive relief that are available to a party before and during arbitral proceedings. In particular, this book examines the basis of the power of English Courts to grant such injunctions and explains when such injunctions will be granted. It considers any limitations attached to such injunctions and the relationship between section 44 of the Arbitration Act 1996 and section 37 of the Senior Courts Act 1981. It also provides an in-depth analysis of case law and the emerging trends in this area of arbitration, as well as the powers of arbitrators under the ICC and LCIA Rules to grant such relief and other remedies that might be available to a party seeking to uphold an arbitration agreement. This book will be a vital reference tool for practitioners, arbitrators and postgraduate students.

Arbitration and the Constitution Jan 07 2021 Arbitration has become an increasingly important mechanism for dispute resolution, both in the domestic and international setting. Despite its importance as a form of state-sanctioned dispute resolution, it has largely remained outside the spotlight of constitutional law. This landmark work represents one of the first attempts to synthesize the fields of arbitration law and constitutional law. Drawing on the author's extensive experience as a scholar in arbitration law who has lectured and studied around the world, the book offers unique insights into how arbitration law implicates issues such as separation of powers, federalism, and individual liberties.

Russell On Arbitration Dec 06 2020

Arbitration Law and Practice in Kenya Sep 15 2021 The legal framework of arbitration in Kenya / Githu Muigai & Jacqueline Kamau -- The

arbitration agreement / Kyalo Mbobu -- The jurisdiction and powers of the arbitrator / Mohammed Nyaoga -- The conduct of the arbitral process / Steven Gatembu -- The role of the court in arbitration proceedings / Githu Muigai -- The award / Geoffrey Imende & Wanjir? Ngige -- Recognition & enforcement of arbitral awards / Njoroge Regeru -- Costs and interest / J.B. Havelock -- International commercial arbitration in Kenya / Attiya Warris & Muthomi Thiankolu.