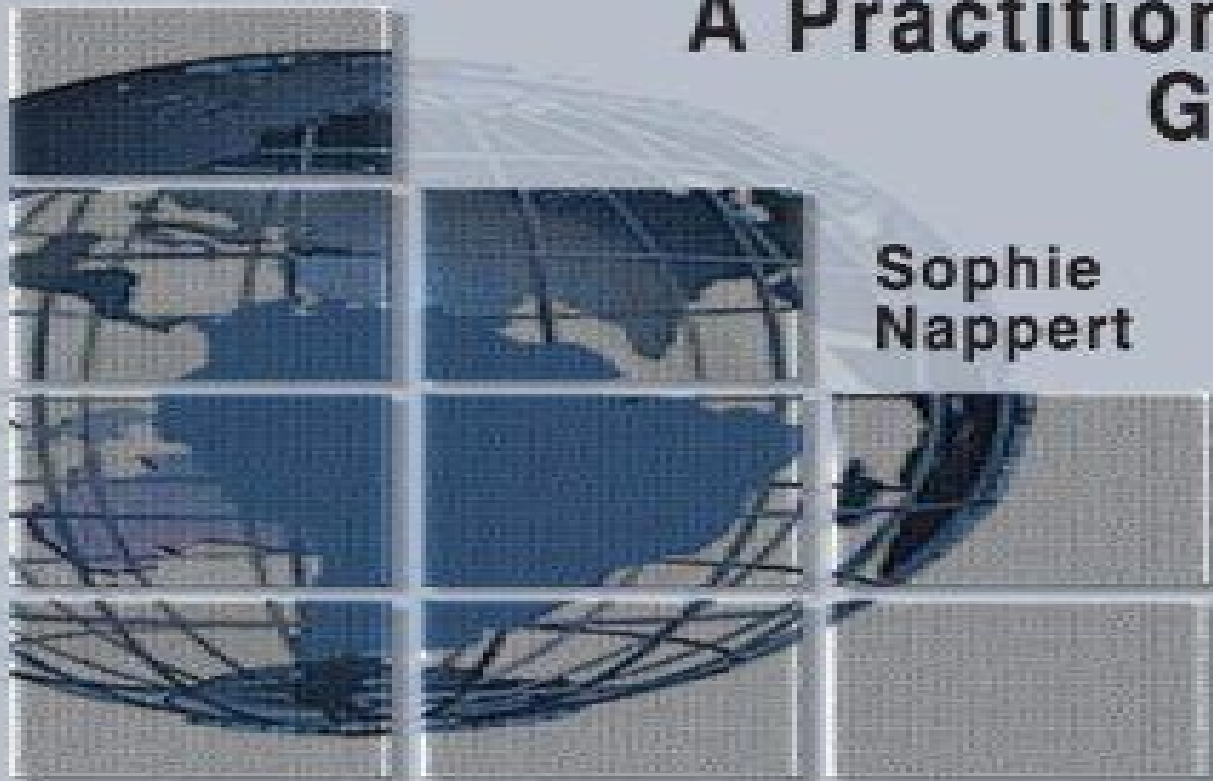


Commentary on the UNCITRAL Arbitration Rules 2010: A Practitioner's Guide

**Sophie
Nappert**



Commentary On The Uncitral Arbitration Rules 2010 A Practitioners Guide

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Commentary On The Uncitral Arbitration Rules 2010 A Practitioners Guide:

Commentary on the UNCITRAL Arbitration Rules 2010: A Practitioner's Guide Sophie Nappert, 2012-06-01 Commentary on the UNCITRAL Arbitration Rules 2010 A Practitioner's Guide is an article by article commentary of the new Rules highlighting policies and reasons for the modifications The work delves into what lies behind the new UNCITRAL Rules It is a user friendly practical reference guide for everyday use by the busy practitioner It provides the key points to know about each provision of the new Rules The appendix provides the full text of the 2010 Rules

The UNCITRAL Arbitration Rules David D. Caron, Lee M. Caplan, 2013-03-07 This article by article commentary sheds light on the UN Commission on International Trade Law UNCITRAL Rules which govern a wide range of arbitrations including the Iran US Claims Tribunal and NAFTA disputes The new edition takes full account of the revised Rules adopted in 2010 and features many extracts from the most important case law

UNCITRAL Arbitration Jan Paulsson, Georgios Petrochilos, 2016-04-24 The UNCITRAL Arbitration Rules have proved instrumental to the effective resolution of transborder commercial investment treaty and inter State disputes This book by two leading scholars and practitioners whose 2006 joint report began the process that led to the first ever revision of the Arbitration Rules in 2010 and who were key contributors in the revision process at UNCITRAL thereafter is the only article by article commentary of both the generic 2010 Rules and the Transparency Rules of 2013 Extensively referring to the UNCITRAL travaux préparatoires the book considers the principal legislative intent behind each new or revised article or in respect of those articles which remain unchanged the reasons for the absence of revision where an article is revised or entirely new provisions are introduced an explanation of the issues that the revision intended to address and an analysis of the discrete issues that arise in respect of each article The authors make reference not only to academic literature and case law but also to other commonly used Arbitration Rules and the practice under those Rules More than a matchless guide to practice this deeply informed resource offers a comprehensive understanding of both sets of UNCITRAL Rules This book serves as the pre eminent commentary and analysis on the UNCITRAL Arbitration Rules and the Transparency Rules

International Commercial Arbitration Gary B. Born, 2020-11-23 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

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Institutional Arbitration Rolf A Schütze, 2013-04-05 International arbitration has become the preferred dispute resolution mechanism in cross border disputes In the course of time ad hoc arbitration where the parties have to create their own rules and procedures has increasingly been replaced by institutional arbitration where a specialised institution with a permanent organisation provides assistance and a set of practice proven rules The services and rules provided by the various institutions of arbitration differ In order to inform the potential parties and their counsels about the differences and to make the choice between the different arbitration regimes easier and to offer guidance through the various provisions this book provides a comprehensive article by article commentary of rules of arbitration of 14 important arbitration institutions AAA American Arbitration Association CIEDAC China International Economic and Trade Arbitration DIAC Dubai International Arbitration Centre DIS German Institution of Arbitration ICC International Court of Arbitration ICSID International Centre for Settlement of Investment Disputes KLRCA Kuala Lumpur Regional Centre for Arbitration LCIA The London Court of International Arbitration MKAS Moscow International Commercial Arbitration Court SCC Stockholm Chamber of Commerce Arbitration SIAC Singapore International Arbitration Centre Swiss Rules UNCITRAL Rules Vienna Rules

Principles of Evidence in Public International Law as Applied by Investor-State Tribunals Kabir Duggal, Wendy W. Cai, 2019-01-14 In *Principles of Evidence in Public International Law as Applied by Investor State Tribunals* Kabir Duggal and Wendy Cai explore the fundamental principles of

evidence and how these principles relate to burden of proof and standard of proof By tracing the applications of major principles recognized by the International Court of Justice and applied by investor state tribunal jurisprudence the authors offer valuable insight into the interpretation understanding and nuances of indispensable principles of evidence an area that has been ignored in both investor state arbitration and public international law more generally *Leading Arbitrators' Guide to International Arbitration - Third Edition* Lawrence W. Newman, Richard D. Hill, 2014-04-01 The *Leading Arbitrators Guide to International Arbitration Third Edition* offers thoughtful advice and insights into the world of international arbitration from some of the most prominent and experienced international arbitrators in the world The contributors are arbitrators from Australia Belgium Canada Chile Denmark England France Germany Italy The Netherlands Italy Spain Sweden Switzerland and the USA The contributors offer insights and advice on the way in which international arbitrations are carried out from the point of view of arbitrators reading pleadings and memorials and listening to witnesses and hearing arguments The authors discussions are intended to be thoughtful insightful and useful and perhaps occasionally iconoclastic As a result there may be instances in which the authors disagree with one another on certain points This is to be expected for there are often many routes that can be taken to achieve a result The book will be useful not only to persons who may serve as arbitrators in international arbitral proceedings but also to those who may in their position as advocates wish to persuade persons including perhaps the authors *Arbitration in Switzerland* Dr. Manuel Arroyo, 2018-08-06 *Arbitration in Switzerland*

General International Law in International Investment Law, 2024-01-27 General international law is part and parcel of investor state arbitration This is the case not only regarding treaty law and state responsibility but also with respect to matters such as state succession the international minimum standard and state immunity all of which feature regularly in investor state arbitration Yet although general international law issues arise in almost every investment case and often require extensive research no systematic exploration of the relationship between the two exists This Commentary is the first to fill this gap providing a comprehensive treatment of the role of general international law in international investment law It engages in detail with central matters of general international law including in the practice of investment arbitration tribunals moving beyond existing works which focus solely on procedural and institutional provisions The Commentary's forty six chapters do not focus on a single source or subject Instead each concentrates on a specific relevant article from a particular source of public law such as the Vienna Convention on the Law of Treaties 1969 or the International Law Commission's Articles on the Responsibility of States for Internationally Wrongful Acts 2001 among others The entries combine detailed analysis with an examination of procedural and substantive aspects such as nationality and unjust enrichment and respond to the following questions how have investment tribunals interpreted and applied the specific rule of general international law To what extent and why does such interpretation and application align with or deviate from the practice by other international courts or tribunals How could and should investment tribunals interpret and apply rules that

have yet to feature in investment arbitration This unique format means this commentary will serve as a central guide for all relevant case law and scholarship on international investment law

The Functions of International Adjudication and International Environmental Litigation Joshua Paine,2024-05-30 Uses the focus of environmental disputes to develop a novel comparative analysis of the functions of international courts and tribunals

Evolution in Investment Treaty Law and Arbitration Chester Brown,Kate Miles,2011-11-17 International investment law is in a state of evolution With the advent of investor State arbitration in the latter part of the twentieth century and its exponential growth over the last decade new levels of complexity uncertainty and substantive expansion are emerging States continue to enter into investment treaties and the number of investor State arbitration claims continues to rise At the same time the various participants in investment treaty arbitration are faced with increasingly difficult issues concerning the fundamental character of the investment treaty regime the role of the actors in international investment law the new significance of procedure in the settlement of disputes and the emergence of cross cutting issues Bringing together established scholars and practitioners as well as members of a new generation of international investment lawyers this volume examines these developments and provides a balanced assessment of the challenges being faced in the field

SUPPLEMENTARY MATERIAL CI Arb,2015-01-28 In fulfilling our objectives CI Arb operates under a Golden Thread It does so by delivering education training and qualifications developing the learned society and facilitating the use of ADR mechanisms This supplementary material facilitates each of these elements Whether as a student following the CI Arb Pathways Programme or as an arbitration practitioner this work provides a useful tool to enhance and develop the knowledge and practice of international arbitration Anthony Abrahams Director General The Chartered Institute of Arbitrators is a learned society that works in the public interest to promote and facilitate the use of alternative dispute resolution ADR mechanisms Founded in 1915 and with a Royal Charter granted in 1979 it is a UK based institution that has gained international presence in more than 100 countries and has more than 13 000

professionally qualified members around the world Chartered Institute of Arbitrators 12 Bloomsbury Square London United Kingdom WC1A 2LP T 44 0 20 7421 7444 www ciarb org Registered Charity 803725 International Commercial Arbitration is the fastest growing dispute settlement discipline The complexities surrounding its regulatory framework combined with an ever increasing and constantly evolving set of acts rules guidelines protocols regulations national legislation international treaties and so on may appear daunting at first glance This collection of documents or supplementary material is designed to provide the essential reading for all those who are eager to pursue a career in international arbitration It will also appeal to arbitration practitioners wishing to have easy access to over 700 pages of arbitration related resources

Stockholm Arbitration Yearbook 2023 Patrik Scholdstrom,Christer Danielsson,2024-01-16 Each year Stockholm is the arbitration seat of choice for numerous parties endeavouring to resolve international disputes It is the second most used venue for investment disputes and it is often the venue for disputes arising from the Energy Charter Treaty This annual publication launched under

the auspices of the Stockholm Centre for Commercial Law is designed to meet the information needs of arbitration practitioners and parties from all over the world The present edition s topics include arbitration and EU sanctions against Russia the ins and outs of arbitrator selection the divide between lawful and unlawful expropriation in investment arbitration tactical misuse of GDPR in arbitration court assisted preservation of evidence and the distinction between jurisdiction and admissibility The Yearbook provides both perspective and detailed analyses that will be welcomed by arbitration practitioners counsel and judges deciding arbitration cases It will also provide valuable insights for arbitration academics in house counsel at multinational companies and arbitral institutions worldwide

10 Years of Swiss Rules of International Arbitration - ASA Special Series No. 44 Nathalie Voser,2014-10-01 On the occasion of the 10th anniversary of the Swiss Rules of International Arbitration the ASA decided to devote its annual conference in January 2014 to this topic This volume of the ASA Special Series contains the written versions of all the presentations given during this conference Most of the contributions were based on the verbatim protocol which was prepared on the conference day and thus retain their informal speaking style In their 10 years of existence the Swiss Rules have established themselves as modern arbitration rules offering a user efficient and transparent arbitral proceedings Probably the most distinguishing feature of the Swiss Rules with regard to the administration of the cases is their light touch as applied by the Swiss Chambers Arbitration Institution reserving however a supervisory function for its Court This volume is structured along the panels of the conference The first panel addressed the history and the background of the Rules as well as their main characteristics The second and the third panels explore the key features of the revised Swiss Rules namely the consolidation and joinder provisions the set off and counter claim provisions the expedited procedure provisional measures and the emergency arbitrator as well as provisions on confidentiality and settlement facilitation While the fourth panel provided the insiders view into how the Institution administers its cases the fifth and last panel discussed the perspectives of the users the arbitrators and counsel as well as their experiences with the Swiss Rules

The DIS Arbitration Rules Gustav Flecke-Giammarco,Christopher Boog,Siegfried H. Elsing,Peter Heckel,Anke Meier,2020-03-20 The new arbitration rules of the German Arbitration Institute Rules entered into force on 1 March 2018 Drafted over an intense period of eighteen months by a committee of globally recognized experts with the active participation of nearly 300 arbitration practitioners the Rules stand poised to attract parties seeking dispute resolution not only in Germany but also internationally This extraordinary book written by the drafters themselves with more than 550 pages of comprehensive article by article commentary is filled with practical insights and recommendations regarding the application of the Rules Each provision of the new Rules is given its own chapter in which the following issues and topics are examined in depth for the specific rule under analysis use of the provision in practice modifications from the corresponding provision in the 1998 Rules relationship to the relevant sections of the German Code of Civil Procedure comparison with relevant regulations and practices in German State court proceedings detailed expert commentary including analysis of case

law and legal scholarship DIS practice concerning the application of the provision and comparison with similar provisions in other arbitration rules An annex contains an extensive collection of reference materials including forms schedule of costs and texts of various international arbitration documents The authors and editors have vast experience as counsel and arbitrators in proceedings conducted under the auspices of the DIS and other arbitral institutions Their intimate familiarity with all aspects of DIS case administration is of immeasurable value to all stakeholders in arbitral proceedings A genuine user's guide the book explains how the new Rules are likely to be applied in practice by the arbitral institution arbitrators and parties Its practical tips regarding the effective conduct of DIS arbitrations elucidate best practices for counsel and arbitrators and make DIS day to day case management and decision making processes more transparent and predictable for users of all levels of experience and expertise

Finances in International Arbitration Sherlin Tung, Fabricio Fortese, Crina Baltag, 2019-11-26 Finances in International Arbitration Liber Amicorum Patricia Shaughnessy Edited by Sherlin Tung Fabricio Fortese costs of court proceedings versus arbitration proceedings fee arrangements with legal counsel costs of commercial versus investment arbitration how to deal with in house costs in international arbitration impact of tribunal secretaries in international arbitration cost sanctions in international arbitration damages in international arbitration The analysis and views offered by leading scholars and practitioners on current day issues arising out of costs of arbitration will offer readers a unique perspective on various aspects of the finances involved in arbitration This book will provide insightful thoughts and practical guidance for academics and practitioners in the field of international arbitration

Litigating International Investment Disputes Chiara Giorgetti, 2014-07-03 Each year a growing number of complex and distinctive cases are filed in diverse forums which specialize in international investment arbitration Until now however no single manual has guided practitioners through the many complexities involved in international investment arbitration proceedings from whether and how to initiate arbitral proceedings to the enforcement of the award and available post award remedies Litigating International Investment Disputes A Practitioner's Guide fills this lacuna by serving as a comprehensive resource for those who are new to international investment arbitration as well as for the seasoned practitioners The diverse group of contributors are highly experienced experts and practitioners who have acted as counsel and arbitrators and served in institutions which routinely administer international investment arbitration proceedings

Cambridge Compendium of International Commercial and Investment Arbitration Stefan Kröll, Andrea K. Bjorklund, Franco Ferrari, 2023-03-02 The Compendium like an encyclopedia contains entries for most of the foundational principles and concepts underlying arbitration Each entry takes a holistic view of international arbitration as they tackle core concepts from both a commercial and an investment arbitration perspective focusing on the fundamental issues underlying the various topics rather than on the solutions adopted in any particular jurisdiction thus making the Compendium a truly cross border transnational resource This innovative approach will allow readers to identify the commonalities as well as the differences between commercial and

investment arbitration whether and where cross fertilization has taken place and what consequences it can have This approach allows the Compendium to be a tool in promoting the creation of a culture of international arbitration that considers commercial arbitration and investment arbitration as part of a whole but with certain distinct features particular to each

Provisional and Emergency Measures in International Arbitration Julien Fouret, 2023-07-01 The increase in the complexity and length of international arbitration procedures has resulted in a growing demand for both provisional and emergency measures to facilitate the preservation of the parties rights until a final award is rendered In Provisional and Emergency Measures in International Arbitration Julien Fouret has brought together many of the leading international arbitration practitioners to examine this highly topical subject

Arbitration in Belgium Niuscha Bassiri, Maarten Draye, 2016-03-24 Despite the obvious advantages accruing from its central location and the presence of the EU institutions in its capital city Brussels Belgium has never fully fulfilled its potential to emerge as an attractive jurisdiction for international arbitration Now however with the adoption in 2013 of an entirely new arbitration law and the accompanying overhaul of the rules of CEPANI the Belgian Centre for Arbitration and Mediation Brussels is poised to progress rapidly towards the top rank of European and global seats of arbitration This is the first comprehensive treatise in English to provide practical guidance to arbitration practitioners in house counsel and judges on how to conduct arbitrations in Belgium To facilitate its use it is structured as an article by article commentary on the 2013 Law addressing the following aspects of each article the purpose of the provision comparison with the UNCITRAL Model Law on Commercial Arbitration party autonomy issues of costs and interplay with the rules of other major arbitration institutions and the New York Convention The core of each article commentary is an in depth analysis that provides recommendations to practitioners and judges The analysis goes beyond the contents of the commented article and deals with related issues that are not addressed expressly in the Law but may be of relevance for the issues covered in the provision in question Arbitration professionals will find here convincing evidence of the liberal system for arbitration now prevailing in Belgium along with rules that reflect the most recent trends in international practice The description and analysis offered are sure to contribute to the recognition of Belgium as a global arbitral jurisdiction

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