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International Arbitration Law Library # 61 The 1958 New York Convention is universally acclaimed as one of the most important instruments on international commercial arbitration. Although the Convention ensures that contracting States cannot justify failure to comply with their treaty obligations by reference to domestic law, the courts of different contracting States apply the Convention differently. This diverging case law arises from uncertainty as to whether certain

concepts employed in the Convention must be construed autonomously or in light of domestic law. This incomparable analysis of the New York Convention as an instrument of uniform law presents insightful contributions by some of the world ' s most distinguished academics and practitioners in the field of arbitration and is sure to significantly contribute to arbitral practice and jurisprudence in the Convention ' s more than 160 contracting States. With extensive reference to case law from major arbitration hubs, the contributors examine the Convention with the aim of identifying the boundaries between autonomous and domestic concepts. Key elements covered include the following: the role of private international law under the Convention; notions of arbitrability and arbitral award; procedures for the enforcement of awards; nullity, invalidity, and conflict of laws under Articles II(3) and V(1)(a); the incapacity defence under Article V(1)(a); deviations from procedure; autonomous boundaries as to what falls under the issue of scope; and public policy under the Convention. The first and only resource of its kind, this book provides an invaluable clarification of the extent to which the Convention leaves room for the application of domestic law and, if so, how to determine which particular domestic law may be applicable. It will be welcomed by counsel, judges, arbitrators, and academics throughout the States that have signed the New York Convention.

The Chamber of Arbitration of Milan Rules: A Commentary is a Guide to the 2010 revision of the Arbitration Rules of the Arbitration Chamber of Milan (CAM). The Guide consists of article-by-article commentary on the Rules, made by prominent scholars and arbitrators, both Italians and non Italians. CAM started its activities in the administration of domestic and international arbitrations more than 20 years ago. It has a case load of about 150 new cases per year. Additional information on CAM can be found on its website www.camera-arbitrale.it.

Arbitrating cross-border business disputes has been common practice in Italy since centuries. It is no wonder, then, that Italian arbitration law and jurisprudence are ample and sophisticated. Italian courts have already rendered thousands of judgments addressing complex problems hidden in the regulation of arbitration. Italian jurists have been among the outstanding members of the international arbitration community, starting from when back in 1958, Professor Eugenio Minoli was among the promoters of the New York Convention. Being Italy the third-largest economy in the European Union and the eighth-largest economy by nominal GDP in the world, it also comes as no surprise that Italian companies, and foreign companies with respect to the business they do in the Italian market, are among the main ' users ' of international arbitration, nor that Italy is part to a network of more than 80 treaties aimed to protect inbound and outbound foreign direct investments and being the ground for investment arbitration cases. Moreover, in recent years, Italy has risen to prominence as a neutral arbitral seat, in particular for the settlement of ' intra-Mediterranean ' disputes, also thanks to the reputation acquired by the Milan Chamber of Arbitration which has become one of the main European arbitral institutions. This book is the first commentary on international arbitration in Italy ever written in English. It is an indispensable tool for arbitrators, counsel, experts, officers of arbitral institutions and judges who happen to be involved in arbitral proceedings or arbitration-related court proceedings somewhat linked to the Italian legal system, either because Italy is the seat of the arbitration, the Italian jurisdiction has been ousted by a foreign-seated arbitration, the assistance of Italian courts is sought for the granting of interim measures or the enforcement of a foreign award or the arbitration results from a multilateral or bilateral investment protection treaty to which Italy is a party. This book may also be of general interest for scholars and practitioners of international arbitration at large to the extent that it deals with the ' theory ' of international arbitration and illustrates original solutions offered by Italian arbitration law to various complex issues, such as: the potential conflicts (and required balance) between party autonomy and State sovereignty in the governance of arbitrations; the relationship between the New York Convention and the legal system of the State of the arbitral seat; the potential impact on cross-border arbitrations of insolvencies, human rights, or European Union law; the arbitrability of corporate disputes; the extension of arbitration agreements to ' necessary parties '. Appendixes include an English translation of the main provisions of Italian law relevant to arbitration, a list of the investment protection treaties to which Italy is a party, and an English

version of the Rules of Arbitration of the Milan Chamber of Arbitration. The author, who is full professor of international law, name partner of ArbLit (the first Italian boutique focusing on cross-border dispute settlement) and the current Italian member of the ICC Court of Arbitration, has written the book aiming to combine his academic background with his long-standing experience as counsel and arbitrator.

The scope and importance of International Commercial Arbitration (ICA) has expanded exponentially in the last few decades and has become the natural and logical method to resolve international business and economic disputes. This collective work captures the development of ICA from different perspectives and uniquely brings together the ideas, suggestions and perspectives of in-house counsel as the most important users of ICA, along with outside counsel, arbitrators themselves, and major arbitration organizations who all help provide the service. Most, if not all, of the contributing authors have served as counsel or arbitrator in arbitrations and have further contributed, through their writings, teachings or activities in arbitral and other institutions, to the evolution of ICA covered by this collective work. Accordingly, International Commercial Arbitration Practice: 21st Century Perspectives is an indispensable tool for the reader – practitioner, arbitrator, academic, magistrate or student – not only to obtain useful general information on ICA practice today but to gain insightful views as to the influence of this institution in the settlement of international commercial disputes in specific economic areas, industries and commercial activities. International Commercial Arbitration Practice: 21st Century Perspectives brings the process alive and provides the reader with a useful practice guide whether he or she represents a client participating in an international commercial arbitration, is in-house counsel for a company considering arbitration as a possible method of dispute resolution, or is an arbitrator with cases at hand. The book is organized by Parts which contain thematically related chapters. Part I deals with an overview of key elements in ICA practice and includes chapters on how arbitration is conducted under different legal systems such as common law, civil law, and shari'a law, as well as a chapter on cultural issues in international arbitration. Part II contains geographical regional overviews covering most regions of the world (Western Europe, Russia/NIS countries, Asia (particularly China & Hong Kong and the Indian Subcontinent), Middle East & North Africa, Latin America, the U.S., Canada, and Australia & New Zealand. Part III includes individual industry sector views of how ICA is conducted in individual industry and business sectors such as oil & gas, LNG, mining, construction, telecommunications, satellite communications, intellectual property, sports, banking & finance, insurance & reinsurance, securities, shipping & maritime, corporate shareholder and bankruptcy settings. These chapters are highly instructive because many of them were written by current or former in-house counsel in these industries or, in some cases, by outside counsel who focus on these industries. Part IV of the book describes recent trends at several major global commercial arbitration institutions such as the ICC, ICDR, LCIA, CPR and WIPO. Part V deals with questions of how technology has been changing ICA practice in recent years, including chapters relating to the use of technology by some major arbitral institutions, videoconferencing in ICA, and online arbitration of internet domain name and e-commerce cases.

What is it about international arbitration that makes it so open to evolution and adaptation? What are the main pressure points today and the unmet needs of stakeholders? What are the opportunities for expansion to new sectors and new audiences? What are the drivers for change, the obstacles and the risks? And equally important, what are the core principles that should never be lost? These were the topics of the Twenty-Fourth ICCA Congress, held in Sydney, Australia, in April 2018, the proceedings of which are collected in this volume. The volume highlights arbitration as a ‘ living organism ’ that has adapted in the past to various challenges, and that today – under attack from various quarters – might need to demonstrate its adaptability again. Accordingly, the contributions address the evolving needs of users, the impact of the rapidly changing face of technology, the expectations of the public, and the convergence and divergence of

different aspects of legal traditions and cultures. Topical issues of interest for practitioners, academics, and students of arbitration include the following: legitimacy and authority of arbitrators, institutions and professional organizations to act as lawmakers; investment treaty reform, with particular reference to the definition of ‘investment,’ the evolution of substantive treaty standards, and sustainable development obligations; commercial arbitration reform, including issues of public and private interest, the development of common law, and cost, delay and transparency concerns; revisiting party autonomy in choosing decision-makers, including through institutional appointments or investment courts; equality of arms, the economics of access, and the role of costs and third-party funding; public-private disputes and special issues that arise when State entities arbitrate; public participation and transparency, and their effect on both ISDS and commercial arbitration; revisiting conventional wisdom in organizing arbitral proceedings; lessons to be learned from other dispute resolution frameworks; technology as friend and enemy, including new tools, new threats, and cybersecurity; arbitration of disputes in conflict and post-conflict zones; inter-generational blame and praise in investment arbitration; and the emergence of sovereign wealth funds as arbitration participants. A special section on ‘New Frontiers in Arbitration’ offers enlightening perspectives on new types of claims and new types of stakeholders likely to affect the future of international arbitration, including the potential for climate change disputes and enlarged participation.

This book makes a significant contribution to the comprehension of the law and practice of provisional measures issued by international courts and tribunals, including international commercial arbitration. After having analyzed the common features of provisional measures, it provides an overview of the peculiarities of these orders within the context of different international proceedings (e.g. the ICJ, the ITLOS, the CJEU, the ICC, human rights courts and investment arbitration). In this regard, the book is valuable in offering a broad and rigorous comparative analysis between the various forms of provisional measures. Owing to its original cross-cutting and case-driven approach, the book will be an essential tool for both scholars and practitioners dealing with the law of provisional measures in international adjudication. Indeed, this book will be an important novelty in international law libraries due to the broad range of regimes scrutinized and to a detailedanalysis of the general trends within the contemporary law of provisional measures. Fulvio Maria Palombino is Professor of International Law in the Department of Law at the University of Naples Federico II, Naples, Italy. Roberto Virzo is Associate Professor of International Law in the Department of Law, Economics, Management and Quantitative Methods (DEMM) at the University of Sannio, Benevento, Italy. Giovanni Zarra is Adjunct Professor of International Law in the Department of Law at the University of Naples Federico II, Naples, Italy.

The first edition of Interim Measures in International Arbitration edited by Lawrence Newman and Dr. Colin Ong, is most auspicious in its timing. The editors have compiled a shrewd and very practical questionnaire and they have gathered together a formidable group of some of the most reputed and talented practising arbitration lawyers, academics and arbitrators from 43 leading jurisdictions to inform the reader about the essential elements of the different interim measures which are available as part of the arbitral process in a very large number of different national jurisdictions. This book, thus, combines the best elements of a focused legal textbook with the essential practicalities of a practitioners' procedural handbook. This should be a standard travelling-companion of international arbitrators and counsel as well as many international lawyers--not just those who are arbitration specialists.

The Rise of Transparency in International Arbitration is inspired by a joint research conducted in the last years by the Milan Chamber of Arbitration and the Law School of the University Carlo Cattaneo – LIUC, Castellanza, in Italy. The two bodies have shared a common concern in order to increase the use of international commercial arbitration and to develop a proper culture in the field: the need for enhancing transparency and especially for a wider dissemination of arbitral awards. The advantages of arbitration as the main alternative means of dispute resolution are well known and undisputed. Privacy and confidentiality are among

them and at the same time among the prevailing features of any arbitral proceedings. However, sometimes users have the feeling to deal with a close and too slow-growing world. The need, if not the request, for a greater accountability of the arbitral world in the whole is more and more widespread. In this context the aim of this book is on the one hand to spur discussion and to shed new light on the traditional idea of confidentiality in international commercial arbitration (and in some other figures alike). Although this idea is sometimes founded upon sound reasons that cannot be ignored or totally set aside, it must be reconsidered by taking into account the rise of transparency. On the other hand, a specific proposal is made in order to step ahead from the current situation, with particular reference to the issue of the publication of the awards. In this respect, the main outcome is the Guidelines for the Anonymous Publication of Arbitral Awards, already adopted and experienced by the Milan Chamber. They are addressed to institutions, practitioners, scholars with the goal to favor the circulation of the awards and of the related decisions.

Complex Arbitrations: Multi-party, Multi-contract and Multi-issue A Comparative Study Second Edition Bernard Hanotiau Arbitrations involving more than two parties and complex multi-contractual issues are becoming more and more prevalent every year in every major jurisdiction worldwide. This fully updated, extensively revised edition of a far-seeing 2006 book that has been greatly valued and widely used remains the only comprehensive analysis of all the issues arising from multi-party – multi-contract arbitrations, including those involving States and groups of companies. The numerous factors and problems analysed in depth include the following: theories on the basis of which various courts and tribunals determine who are parties to the arbitration clause and whether a non-signatory may be part of the proceedings; to what extent one can bring to a single arbitration proceeding the various parties who have participated in a single economic transaction through several contracts; reasoning to follow when it comes to deciding whether another company of the group can be joined to the arbitration; whether a party to a complex contractual structure can intervene voluntarily in the proceedings; under what conditions arbitrations may be consolidated; to what extent res judicata applies when a second arbitration is initiated between the same parties on different legal grounds; how and to what extent one can overcome the inconveniences that arise from having several parallel proceedings; and enforcement of multi-party – multi-contract awards. Features of particular value to the practitioner include in-depth analysis of ad hoc and institutional awards rendered under the auspices of numerous arbitral institutions; analysis of relevant national case law based on hundreds of court decisions from all over the world; and appendices specifying multi-party – multi-contract arbitration clauses, provisions of international conventions and relevant national legislative and institutional rules. The first edition has been used all over the world, frequently referred to by courts and tribunals when one of its topics is addressed. The second edition, with its increased volume of arbitral awards and cases from many more jurisdictions, its new scenarios, its updates on new legislation and rules, and its newly researched jurisprudence will help lawyers and corporate counsel solve the increasingly complex procedural issues confronting them in dealing with multi-party – multi-contract disputes. Law professors and students of dispute resolution have here a powerfully authoritative consideration of one of the most salient aspects of current international practice.

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