

Concise

International Arbitration

Second Edition

EDITOR

Loukas A. Mistelis



Wolters Kluwer

Law & Business

Concise International Arbitration

Second edition

Edited by:

Loukas A. Mistelis



Wolters Kluwer

Law & Business

Published by Kluwer Law International,
P.O. Box 316, 2400 AH Alphen aan den Rijn, The Netherlands
sales@kluwerlaw.com
<http://www.wklawbusiness.com>

Sold and distributed in North, Central and South America by
Aspen Publishers, Inc.,
7201 McKinney Circle, Frederick, MD 21704, USA

Sold and distributed in all other countries by
Turpin Distribution Services Ltd.,
Stratton Business Park,
Pegasus Drive, Biggleswade,
Bedfordshire SG18 8TQ, United Kingdom

Suggested citation:

[Author name], in Mistelis, *Concise Int'l Arbitration*, [Document name] ...,
art. ..., note ...

Disclaimer:

The chapters do not necessarily reflect the views of the contributors' law firms.

© 2015 Kluwer Law International
ISBN 978-90-411-5968-7

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, mechanical, photocopying, recording or otherwise, without prior written permission of the publishers.

Permission to use this content must be obtained from the copyright owner.
Please apply to Permissions Department, Wolters Kluwer Legal, 111 Eighth
Avenue, 7th Floor, New York, NY 10011-5201, United States of America.
E-mail: permissions@kluwerlaw.com

Printed in the United Kingdom

FOREWORD

This is a substantially updated and expanded second edition of *Concise International Arbitration*. The first edition was published five years ago in 2010. The book has proved to be a very useful tool for an important and evolving area of study and practice and has been welcomed by reviewers and readers.

International Arbitration is a rather idiosyncratic area of study and practice: in continental Europe, it started as an area of practice populated predominantly by academics while in the common law world it was embraced mainly by practitioners who manifested academic aspirations and credibility. Moreover, it is an area of legal practice where the proliferation of academic and legal writing in the last thirty years is rather unparalleled both in terms of quantity and quality.

International arbitration is also an area of law with very few absolutes. Sources of substantive law have a different dynamic than they have in domestic litigation and arbitration: in addition to traditional positive law, soft (transnational) rules of law have firmly established themselves as applicable norms for arbitral decision-making. Arbitral procedural rules are an anthology of international treaty rules, arbitration rules (soft law) and domestic rules, which are mainly enabling default rules for the organisation and conduct of proceedings and in rare occasions mandatory.

Domestic perceptions are often challenged and arbitration practitioners find themselves working in many different jurisdictions and with many different laws. As a result, (successful) international arbitration practitioners are cosmopolitan and internationalist in outlook and disposition: they have a good grounding in one legal system but are capable to, and even enthusiastic about, working in different systems. However, it is not always easy to have access to foreign arbitration laws or to the 'legal system' of the different arbitration institutions.

Although the market for information on international arbitration is growing increasingly competitive, until now there has been a lack of a singular, short, direct guide of manageable size that focuses on answering the essential questions that inevitably arise when practitioners work in an array of jurisdictions, under differing rules and different conventions.

Concise International Arbitration is an article-by-article commentary that offers the reader a swift understanding of all provisions of the leading arbitration instruments. It is the first commentary of this type and it is part of Kluwer Law International's 'Concise' series. A concise commentary is particularly aimed at busy practitioners who require a succinct but authoritative commentary on the most often used instruments. In this fully revised second edition of the book, leading practitioners offer a systematic and accessible commentary of the 1958 New York Convention on the Recognition

and Enforcement of Foreign Arbitral Awards, the 1965 ICSID Convention on the International Centre for the Settlement of Investment Disputes, the 2010 UNCITRAL Arbitration Rules, the ICSID Rules, the 2012 ICC Arbitration Rules, the 2014 LCIA Arbitration Rules, the 2014 AAA-ICDR International Arbitration Rules, the 2015 CIETAC (China International Economic and Trade Arbitration Commission) Arbitration Rules, the 2010 SCC (Stockholm Chamber of Commerce) Arbitration Institute Rules, the 2013 SIAC (Singapore International Arbitration) Rules the 1985/2006 UNCITRAL Model Law on International Commercial Arbitration, the Chinese Arbitration Law 1994, the English Arbitration Act 1996, the French Code of Civil Procedure 2011 and the 1989 Swiss Private International Law Act. The law is stated as at 31 March 2015.

This is a collective project and many thanks are due. First, I wish to express my thanks to all contributors who worked on their parts with enthusiasm and self-discipline. I found all contributions to be insightful, concise and authoritative. Second, I would like to thank the editorial team, Gloria Maria Alvarez, my assistant editor at the School of International Arbitration and Steve Lambley who worked on the editing and the typesetting. Finally, my sincere thanks are due to Gwen de Vries, for the idea of this book, and Eleanor Taylor and Vincent Verschoor for the seamless co-ordination of the project at Kluwer Law International.

London, 31 March 2015
LM

ABOUT THE AUTHORS

Fredrik Andersson, Mannheimer Swartling Advokatbyrå, Gothenburg

Fredrik Andersson is a partner in Mannheimer Swartling's Dispute Resolution practice group. He specializes in commercial litigation and arbitration and has acted as counsel in a large number of Swedish and international proceedings. Fredrik's experience covers disputes relating to a number of different industries including several disputes under the Energy Charter Treaty involving coal, oil and nuclear energy. He has also substantial experience of ship building, construction, license and joint venture disputes. Fredrik has authored a number of publications on dispute resolution and regularly lectures at courses run by the Swedish Bar Association. He also sits as an arbitrator.

Denis Bensaude, Paris

Denis Bensaude is an independent international arbitrator, member of the New York and Paris Bars. Fluent in English and French, Denis is a former Counsel with the ICC Court of international arbitration. He teaches international commercial arbitration at University and publishes regularly in the field. Denis may be reached at denis-bensaude@bensaude-paris.com.

Stephen R. Bond, Covington & Burling LLP, London

Stephen Bond is Senior of Counsel in the Covington & Burling LLP's London office. A former Secretary General of the ICC International Court of Arbitration, he has specialized in international commercial arbitration for some thirty years. He has served as advocate or arbitrator in well over a hundred international arbitrations under the rules of the International Chamber of Commerce, the London Court of International Arbitration, the Stockholm Arbitration Institute, the Japanese Commercial Arbitration Association, the Vienna Centre, and UNCITRAL. Mr Bond's experience includes disputes in energy, international joint venture, construction, technology, sales and distribution fields.

Stavros Brekoulakis, School of International Arbitration, Queen Mary University of London

Stavros Brekoulakis is a Professor in International Arbitration and Commercial Law at Queen Mary University of London, as well as an attorney-at-law. He is the Director of the Institute for Regulation and Ethics at Queen Mary, and the Co-Chair of the ICCA-Queen Mary Task Force on Third-Party Funding. Brekoulakis has been involved in international arbitration for many years as counsel, arbitrator and expert. He has been appointed in arbitrations under the rules of the LCIA, ICC and the Danish Institute of Arbitration, as well as

in *ad hoc* (UNCITRAL) arbitrations. His professional expertise focuses on arbitrations in the context of international business and trade transactions, including construction projects, sales of goods and distribution agreements, IP contracts, shipping and insurance contracts, financial transactions. He holds an LL.B. (Athens), an LL.M. (KCL) and a Ph.D. Degree from Queen Mary, University of London.

James E. Castello, King & Spalding, Paris

James Castello, a Partner in King & Spalding's Paris office and member of its International Arbitration Group, has advised and represented clients in a wide range of international arbitrations (institutional and *ad hoc*; *commercial as well as investor-State*). Since 2001, he has served on the U.S. delegation to the UNCITRAL Arbitration Working Group, participating actively in revision of UNCITRAL's Model Law on International Commercial Arbitration (2006) and Arbitration Rules (2010), as well as in drafting UNCITRAL's Rules on Transparency in Treaty-based Investor-State Arbitration (2013) and the related Convention on Transparency (2014). Formerly a Court member of the London Court of International Arbitration who was one of three members of the drafting committee for the LCIA's 2014 Rules, he now serves as President of the LCIA's European Users' Council. He received his undergraduate and graduate degrees from Yale and Berkeley and is admitted to practice in New York, Washington, D.C. and Paris.

Michael Darowski, Hogan Lovells, London

Michael Darowski is of counsel in the international arbitration group at Hogan Lovells' London office. He has represented clients in numerous arbitrations, including under the LCIA, ICC, SCC, SIAC, HKIAC, CRCICA and UNCITRAL rules, and involving both common and civil law-governed agreements. He specialises in disputes in the energy and natural resources sector, and regularly speaks and is published on legal issues affecting these industry sectors. Michael read history as an undergraduate at Corpus Christi College, Cambridge University. He then completed a Post Graduate Diploma in Law and Legal Practice Course at BPP Law School in London, before qualifying as a solicitor of England and Wales with Hogan Lovells. He is also admitted as a solicitor in Hong Kong, where he practised law for a number of years. Michael speaks English and Polish fluently, and has a working knowledge of French and Italian.

Domenico Di Pietro, Freshfields Bruckhaus Deringer, Tokyo

Domenico Di Pietro practises international arbitration with Freshfields Bruckhaus Deringer in Italy and Japan. He is qualified to practise in Italy and in England and Wales. He has acted in a great variety of arbitration

proceedings ranging from commercial disputes, investment arbitrations to sport disputes at the Olympics and is frequently appointed as an arbitrator. Domenico lectures international arbitration at Roma Tre University and is a past Fellow of the Centre for Transnational Litigation and Commercial Law at New York University School of Law. He is a founding member of Arbit, the Italian Forum for Arbitration and ADR and a member of the ICC Institute of World Business Law. He graduated in law at University of Rome La Sapienza and received his LL.M. from Queen Mary, University of London. Domenico has authored several publications on international arbitration including two books on the New York Convention.

Simon Dunbar, King & Spalding, Singapore

Simon Dunbar is a partner in King & Spalding's Singapore office and a member of the firm's International Arbitration group. With more than 10 years of practice, predominantly based in Singapore, Simon has experience of dozens of international arbitrations under the ICC, LCIA, HKIAC, SIAC and UNCITRAL Rules, as well as ad hoc proceedings, arising from energy, construction, M&A, joint venture and general commercial disputes. These arbitrations have involved a variety of applicable laws, venues and subject matters, with a particular focus on Asia. Simon has worked in Asia since 2006 and his experience extends across the Asia-Pacific region. In addition to his work as counsel, Simon has been appointed as an arbitrator in ICC, SIAC and ad hoc arbitrations. He is listed on the panel of arbitrators of the KLRCA and serves on the committee of YSIAC.

John Fellas, Hughes Hubbard & Reed LLP, New York

John Fellas, a partner in the New York office of Hughes Hubbard & Reed LLP, practicing in international litigation and arbitration. He has practiced in both the U.S. and England; he is a member of the New York Bar and a Solicitor of the Supreme Court of England and Wales. He has served as counsel, and as chair, sole arbitrator and co-arbitrator, in arbitration under the AAA, ICC and ad hoc rules. He has also been retained to act as an expert witness on U.S. law in proceedings in other countries. He has been recognized for his practice in international arbitration and in commercial litigation. In 2006, Global Arbitration Review identified him as one of 45 leading international arbitration practitioners under the age of 45. He received a B.A. (Hons.) from the University of Durham, England, and both an LL.M. and an S.J.D. from the Harvard Law School.

Anya George, Schellenberg Wittmer, Zurich

Anya George is a senior associate at Schellenberg Wittmer in Zurich. She has been involved in international commercial arbitration proceedings under the

ICC, LCIA and Swiss Rules, as well as in ad hoc proceedings. Prior to joining Schellenberg Wittmer in 2010, she trained in the dispute resolution department of a leading Swiss law firm and clerked with a District Court in Zurich. In 2013/2014, Anya was seconded to the international arbitration department of a magic circle law firm in London. She publishes regularly in the area of international commercial arbitration and enforcement of foreign awards, and is a member of ASA Below 40, the LCIA Young and International Arbitration Group, Arbitral Women, the ICC Young Arbitration Practitioners and Young ICCA.

Karl Guterstam, Mannheimer Swartling Advokatbyrå, Stockholm

Karl Guterstam is a senior associate in Mannheimer Swartling's Dispute Resolution practice group and based in Stockholm. Mr. Guterstam holds LL.M. degrees from Stockholm University and School of International Arbitration, Queen Mary, University of London. He has worked on commercial arbitrations relating to a wide range of disputes concerning engineering, commercial licenses, joint ventures, mergers and acquisitions, energy, oil and media broadcast rights under several arbitration institutes (SCC, ICC, ICSID and VIAC) as well as ad hoc arbitrations (UNCITRAL and Swedish Arbitration Act). He has also worked with investment disputes under bilateral investment treaties and under the Energy Charter Treaty.

Daniel Kalderimis, Chapman Tripp, Wellington

Daniel Kalderimis is a Partner at Chapman Tripp, where he leads the firm's international arbitration practice. He is admitted in New Zealand, New York and England and Wales (where he is a solicitor-advocate for civil matters). Daniel is New Zealand's representative to the ICC Commission and national correspondent to the United Nations for the New York Convention and UNCITRAL Model Law. He is widely recognised as a leading individual in dispute resolution and international arbitration. Daniel regularly acts as counsel in international arbitrations and has experience as an ICC arbitrator and he acted on the first bilateral investment treaty arbitration held in New Zealand. He has published widely. Daniel graduated first in his year at Victoria University of Wellington (LLB Hons: first class, BA), and studied at Columbia Law School (LLM), where he received the Fulbright-Buddle Findlay Award and was an Associate-in-Law. Daniel is an adjunct lecturer at Victoria University.

Ben Love, Freshfields Bruckhaus Deringer LLP, Paris

Ben Love is a Senior Associate in Freshfields' international arbitration and public international law groups in Paris. Ben has acted as both counsel and tribunal secretary in a wide variety of commercial and investment treaty arbitrations, with a particular focus on the energy sector. He has extensive

experience in arbitrations against sovereigns and State entities in Algeria, Kazakhstan, and various European States. Ben also serves on the Peer Review Board of the ICSID Review, the Advisory Board of the Institute for Transnational Arbitration, and the editorial boards of International Legal Materials and World Arbitration & Mediation Review. Ben is also the Secretary to the IBA Subcommittee on Investment Arbitration. He publishes and speaks frequently on international law and international arbitration. Qualified to practice in New York and Texas, Ben speaks English and French, reads Spanish, and holds law degrees from the University of Texas and Université de Paris I Panthéon-Sorbonne.

Loukas A. Mistelis, School of International Arbitration, Queen Mary University of London

Loukas Mistelis is an acknowledged authority in international dispute resolution. He has been listed as one of the 'leading lights in international arbitration', 45 under 45 and is also listed on the *Who's Who Commercial Arbitration* since 2007. He is the Clive Schmitthoff Professor of Transnational Law and Arbitration at the Centre for Commercial Law Studies and the Director of the School of International Arbitration, Queen Mary University of London. He was educated in Greece, France, Germany and Japan and is fluent in English, German and Greek, has good knowledge of French and basic knowledge of Polish, Russian and Spanish. His publications include more than 60 referred articles and thirteen books. He has practiced law in Germany, Greece and the UK, having also acted as a consultant in Cambodia, Japan, Moldova, Nigeria, Poland, Ukraine, and Vietnam. He has substantial arbitration experience, under ICC, ICSID, LCIA, UNCITRAL, SCC and Moscow Rules and is also designated to the ICSID Panel of Arbitrators.

Rebeca Mosquera, Hughes Hubbard & Reed LLP, New York

Rebeca Mosquera, a Panamanian and U.S. trained attorney specialized in litigation and international arbitration. She is part of the litigation and international arbitration group in the New York office of Hughes Hubbard & Reed LLP. Rebeca has practiced in Panama and is admitted to both, the New York State Bar and the Bar of the Republic of Panama. Rebeca received a Degree in Law (Magna Cum Laude) from Universidad Santa Maria la Antigua, Panama, a Master of Science in Project Management from the University of Alaska Anchorage, and a LL.M. in International Litigation and Arbitration from the New York University (NYU) School of Law.

Simon Nesbitt QC, Maitland Chambers, London

Simon Nesbitt QC is an arbitrator and barrister at Maitland Chambers. Formerly a partner at international law firm Hogan Lovells, where he was

global co-head of international arbitration, he has over 20 years' experience of large scale, complex arbitrations under all of the major institutional rules including the ICC, LCIA, SIAC and ICSID rules, as well as ad hoc arbitrations, for clients from a wide range of industry sectors including oil and gas, banking and financial services, commodities trading, pharmaceutical and telecoms issues. He was admitted as a solicitor in England in 1994 and an *avocat à la cour* in France in 1997. In 2015, he was appointed Queen's Counsel. A graduate of Pembroke College, Oxford and a Fellow of the Chartered Institute of Arbitrators, he is fluent in English, French and Italian. He is recognised in the legal directories as a leading arbitration practitioner.

Marily Paralika, White & Case LLP, Paris

Marily is a senior associate in White & Case's international arbitration group in Paris. She works exclusively in the field of international arbitration, with a focus on commercial, construction and energy-related matters (including gas pricing disputes). Prior to joining White & Case in 2007, Marily was deputy counsel at the ICC Court's Secretariat (2003-2007). Marily was educated at the University of Athens (Greece) and Paris II-Assas University (France) and is qualified to practice in Athens and Paris.

Maria Irene Perruccio, White & Case LLP, Paris

Maria Irene is a junior associate in White & Case's international arbitration group in Paris. She works exclusively in the field of international arbitration, with a focus on construction and energy-related matters (especially gas pricing disputes). Maria Irene was educated at the Bocconi University of Milan (Italy), Strasbourg University and University of Paris XII (France).

Jakob Ragnwaldh, Mannheimer Swartling Advokatbyrå, Stockholm

Jakob Ragnwaldh is a partner at Mannheimer Swartling and has represented clients in well over 100 arbitrations before arbitral tribunals both in Sweden and abroad, including arbitrations under the auspices of the SCC, ICC, ICSID, HKIAC, VIAC and the UNCITRAL Arbitration Rules. Jakob is a board member of the Arbitration Institute of the Stockholm Chamber of Commerce and serves as the Vice-Chair of the Executive Board of the European Federation for Investment Law and Arbitration (EFILA). He frequently sits as an arbitrator, such as under the SCC, the ICC and the Swiss Rules, and is a listed CIETAC and KLRCA arbitrator. Jakob is co-editor of the newly published treatise *International Arbitration in Sweden – a Practitioner's Guide* (Kluwer 2013) and teaches investment treaty arbitration at Stockholm University.

Noah Rubins, Freshfields Bruckhaus Deringer LLP, Paris

Noah Rubins is the head of the international arbitration group at Freshfields Bruckhaus Deringer's Paris office, and also the head of Freshfields' worldwide CIS/Russia Dispute Resolution Group. He has advised and represented clients in arbitrations under ICSID, ICSID Additional Facility, ICC, AAA, SCC, LCIA, CRCICA, ICAC, and UNCITRAL rules. He specialises in energy disputes and arbitration under the aegis of investment treaties, and has also practiced law in New York, Washington, Houston, and Istanbul. He has served as arbitrator in 32 cases, including two investment treaty disputes adjudicated under the UNCITRAL Rules and one under the ICSID Rules. Noah received a Master's degree in dispute resolution and public international law from the Fletcher School of Law and Diplomacy, a J.D. from Harvard Law School, and a bachelor's degree in international relations from Brown University. He speaks English, French and Russian fluently, and has a working knowledge of Spanish and Hebrew.

John Savage, King & Spalding, Singapore

John Savage is a partner in King & Spalding's International Arbitration group, and leads the firm's arbitration practice in Asia. He is also the managing partner of the firm's Singapore office. He has more than 20 years' experience representing governments, corporations and high-net-worth individuals in over 140 international arbitrations. These include many corporate, construction, energy and investment treaty disputes, with an emphasis on the oil & gas and power sectors. John's cases have involved a variety of applicable laws, venues, rules and subject matters. John has worked in Asia since 2001 and his experience extends across the Asia-Pacific region. In addition to his work as counsel, John has been appointed chairman of the tribunal, sole arbitrator and co-arbitrator in more than 25 commercial and investment treaty arbitrations in Asia and beyond. He is a director of the Singapore International Arbitration Centre (SIAC) and one of two Vice-Presidents of the SIAC Court of Arbitration.

Matthew Secomb, White & Case LLP, Paris

Matthew is a partner in White & Case's international arbitration group in Paris. He works exclusively in the field of international arbitration, with a focus on construction and energy-related matters (including gas pricing disputes). Prior to joining White & Case in 2006, Matthew was counsel at the ICC Court's Secretariat (2001-2005). Matthew was educated at the University of Melbourne and Deakin University and is qualified to practice in England, Victoria (Australia) and Paris. He teaches international commercial arbitration at Queen's University.

Georg von Segesser, Schellenberg Wittmer's Dispute Resolution Group, Zurich

Georg von Segesser is a partner in Schellenberg Wittmer's Dispute Resolution Group in Zurich and a founding partner of the same firm. He has acted as chairman, co-arbitrator, sole arbitrator and counsel in over two hundred domestic and international arbitrations (ICC, Swiss Rules, LCIA, UNCITRAL and others) and as co-director of the Claims Resolution Tribunal for Dormant Accounts in Switzerland. In 1972, he graduated from Lucerne College and Zurich University. After serving as a district court clerk (1971-72), he worked as an associate and partner in a large Zurich law firm (1973- 1982), and in 1974-75 served as a foreign associate in a leading New York law firm. He has authored publications on international arbitration, property and trust law, and cultural and art law. He is a member of the Swiss Arbitration Association, IBA, LCIA, the German Institution of Arbitration, the CIArb (Fellowship) and arbitration institutions in Austria, Kuala Lumpur, Singapore, Hong Kong and the ICDR of the American Arbitration Association.

Audley Sheppard QC, Clifford Chance LLP, London*

Audley Sheppard is a Partner and Co-Head of the International Arbitration Group at Clifford Chance LLP, based in London. He was appointed a Queen's Counsel in 2015. He specialises in the resolution of major disputes arising out of infrastructure and energy projects, and international trade and investment. He also sits as an arbitrator (over 30 appointments). His professional activities include: Vice President of the LCIA Court; Visiting Professor, School of International Arbitration, Queen Mary, London; Editorial Boards of Business Law International, Journal of International Arbitration, International Arbitration Law Review; and Advisory Board, BIICL Investment Treaty Forum. He is a former: Member of the ICC Court (2008-2012); Co-Chair of the IBA Arbitration Committee (2006-08); Rapporteur of the ILA Arbitration Committee (1996-2006). He graduated with LLB (Hons) and B.Commerce (Victoria Univ. of Wellington, NZ) and LLM (Cambridge, England). He has New Zealand and Ireland nationality.

* I am grateful to Anna Kirkpatrick and Ali Adamjee for their assistance in updating this commentary.

Jingzhou Tao, Dechert LLP, Beijing

Jingzhou Tao is the Managing Partner of Dechert LLP in Asia, with almost 30 years of experiences advising Fortune 500 companies around the world for Chinese-related matters. Jingzhou has acted as counsel, chief arbitrator and party-nominated arbitrator in over a hundred international arbitration cases involving M&A, letters of credit, construction projects, management contracts, joint ventures, technology transfers, trademark licensing agreements,

agency agreements and international sales of goods. Jingzhou is a member of the ICC International Court of Arbitration, a member of the International Advisory Board of the HKIAC, a member of the Advisory Committee of CIETAC, a member of the Board of Trustee of FIAA and a member of the editorial Committee of the GAR. Jingzhou is an adjunct professor at Peking University Law School, Tsinghua University Law School, East China University of Political Science and Law, and China University of Political Science and Law for the MBA program. He is the author of several books in English and French.

TABLE OF CONTENTS

Foreword	v
About the Authors	ix
Part I. Conventions	
Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention), 1958	1
Convention of the Settlement of Investment Disputes between States and Nationals of Other States (Washington/ICSID Convention), 1965	37
Part II. Rules	
United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules, 2010	179
International Centre for Settlement of Investment Disputes (ICSID) Rules of Procedure for Arbitration Proceedings (Arbitration Rules), 2006	271
International Chamber of Commerce (ICC) Rules of Arbitration, 2012	347
London Court of International Arbitration (LCIA) Arbitration Rules, 2014	469
American Arbitration Association (AAA) International Centre for Dispute Resolution (ICDR) International Arbitration Rules, 2014	563
China International Economic and Trade Arbitration Commission (CIETAC) Arbitration Rules, 2015	617
Arbitration Rules of the Arbitration Institute of the Stockholm Chamber of Commerce	709
Singapore International Arbitration Centre (SIAC) Arbitration Rules, 2013	763

Table of Contents

Part III. Laws

United Nations Commission On International Trade Law (UNCITRAL) Model Law On International Commercial Arbitration, 1985/2006	835
Arbitration Law of the People's Republic of China, 1994	911
English Arbitration Act 1996 (Chapter 23), 1996 – Arbitration Law in England, Wales and Northern Ireland	977
French Code of Civil Procedure (Book IV: Arbitration), 2011	1133
Swiss Private International Law Act (Chapter 12: International Arbitration), 1989	1189
List of References	1257
Index	1377

**CONVENTION ON THE RECOGNITION AND
ENFORCEMENT OF FOREIGN ARBITRAL AWARDS
(NEW YORK CONVENTION), 1958***

(Done in New York, 10 June 1958)

[Introductory remarks]

1. General. The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards is arguably the most successful instrument, not only in the area of private dispute resolution, but also in the area of private and commercial law in general. It has 154 Member States, the more recent additions being Bhutan, Burundi and Guyana in 2014 and the Democratic Republic of Congo and the State of Palestine in 2015. In addition in 2014 the United Kingdom extended the territorial application of the Convention to the British Virgin Islands. In this respect, the Convention brings together countries with very different legal cultures and levels of economic development heralding a true product of early globalisation and projecting international arbitration as one of the few, and oldest, areas of global legal practice. Although the Convention, adopted by diplomatic conference on 10 June 1958, was prepared by the United Nations prior to the establishment of UNCITRAL – the specialist United Nations Commission on International Trade Law, which started its operation in 1966 – promotion of the Convention is an integral part of UNCITRAL's work. The Convention is widely recognised as the foundation of international commercial arbitration, imposing on courts of Contracting States a public international law obligation to give effect to an agreement to arbitrate when seized of an action in a matter covered by an arbitration agreement and also to recognise and enforce awards made in other States, subject to specific limited exceptions. Consequently, the Convention deals with the recognition and enforcement of foreign arbitral awards, the recognition and enforcement of arbitration agreements and creates a uniform legal regime of the grounds on which enforcement of an award may be resisted. The three areas that the Convention does not cover or harmonise are left to domestic legislation and one can only hope that these systems will gradually converge. These areas are: (a) public policy, (b) what matters are capable of settlement by arbitration (arbitrability) and (c) procedure relating to recognition and enforcement of awards.

2. History and status. In 1953, the International Chamber of Commerce (ICC) suggested a new treaty to modernise international commercial arbitration and the regime created by the Geneva Protocol of 1923 and the Geneva

* Reproduced with permission of the United Nations Commission on International Trade Law (UNCITRAL). The text reproduced here is valid at the time of reproduction. As amendments may from time to time be made to the text, please refer to the website <<http://www.uncitral.org>> for the latest version.