

INTERNATIONAL COMMERCIAL ARBITRATION

CASES, MATERIALS, AND NOTES ON THE
RESOLUTION OF INTERNATIONAL
BUSINESS DISPUTES

SECOND EDITION

W. MICHAEL REISMAN

W. LAURENCE CRAIG

WILLIAM W. PARK

JAN PAULSSON

UNIVERSITY CASEBOOK SERIES®

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by

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© 2015 LEG, Inc. d/b/a West Academic
444 Cedar Street, Suite 700
St. Paul, MN 55101
1-877-888-1330

Printed in the United States of America

ISBN: 978-1-62810-059-4

Mat #41645126

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PREFACE

Advising and assisting in the planning and structuring of a wide range of international commercial transactions are increasingly routine tasks in the general corporate practice of American lawyers. In the allocation of tasks among the members of the teams that design these multi-jurisdictional transactions, responsibility for the anticipation of disputes and the provision for planned dispute resolution is a unique and particularly important legal contribution. With increasing frequency, arbitration is being selected as the contractual method of dispute resolution in these transactions. There are a number of reasons: the neutrality and malleability of arbitration, the establishment of multilateral international conventions that make arbitration agreements effective and awards economically enforceable, and the increasing willingness of national courts, including United States courts, to transfer international commercial cases to arbitral jurisdictions abroad.

This book and the accompanying volume of rules, treaties and statutes have been designed (i) to acquaint the American student and practitioner with the conditions that make international commercial arbitration an attractive option in responding to jurisdictional problems and a viable modality for resolving clients' disputes; (ii) to track and provide detailed legal material for the sequential phases of international commercial arbitration, from the design of an arbitration agreement, through the initiation and conduct of the arbitration proceedings, to arbitration's relation to national courts, control mechanisms, and the review and enforcement of arbitral awards; and (iii) to identify and equip the practitioner and student to appraise those major policy issues with which this area of the law must deal and which figure prominently, if not centrally, in the hardest cases. Because a significant proportion of international commercial transactions involve governments, their agencies or instrumentalities, special attention is accorded to issues of sovereign immunity.

While the materials are concerned primarily with preparing the American practitioner for effective participation in international commercial arbitration, foreign materials which are ordinarily inaccessible to American lawyers but which, in the view of the authors, are indispensable for such practice, have been included, as have selected materials on international investment arbitration. Mastery of these materials will acquaint the student with the process of international commercial arbitration, the major legal, strategic and professional ethical problems encountered in practicing it, and some of the important policy issues that are likely to reshape it in the coming decades.

These materials have been prepared for use by practitioners and for a two- or three-hour course in a single semester. As they presuppose some familiarity with a number of areas of commercial law and civil procedure, it has been assumed that students taking the course will be in their second or third year of law school. In such advanced courses, time is often the scarcest resource; since the context and processes of international commercial arbitration are quite different from their domestic counterparts and their exposition can take much time, the editors felt that valuable classroom time could be saved by setting some of this material out in a rather direct presentation which can be mastered by

the student studying alone. The Introduction has been designed to be read by the students for the first class along with a section of Chapter 1.

February 2015

ACKNOWLEDGMENTS

Over the years at Boston University, those who helped put together various drafts include Barbara Lauriat, James Chun, Chris Doyle, Woochul Hwang, Anthony Maneiro, Jacqui Fahey Sandell, Adam Samuel, Maria Slobodchikova, Hajong Sung and Deke Wilkins.

Laurie Craig would like to recognize the important contribution to his portion of the case book of Amal Bouchenaki, member of the Paris and California bars and formerly his principal assistant in Paris for arbitration matters, who continued her assistance even after having relocated to New York to pursue her legal career there.

At Yale for over a decade, many different people contributed to parts of the book as it was reworked as a teaching text. In particular, we acknowledge the help of Lauren Blas, Guilherme Recena Costa, Diane Desierto, Julie Jirikowic, Yunsieg Kim, Sarah Kraus, Meghan McCormack, Heide Iravani McHugh, Ramanujan (Anuj) Nadadur, Aileen Elizabeth Nowlan, Vidya Venkataraman Satchit, Elizabeth Song, Michael VanderHeijden and Eileen Zelek. Most important here was Ms. Cina Santos who managed the entire manuscript in innumerable ways and was critical to its production. She accomplished all of this with her usual grace, patience and good humor.

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• Deutsche Schachtbau-und Tiefbohrgesellschaft m.b.H. v. Ras Al Khaimah Nat'l Oil Co. and Shell Int'l Petroleum Co., Ltd., 2 Lloyd's Rep. 246, 248-54 (1987), rev'd on other grounds 2 Lloyd's Rep. 293 (1988) 13 Y.B. COM. ARB. 522 (1988).

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