
A GUIDE TO THE SIAC ARBITRATION RULES

SECOND EDITION

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OXFORD

A Guide To The Siac Arbitration Rules

J. Ole Jensen



A Guide To The Siac Arbitration Rules:

A Guide to the SIAC Arbitration Rules John Choong, Mark Mangan, Nicholas Lingard, 2018-02-08 This is the first text to provide a comprehensive rule by rule commentary of the inception interpretation and application of the SIAC Rules written by practitioners with extensive experience in South East Asia arbitrations Practical and strategic in approach this book provides useful guidance for practitioners whilst also delivering commentary and thematic analysis to highlight the connections between the SIAC rules and those of other institutions The book begins with an introduction to Singapore arbitration both practical and legal and is followed by an overview of SIAC arbitration including the different stages of a typical case and the corporate structure of SIAC Every rule is then examined in detail on a thematic basis starting with the commencement of an arbitration and working up to and including the rendering of an award and the determination of costs This new edition has been fully updated to include the 2016 SIAC Rules and also contains additional chapters on the new rules on multiple contracts consolidation and joinder the early dismissal of claims and defences and the SIAC Investment Arbitration Rules 2017 Relevant supporting documents are appended including SIAC Practice Notes and the SIAC Code of Ethics for Arbitrators This book stands alone as a comprehensive exposition of SIAC arbitration and is indispensable for any practitioner involved in arbitration in Asia

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 Emergency Arbitration Cameron Sim, 2021 Emergency Arbitration provides clear and authoritative guidance on the practice and theory of this increasingly utilised procedure By examining the leading emergency arbitration rules the book identifies a common

procedural framework for the commencement conduct and decision making process in an emergency arbitration This framework is developed through the articulation of The Fifteen Principles of Emergency Arbitration These are aimed at giving parties greater control and certainty in bringing and defending applications for emergency measures The book combines a practical approach including the use of flowcharts and tables with in depth analysis of important issues arising in emergency arbitration 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 **European Yearbook of International Economic Law 2015** Christoph Herrmann,Markus Krajewski,Jörg Philipp Terhechte,2015-07-04 This sixth volume 2015 of the European Yearbook of International Economic Law puts a particular emphasis on non tariff barriers NTBs to trade and the world trade order With the steady reduction of tariff rates since the GATT 47 came into force focus in recent years has been on the vast and complex landscape of non tariff barriers to trade States as well as scholars seemingly struggle with the multitude of measures pooled under this expression as there is no single acknowledged definition of the term and its relation to the term non tariff measures remains equally blurred Particularly in practice and on a multilateral level there appears to be some awkwardness when it comes to coping with NTBs since multilateral trade rules seem to be in conflict with national regulatory autonomy in the pursuit of policy objectives In part one this volume sheds light on the problems of non tariff barriers to trade that arise in various fields Part two focuses on regional integration with an emphasis on relations between East Asia and the European Union In this regard the authors outline the trade and investment relations between the European Union and East Asia including Japan Korea and Singapore Part three offers an overview of recent institutional developments in WIPO ICSID WTO and WTO jurisprudence Part four includes book reviews of recent works in the field of international economic law and part five introduces a new section on publications in the field of international economic law that were released in 2013 and 2014 Selected Papers on International Arbitration Daniel Girsberger,Christoph Müller,2023-01-31 The SAA Series on International Arbitration contains the best graduation papers of all participants who successfully completed the post graduate studies in international arbitration of the SAA Swiss Arbitration Academy The papers cover different aspects of international arbitration The Swiss Arbitration Academy is a private institution founded and managed by the editors of this volume Each year the SAA offers and conducts an intensive and practical course in international arbitration The training is designed for lawyers in house counsel and other professionals interested in cutting edge international dispute resolution education All participants who successfully complete the course which includes the submission of the final paper are awarded with the Certificate of Advanced Studies in Arbitration CAS in Arbitration and the

Arbitration Practitioner title ArbP The Chamber of Arbitration of Milan Rules: A Commentary Ugo Draetta, Riccardo Luzzatto, 2012-04-01 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 **The International Arbitration Rulebook** Arif Hyder Ali, Jane Wessel, Alexandre de Gramont, Ryan Mellske, 2019-10-24 The numerous arbitral regimes around the world differ in subtle yet complex ways These variations can have a profound effect on the procedural rights and obligations of the parties Broadly speaking the choice of regime will impact the way in which an arbitration is conducted its duration and expense the outcome of the dispute and the ultimate enforceability of the award To inform the parties choice this book is the first to deal specifically and in depth with a broad range of institutional and ad hoc arbitration rules on a comparative basis It provides a practical guide to the rules in one book a one stop shop from a distinctly rule and guide point of view This book has its genesis in the authors experience as practitioners and educators in international commercial and investor state arbitration and as advisers to and trainers for arbitral institutions arbitrators judges and government officials around the world This comprehensive descriptive and analytical road map covers the broad range of issues addressed in nine representative major sets of arbitration rules The authors detail the distinct ways in which rules governing such important issues as the following may differ among the various arbitral regimes the governance structure and role of the administering institutions in the arbitration including case management and administrative support the critical and recommended issues to be established in the agreement to arbitrate such as the place of arbitration and the governing law among others the requirements and best practices for starting the arbitration on the right foot the procedures for selecting appointing and challenging arbitrators the impact of the initial procedural conference on the proceedings the rules on presenting the case in chief written submissions documentary evidence witness and expert testimony and more the costs and fees of leading institutions the procedures and standards for award scrutiny and enforceability and a range of special and innovative procedures such as expedited proceedings interim relief and consolidation of proceedings The comparative analysis is organized around the chronological phases of an international arbitration and supported by rule comparison tables and clear explanations of each step of the process With this eminently practical book contract negotiators counsel and arbitrators can confidently navigate any international arbitration Thorough coverage of the applicable rules and guidelines enables parties and or the tribunal to design bespoke arbitration procedures based upon the various rules of leading regimes Arbitral institutions can survey the different approaches and identify emerging best practices in the design and drafting of arbitral regimes All in all this volume is a useful guide and comprehensive framework of rules for both arbitration practitioners and

users of arbitration services as well as for students and teachers of international arbitration **Tribunal Secretaries in International Arbitration** J. Ole Jensen, 2019-03-24 Tribunal Secretaries in International Arbitration adopts a transnational approach to systematically answer questions about tribunal secretaries often discussed but thus far unresolved With useful analysis and practical guidelines it is an essential tool for all practitioners and academics involved in international arbitration

The Dilemma of Consent to International Arbitration in Investment Agreements without a Forum Fernando Tupa, 2023-02-17 Fernando Tupa addresses the sometimes overlooked yet fundamental principle that consent to international arbitration is forum specific and explores its significance and practical consequences for investment tribunals The author proposes that if there is only consent in principle to international arbitration by the host State in an investment agreement due to the lack of a forum or the unavailability of the forum contemplated therein a foreign investor would not be entitled to unilaterally initiate an investment claim against the host State under said agreement absent a subsequent agreement between the foreign investor and the host State on an arbitral forum He also draws some conclusions and warns against the dangerous consequences of ignoring this basic principle *International Organizations and the Promotion of Effective Dispute Resolution* , 2019-06-26 This second volume of the AIIB Yearbook of International Law examines the role of international organizations in promoting effective dispute resolution It is divided into five parts to reflect a series of overarching themes and relationships Firstly international arbitration s effectiveness and affinity with multilateral institutions Second international organizations as proponents of the norms of dispute resolution Third the dispute resolution mandates of international organizations Fourth the role of dispute resolution and economic development Together this diversity of perspectives offers convincing evidence that effective dispute resolution is a precondition to successful economic development and that international organizations have an essential role to play in promoting both The fifth part presents the 2018 AIIB Law Lecture given by Georg Nolte Chair of the International Law Commission on the subject of International Organizations in the Recent Work of the International Law Commission and the 2018 AIIB Legal Conference Report

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 Arbitration Clauses and Third Parties Asli Arda,2023-07-18 This is the first book to focus on the legal question of the incorporation of arbitration clauses even though this issue constitutes a common problem that arises frequently in practice Arbitration Clauses and Third Parties compares different branches of law namely shipping reinsurance and construction where the legal notion of incorporation is often implemented It evaluates how the differences and peculiarities of the said branches of law impact the outcome of the incorporation of arbitration clauses and therefore why a one size fits all approach should be avoided The book provides both an in depth legal analysis of the incorporation of arbitration clauses as well as the legal position of the third parties regarding arbitration agreements and a detailed evaluation of the relevant case law It further offers a unique comparative analysis of English law and Singapore law with regards to the incorporation of arbitration clauses and features recent case law on the issue from both jurisdictions Moreover the book explores the status of third parties to arbitration and a wide range of legal situations in which arbitration clauses bind third parties This book will be directly of interest to lawyers and professionals in arbitration reinsurance construction and shipping as well as to relevant academic courses **CSR and Codes of Business Ethics in the USA, Austria (EU) and China and their Enforcement in International Supply Chain Arbitrations** Adolf Peter,2021-02-23 This book analyzes the implementation of CSR reporting and codes of business conduct and ethics in the legal systems of the USA Austria and China and their enforcement in international supply chain arbitrations The book demonstrates that long term profit maximization is increasingly intertwined with corporate ethics and CSR policies In order to prevent window dressing and greenwashing certain control mechanisms and legal standards are required along the entire supply chain This book introduces an ethics and CSR system recommending a reward based whistleblowing mechanism internal oversight by a CSR and Ethics Committee comprised of independent board members and at least one sustainability expert and an external independent and comprehensive assurance of CSR reports provided by auditing firms or newly formed governmental agencies consisting of certified CSR experts The author emphasizes the significance for supply chain leaders to ensure contractual enforcement of their codes of business ethics and conduct along the supply chain Against this background the author created a comprehensive fictitious case scenario covering a supply chain dispute arising from the breach of the supply chain leader s code of business conduct and ethics by a lower tier supply chain member The author acknowledges the fact that in most of the cases the governing law of international supply chain contracts is English law or law based on English law Thus the author discusses potential contractual claims for damages arising from a loss of profits caused by a loss of reputation resulting from violations of core provisions of the chain leader s supplier code of conduct pursuant to English law As international supply chain disputes usually involve more than two parties and international arbitration is the ideal means for the resolution of these disputes the book compares the arbitration rules for consolidations and joinders of some of the most significant international arbitration institutions SIAC ICC AIAC ICDR VIAC CIETAC and HKIAC The book is directed at

legal practitioners legislators of various jurisdictions board members of corporations ethics and compliance officers academics researchers and students It is the author's main goal that the book serves as an inspirational source for the establishment or the improvement of a corporate ethics and CSR system preventing window dressing and greenwashing and covering the entire supply chain Furthermore it is intended that students develop a deeper understanding for the enforcement of corporate ethics and CSR policies

Challenges and Recusals of Judges and Arbitrators in International Courts and Tribunals Chiara Giorgetti, 2015-07-14 Challenges and Recusals of Judges and Arbitrators in International Courts and Tribunals examines one of the fundamental control mechanisms of international dispute resolution In doing so the book assesses procedures standards and outcomes of challenges and recusals in some of the main international courts and tribunals including the ICJ ICSID the PCA the WTO the Iran US Claims Tribunal the ICC and international criminal courts The book analyzes specific grounds for challenges and how they are applied while also presenting personal perspectives on challenges and recusals from the point of view of arbitrators and counsel The book also examines regional differences in challenges and recusals This unique approach allows a comparative view on both procedural and substantive issues and also provides a clear and in depth study of specific forums

Arbitrating under the 2020 LCIA Rules Maxi Scherer, Lisa Richman, Rémy Gerbay, 2021-07-12 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

International Arbitration in Practice Alicja Zielińska-Eisen, Verónica Sandler Obregón, Courtney Lotfi, 2025-03-18 International Arbitration in Practice is an indispensable and highly pragmatic book that systematically addresses the concepts underpinning international arbitration and the measures counsel arbitrator and institution may apply during proceedings It has been carefully curated to include insights and best practices based on real world experience and covers the increasing complexity of international commercial and investment arbitration by adeptly addressing arbitrations involving multiple parties or contracts those spanning multiple jurisdictions and areas of law and when and how to utilize new trends such as virtual advocacy What's in this book Providing in depth guidance throughout all phases of international arbitration a carefully selected group of established and emerging practitioners impart their knowledge in user friendly chapters covering the key elements of practice These chapters are presented in four sections counsel's role which includes chapters on written and oral advocacy document production the use of evidence means of shaping an arbitration and how to work with and lead a team the tribunal's role which includes chapters on responding to the nomination arbitrators duties the hearing weighing evidence drafting orders and awards and correction and clarification the institution's role which includes chapters on distinctions between institutional and ad hoc arbitrations the secretariat's role appointing arbitrators advances on costs and scrutiny of arbitral awards and how arbitration is funded which includes chapters on calculating costs third party funding and attorney's fees How this will help you Practitioners and users alike will benefit from the practical presentation of all stages of international arbitration and will be able to approach any case with a full understanding of the potential procedure strategies and tactics to be employed thanks to the authors thorough consideration of the real world practicalities Editors Courtney Lotfi Alicja Zielinska Eisen and Verónica Sandler Obregón

Third-Party Funding in India: Survey Report 2021 Chirag Balyan, 2021-10-20 This report examines the state of TPF in India by reviewing the existing legal framework The report assesses the adequacy as well as the efficacy of the current legal framework by two methods First it studies the existing model of TPF in other jurisdictions and then evaluates the Indian laws on the touchstone of international best practices Second it seeks to gather the perception of third party funders about the state of TPF in India by conducting a survey Based on a comparative analysis and empirical data the report suggests the way forward for TPF in India This report aims to address the lacunae by suggesting plausible remedies that could be adopted to deal with these issues This report further categorically assesses the existing legal system and to understand the breadth of applicability of legal principles and precedents set by courts and the attitude of the legislature when dealing with the dispute and problems governing the funding industry The key objective of this report is to examine the Indian legal landscape on third party funding from a theoretical as well as empirical approach The report attempts to understand the funding environment in India from the

funders viewpoint in order to assess the present state of affairs The report also examines the existing Indian statutes and case laws On the strengths of theoretical examination best practices in other countries and the funders requirement this report aims to suggest reforms in this area of law

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 courts of the United States United Kingdom Singapore India Hong Kong New Zealand Australia the Netherlands and Canada and international arbitral tribunals including ICC SIAC LCIA AAA ICSID SCC and PCA e g U S Supreme Court GE Energy Power Conversion France SAS Corp v Outokumpu Stainless USA LLC 590 U S U S S Ct 2020 BG Group plc v Republic of Argentina 572 U S 25 U S S Ct 2014 Canadian Supreme Court Uber v Heller 2020 SCC 16 Canadian S Ct Yugraneft Corp v Rexx Mgt Corp 2010 1 R C S 649 661 Canadian S Ct U K Supreme Court Jivraj v Hashwani 2011 UKSC 40 78 U K S Ct Dallah Real Estate Swiss Federal Tribunal Judgment of 25 September 2014 DFT 5A_165 2014 Swiss Fed Trib Indian Supreme Court Bharat Aluminium v Kaiser Aluminium C A No 7019 2005 138 39 142 148 49 Indian S Ct 2012 Singapore Court of Appeal Rakna Arakshaka Lanka Ltd v Avant Garde Maritime Servs Ltd 2019 2 SLR 131 Singapore Ct App PT Perusahaan Gas Negara Persero TBK v CRW Joint Operation 2015 SGCA 30 Singapore Ct App Larsen Oil Australian Federal Court Hancock Prospecting Pty Ltd v Rinehart 2017 FCAFC 170 Australian Fed Ct Hague Court of Appeal Judgment of 18 February 2020 Case No 200 197 079 01 Hague Gerechtshof Arbitral Tribunals Lao Holdings NV v Lao People s Democratic Republic I Award in ICSID Case No ARB AF 12 6 6 August 2019 Gold Reserve Inc v Bolivarian Republic of Venezuela Decision regarding the Claimant s and the Respondent s Requests for Corrections ICSID Case No ARB AF 09 1 15 December 2014 Total SA v The Argentine Republic Decision on Stay of Enforcement of the Award ICSID Case No ARB 04 01 4 December 2014 Millicom Int l Operations B V v Republic of Senegal Decision on Jurisdiction of the Arbitral Tribunal ICSID Case No ARB 08 20 16 July 2010 Lemire v Ukraine Dissenting Opinion of J rgen Voss ICSID Case No ARB 06 18 1 March 2011

Arbitration Beyond Borders Michael Reisman, Nigel Blackaby, 2023-04-25 The influential vision and work of the late Guillermo Aguilar lvarez one of the world s leading arbitral innovators have left the principles and practice of international arbitration with a rich legacy of insight and achievement In this one of a kind book thirty two prominent

arbitrators and scholars consider the vital issues that concerned him and to which he often gave a new clarity Each chapter addresses a cutting edge issue of contemporary international arbitration including the following ethical standards for party representatives in international arbitration responsibilities of international arbitrators in the conduct of proceedings alternatives to investment arbitration corruption and red flags in international arbitration abuse of rights in restructuring to access investment protection foreign investment disputes under the United States Mexico Canada Agreement 2020 the illegality defense in investor State arbitration arbitration and insolvency status of annulled awards in investment arbitration the arbitration backlash The collection addresses in depth some of the most pressing technical and political considerations facing international arbitration today Its focus will enable arbitrators and all whose work involves them in the arbitral process as well as academics in the field to equip themselves to address critical issues as they arise during the conduct of any international commercial or investment arbitration

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