

Table of contents

Preface	5	4. Model arbitration clauses	59
1. What is international arbitration?	7	5. Expedited arbitration	59
1. The difference between arbitration and other methods of dispute resolution	8	Appendix: Model arbitration clauses	63
2. Why use international arbitration?	13	5. Pre-commencement of arbitral proceedings	67
3. Types of international arbitration	18	1. Introduction	67
2. The legal framework	21	2. When to commence arbitration	67
1. The New York Convention	21	3. Gathering evidence	73
2. National arbitration laws	23	4. Other pre-commencement steps	78
3. Major institutional arbitration rules	25	Appendix: Standard preservation of documents notice to employees	86
4. Internationally accepted rules and guidelines	33	6. Commencing an arbitration	89
3. Agreeing to arbitration	37	1. Whether to be claimant or respondent	89
1. The arbitration agreement	37	2. How to start an arbitration proceeding	90
2. The legal effect of agreeing to arbitration	39	3. Jurisdictional challenges	94
3. Jurisdiction and an arbitrator's powers	40	Appendix: Template request for arbitration	100
4. Arbitrability	43	7. Selecting the tribunal or arbitrator	105
4. Drafting arbitration clauses	45	1. Criteria required from arbitrators	105
1. Essential matters to include in an arbitration clause	45	2. How to choose an arbitrator	109
2. Optional matters to include in an arbitration clause	51	3. Number of arbitrators	110
3. Pathological arbitration agreements	59	4. Methods of selection	111
		5. Frustration, delay and default	113

6. Confirmation of 113	3. Closing oral submissions 179
appointment and	versus written post-hearing
constitution of the tribunal	submissions
8. Dealing with the tribunal — 115	Appendix: Sample 181
1. Contacting the tribunal 115	guidance note for witnesses
2. Administrative secretaries 116	13. Costs ————— 189
3. Keeping the tribunal 117	1. Overview 189
informed	2. Costs of arbitration 190
4. Unresponsive tribunals 118	3. Applications for costs 191
5. Suspicions of bribery, 118	Appendix: Sample 198
corruption or money laundering	schedule of costs
9. Establishing procedure — 121	14. After the hearing ————— 201
1. Establishing the procedural 121	1. The award 201
timetable and conduct	2. Enforcing the award 202
of the arbitration	3. Challenging enforcement 206
2. ICC Terms of Reference 123	at the place where it is sought
3. Agreeing the procedural 127	4. Challenging the award at 210
timetable	the seat of the arbitration
4. Amendments to the 134	5. Correcting an award 216
procedural timetable	15. Appendix ————— 217
Appendix: Draft procedural 136	1. Comparison of major 216
order No 1	arbitral rules
10. Interlocutory applications — 141	2. Schedule of Rules and 280
and provisional measures	Defined Terms
1. Interim, conservatory or 141	About the authors ————— 283
provisional measures	
2. Court or tribunal 141	
3. Types of application 143	
4. Making the application 144	
11. Developing the case — 149	
1. Written submissions 149	
2. Evidence 158	
Appendix: Template 168	
Redfern schedule	
12. The hearing ————— 171	
1. Practical arrangements 171	
for the hearing	
2. Procedure at the hearing 174	