



COURSE MANUAL

Name of the Course
The Practice of Commercial Arbitration

Name of the Faculty:
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This document is prepared by the course instructor and contains basic information relevant to the execution of the course. It is the official record for all intents and purposes as far the course, Principles & Practice of Commercial Arbitration, is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend or supplement the course (without tampering its basic framework and objectives) for the effective and efficient delivery of the course. The instructor will provide students with reasons for such changes.

Part I

Course Title: Principles & Practice of Commercial Arbitration

Course Code: L-EL-0510

Course Duration: **One Semester (14 Weeks)**

No. of Credit Units: **4 Credits**

Level: **N.A.**

Medium of Instruction: **English**

Pre-requisites: **Good understanding of the fundamental principles of Commercial Arbitration and their application**

Equivalent Courses: None

Cross-Listed Course: No

1. Course Description

The course seeks to provide a detailed analysis of the procedure followed by arbitration tribunals in Domestic and International Commercial Arbitration. Procedural issues are technical matters relating to the organisation and conduct of arbitral proceedings. The arbitral procedure starts when the notice invoking arbitration is served and the tribunal is constituted. Issues such as setting of the procedural time table, appreciating evidence, accepting or rejecting documents or classes of documents, and the extent to which the tribunal should take the initiative to ascertain facts and law are some aspects of the arbitral procedure.

The course will provide a core examination of the arbitral procedure from a practitioner's perspective. The laws which the parties have subjected themselves to in the arbitration agreement impose certain restrictions in terms of the arbitrator's power to regulate the proceedings. The course will explore how arbitrators as decision makers adjudicate a transnational dispute while ensuring that the award so rendered is enforceable.

The core area which the proposed course will discuss and acquaint the students with, is the question of who controls the procedure and what are the minimal standards which an arbitrator has to comply with. As soft law instruments such as the IBA Guidelines on Taking Evidence, the Prague Rules on Taking Evidence etc have attempted to harmonise the international arbitration practice in evidentiary matters, the course will assess the gaps which are left open for the tribunals to fill. The Common Law and Civil Law divide prevalent in International Arbitration Procedure has been a cause of concern in terms of balancing the expectations of the parties by the tribunals.

The exercise of discretion by arbitration tribunals given the constraints of an arbitration agreement leave less or no scope to innovate, but within confines of the agreement The expectation of the parties to be treated fairly and equally, casts an obligation upon the tribunal to ensure a fair and impartial adjudication while maintaining its own impartiality. For instance, in a case where the claimant has received funding but the seat of arbitration does not recognise funding, the following situation will explain the tribunal's dilemma:

The Claimant, an American party who receives funding from the London office of an Australian Financier, is pursuing claims against a Chinese party in an arbitration seated in Stockholm with the Convention on International Sale of Goods (CISG) governing the main contract and the arbitration agreement being governed by the Rules of the International Chambers of Commerce as amended.

The above instance is complex and poses serious questions before the tribunal not only in terms of conducting/managing the procedure but also ancillary reliefs emanating out of it. A claim of privilege being one of those. Balancing parties' expectations and rendering an enforceable award so as not expose it to challenges at the seat itself is an complicated exercise which arbitration tribunals are often expected to undertake. Suggestions of

harmonising arbitral procedure and evidence have been discussed at multiple levels. However, the differences (adversarial and inquisitorial approaches) between the two of most widely used soft law instruments (IBA Rules on Taking Evidence & The Prague Rules) creates challenges in developing a harmonised set of rules.

2. Course Aims : The course discusses and explores many such situations. It will acquaint the learners with how an arbitration proceeds and with the challenges which parties and the tribunal face and with the ways and means to overcome them.

3. Teaching Methodology The class will cover between one and two topics each week as per the lecture program. At the conclusion of each week, the course instructor will set the required readings for the following week. Students are expected to attend all class meetings and to complete all the required readings. If they are unable to attend a class meeting, or complete one of the reading assignments before the class session, they should contact the course instructor in advance. The class format will combine lectures and discussion, with a primary focus on the latter. Students are expected to prepare for and participate in class discussion on a regular basis.

4. Intended Learning Outcomes

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
By the end of the course students should be able to :			
Develop an understanding of the processes of arbitration and the powers exercised by the tribunal within the limits prescribed within the arbitration agreement.		a) Reading of cases and other material, and research b) Students will be given guidance on their reading and research for their lectures and tutorials. · Students will, by responding to questions and performing exercises, develop their analytical and critical capabilities.	Mid term and End term exams
The constraints and recommendations of the New York Convention on the arbitral process.		Students will be introduced to issues, concerns, and aspects of the intersection of the Convention and an arbitral process based on certain jurisdictional, institutional approaches and research articles.	

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
Apply the principles of alternative dispute resolution to solve legal problems by: <ul style="list-style-type: none"> · researching relevant issues · analysing and resolving problems · effectively communicating their solutions orally and in writing. 		Discussions around the decided cases and arbitral awards shall be undertaken to assess the exercise of inherent powers of the arbitral tribunal, while resolving procedural issues	

5. Grading of Student Achievement

To pass this course, students must obtain a minimum of 40% in the cumulative aspects of coursework, e.g. internal assessments and final examination. **End of semester examination will carry 30 marks, out of which students have to obtain a minimum of 30% to fulfil the requirement of passing the course.**

Grade Sheet¹

Percentage of Marks	Grade	Grade Value	Grade Description
80 and above	O	8	Outstanding – Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability
75 – 79	A+	7.5	Excellent - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability
70 – 74	A	7	Very Good - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyse existing materials and originality in thinking and presentation
65 – 69	A-	6	Good - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills
60 – 64	B+	5	Fair – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills
55 – 59	B	4	Acceptable - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	Marginal - Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills

NEW COURSE LETTER GRADES AND THEIR INTERPRETATION			
Letter Grade	Percentage of Marks	Grade Points	Interpretation
P1	45 - 49	2	Pass 1: Pass with Basic understanding of the subject matter.
P2	40 - 44	1	Pass 2: Pass with Rudimentary understanding of the subject matter.

¹ Under extraordinary circumstances, the JGU Academic Council or the JGU Deans' Council can suspend the grading criteria or make it optional. If the grading criteria are suspended, the policy which will be framed by the School based on the decision of the said bodies will prevail over the grading criteria. However, whether a situation is extraordinary or not will be decided by the said bodies only.

NEW COURSE LETTER GRADES AND THEIR INTERPRETATION			
Letter Grade	Percentage of Marks	Grade Points	Interpretation
F	Below 40	0	Fail: Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the course.
P	Pass		'P' represents the option of choosing between Pass/Fail grading system over the CGPA.
I	Incomplete		Extenuating circumstances preventing the student from completing coursework assessment, or taking the examination; or where the Assessment Panel at its discretion assigns this grade. If an "I" grade is assigned, the Assessment Panel will suggest a schedule for the completion of work, or a supplementary examination.

6. Criteria for Student Assessments

Internal assessment of the participants will be based on the following criteria. In case any of the participants miss the IA tests, alternative internal assessments will be conducted (Please specify the alternative assessment)

Assessment	Weightage	Remarks
Mid-semester	35	Take Home – Duration of 10 days in the form of hypotheticals and short essay questions.
Mid-semester	35	Group presentations – A group of two students shall choose and present a topic from amongst the course manual or any issue relevant to the elective.
End Semester Examination	30 marks	Take home exam.

Course/Class Policies

Academic Integrity and Plagiarism

Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes, photographs, films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be acknowledged. The university has a framework to deal with cases of plagiarism. All form of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

Disability Support and Accommodation Requirements

JGU endeavors to make all its courses accessible to students. All students with any known disability needing academic accommodation are required to register with the Disability Support Committee dsc@jgu.edu.in. The Committee has so far identified the following conditions that could possibly hinder student's overall well-being. These include: physical and mobility related difficulties; visual impairment; hearing impairment; medical conditions; specific learning difficulties e.g. dyslexia; mental health.

The Disability Support Committee maintains strict confidentiality on the matters under its purview. Students should preferably register with the Committee during the month of June/January as disability accommodation requires early planning. DSC will coordinate all disability related services such as appointment of academic mentors, arranging infrastructural facilities, and course related requirements such as special lectures, tutorials and examinations.

All faculty members are requested to refer students with any of the above-mentioned conditions to the Disability Support Committee for getting them disability-related accommodation. Faculty members are also requested to be sensitive to the needs of such students and cooperate with Disability Support Committee and the School, extending students the necessary support by maintaining utmost confidentiality of the matter.

Safe Space Pledge

This course may discuss a range of issues and events that might result in distress for some students. Discussions in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel disturbed due to either the content of the course or the conduct of the discussions. Therefore, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

Cell Phones, Laptops and Similar Gadgets

The course shall be convened as per policy.

Part V

Keywords Syllabus : International Arbitration, comparative evidence, impact of procedure on substance, privileges in arbitration, arbitral award, civil law and common law divergences in arbitral procedure.

Course Design and Overview (Weekly Plan)

Week	Topic and Description	Reading/Course Materials
1& 2	<ul style="list-style-type: none"> • Deconstructing the Arbitration Agreement • A conflict of law analysis, the seat theory, delocalization • Exclusive jurisdiction clauses v. arbitration agreement 	Refer to Part VI
3	<ul style="list-style-type: none"> • Intersection of arbitrability; separability and competence competence 	
4	<ul style="list-style-type: none"> • Inherent powers of the arbitral tribunal 	
5	<ul style="list-style-type: none"> • Discretion of the tribunal in determining procedure • Impact of Procedure on Substance 	
6	<ul style="list-style-type: none"> • Setting the procedural time table 	
7	<ul style="list-style-type: none"> • Interim Measures - Injunctions, security for costs and security for claims applications • Enforcement of interim measures - orders or awards 	

8 & 9	<ul style="list-style-type: none"> • Evidence in International Arbitration - Divergences in Civil Law and Common Law practices • The IBA Guidelines on Taking Evidence v. The Prague Rules 	
9 &10	<ul style="list-style-type: none"> • Evidentiary Privileges in International Arbitration 	
10 & 11	<ul style="list-style-type: none"> • Expert Witnesses in International Arbitration • Cross Examination of Expert Witnesses and their Testimonies 	
11	<ul style="list-style-type: none"> • Comparing Institutional Rules- ICC v. LCIA v. SIAC v. MCIA 	
12 &13	<ul style="list-style-type: none"> • Case Management & Procedure – Perspectives of an Institution 	
13	<ul style="list-style-type: none"> • Impact of Procedure on Awards – An assessment from the perspective of the New York Convention • The liability of the Tribunal to render an enforceable award 	
14	Revision	

Part VI Relevant Readings

Deconstructing the Arbitration Agreement

- a. Arbitrability: International and Comparative Perspectives edited by Loukas A. Mistelis and Stavros L. Brekoulakis. Published by Kluwer Law International (2009, 408 pp.).
- b. International Litigation & Arbitration the Principle of Judicial Non- Interference in International Arbitral Proceedings Gary Born, U. Pa. f. Int'l L. [Vol. 30:4].
- c. Duty and Discretion in International Arbitration, William W. Park: The American Journal of International Law, Oct., 1999, Vol. 93, No. 4 (Oct., 1999), pp. 805-823 Cambridge University Press.
- d. Loukas A. Mistelis, 'Reality Test: Current State of Affairs in Theory and Practice Relating to "Lex Arbitri"' (2006) 17 American Review of International Arbitration 155.
- e. Marc Blessing, 'The Law Applicable to the Arbitration Clause and Arbitrability' (1998) ICCA Congress Series No 9, 169.
- f. Bernard Hanotiau, 'The Law Applicable to Arbitrability' (1998) ICCA Congress Series No 9, 146.
- g. Julian D.M. Lew, 'The Law Applicable to the Form and Substance of the Arbitration Clause' (1998) ICCA Congress Series No. 9, 114.
- h. "AN IMPORTANT REALIGNMENT AND AN OPPORTUNITY MISSED? THE LAW APPLICABLE TO THE ARBITRATION AGREEMENT, JURISDICTIONAL RE-HEARINGS, STAYS TO COURT PROCEEDINGSAND THE

Arbitrability, Separability & Kompetenz-Competenz

- a. Separability in international commercial arbitration; confluence, conflict and the appropriate limitations in the development and application of the doctrine, Rona ´n Feehily, *Arbitration International*, 2018, 34, 355–383.
- b. Jack Tsen-Ta Lee, *Separability, Competence-Competence and the Arbitrator's Jurisdiction in Singapore*.
- c. Stavros Brekoulakis, ‘On Arbitrability: Persisting Misconceptions and New Areas of Concern’ in Loukas A. Mistelis and Stavros Brekoulakis (eds), *Arbitrability: International and Comparative Perspectives* (Wolters Kluwer 2009).
- d. Loukas A. Mistelis, ‘Arbitrability- International and Comparative Perspectives: Is Arbitrability a National or an International Law Issue?’ in Loukas A. Mistelis and Stavros Brekoulakis (eds), *Arbitrability: International and Comparative Perspectives* (Wolters Kluwer 2009).

Inherent Powers and Exercise of Discretion of the Tribunal

- a. ‘Chapter 3: Arbitrators’ Freedom in Arbitral Decision-Making’, in Dolores Bentolila, *Arbitrators as Lawmakers*, *International Arbitration Law Library*, Volume 43 (© Kluwer Law International; Kluwer Law International 2017) pp. 83 – 144.
- b. Margaret L. Moses, *Inherent and Implied Powers of Arbitrators*, Loyola University Chicago School of Law Public Law & Legal Theory Research Paper No. 2014-015.
- c. Stefano Castagna, ‘Inherent and Implied Powers of International Arbitral Tribunals: Characteristics and Limits’, in Michael O’Reilly (ed), *Arbitration: The International Journal of Arbitration, Mediation and Dispute Management*, (© Chartered Institute of Arbitrators (CI Arb); Sweet & Maxwell 2016, Volume 82 Issue 4) pp. 409 – 414.
- d. Seung Wha Chang, ‘Inherent Power of the Arbitral Tribunal to Investigate Its Own Jurisdiction’, *Journal of International Arbitration*, (© Kluwer Law International; Kluwer Law International 2012, Volume 29 Issue 2) pp. 171 – 182.
- e. Martins Paparinskis, *Inherent Powers of ICSID Tribunals: Broad and Rightly So*.
- f. Dominik Horodyski and Maria Kierska ‘Third Party Funding in International Arbitration - Legal Problems and Global Trends with a Focus on Disclosure Requirement’ (2017) 66 <<https://core.ac.uk/download/pdf/132335993.pdf>>.
- g. Justin Ignatius PULLE, ‘Securing natural justice in arbitration proceedings’ (2012) 20 *Asia Pacific Law Review* 63–87.

Impact of procedure on substantive issues in international arbitration

- Christian Borris, ‘Common Law and Civil Law: Fundamental Differences and their Impact on Arbitration’, *Arbitration: The International Journal of Arbitration, Mediation and Dispute Management*, (© Chartered Institute of Arbitrators (CI Arb); Kluwer Law International 1994, Volume 60 Issue 2) pp. 78 – 85.
- Saar A. Pauker, ‘Substance and procedure in international arbitration’, in William W. Park (ed), *Arbitration International*, (© The Author(s); Oxford University Press 2020, Volume 36 Issue 1) pp. 3 - 66
- ‘Part I: Policy and Principles, Chapter 1: The Nature of Procedure and Policy Considerations’, in Jeffrey Maurice Waincymer, *Procedure and Evidence in International Arbitration*, (© Kluwer Law International; Kluwer Law International 2012) pp.1-46

- Paula Hodges, ‘Chapter II: The Arbitrator and the Arbitration Procedure, The Proliferation of “Soft Laws” in International Arbitration: Time to Draw the Line?’, in Christian Klausegger, Peter Klein, et al. (eds), Austrian Yearbook on International Arbitration, Volume 2015 (© Manz’sche Verlags- und Universitätsbuchhandlung; Manz’sche Verlags- und Universitätsbuchhandlung 2015) pp. 205 – 229.
- “The ‘End of History’ and International Arbitration”, David von der Thannen, in Remy Gerbay (ed), Journal of International Arbitration, Vol 42, Issue 6 (2025), pp. 711-736

Case Management & Setting the Procedural Time Table

- a. Peter Yuen, ‘Chapter 18: Case Management Strategy: Forming the Right Team – Third-Party Funding, Experts, Investigators and Other Services Providers’, in Michael J. Moser and Chiann Bao (eds), Managing ‘Belt and Road’ Business Disputes: A Case Study of Legal Problems and Solutions, (© Kluwer Law International; Kluwer Law International 2021) pp. 405 – 434.
- b. Denis Gareth Brock and Aditya Kurian, ‘he ‘Pay As YouGo’ Principle in Deciding Costs: A Powerful Tool in the Arbitral Tribunal’s Case Management Arsenal’, in Romesh Weeramantry and John Choong (eds), Asian Dispute Review, (© Hong Kong International Arbitration Centre (HKIAC); Hong Kong International Arbitration Centre (HKIAC) 2021, Volume 23 Issue 2) pp. 81 – 85.
- c. Lionel Edward Persey, ‘Effective Case Management’, in Derek Roebuck (ed), Arbitration: The International Journal of Arbitration, Mediation and Dispute Management, (© Chartered Institute of Arbitrators (CI Arb); Sweet & Maxwell 2010, Volume 76 Issue 3) pp. 408 – 411.
- d. Karl-Heinz Böckstiegel, ‘Party Autonomy and Case Management – Experiences and Suggestions of an Arbitrator’, in Jörg Risse, Guenter Pickrahn, et al. (eds), SchiedsVZ | German Arbitration Journal, (© Kluwer Law International; Verlag C.H. Beck oHG 2013, Volume 11 Issue 1) pp. 1 – 5.
- e. Charles Price and Yves Stans, ‘Using Costs as a Case Management Tool in International Arbitration’, ASA Bulletin, (© Association Suisse de l’Arbitrage; Kluwer Law International 2007, Volume 25 Issue 4) pp. 704 – 716
- f. Redfern Schedule.
- g. Reinventing the Redfern, Peter Harris .
- h. Reeds Retreat Explainer – Kaplan Lecture, 2012.

Security for Costs

- a. Why it is time for international arbitration to embrace security for costs by Alan Redfern and Sam O’Leary, Arbitration International, 2016, 32, 397–413.
 - b. Security for Costs of Arbitration Proceedings in England, New Zealand and Australia by Stephen N Colbran, Arbitration International, Vol. 9, No. 1 © LCIA, 1993.
 - c. Security for Costs in International Commercial Arbitration, Gu Weixia.
- Nadia Darwazeh and Adrien Leleu, ‘Disclosure and Security for Costs or How to Address Imbalances Created by Third- Party Funding’ (2016) 33(2) Journal of International Arbitration 125, 129.
- d. Jean Kalicki, ‘Security for Costs in International Arbitration’ (2006) 3(5) Transnational Dispute Management
<<https://www.transnational-dispute-management.com/article.asp?key=827>>.
 - e. Noah D. Rubins, ‘In God We Trust, All Others Pay Cash: Security for Costs in International Commercial’ (2000) 11 The American Review of International Arbitration 361.

Evidence in Arbitration

- a IBA Rules on Taking Evidence
- b Prague Rules on Taking Evidence

1. Evidentiary Privilege in International Arbitration

- a. Privilege in International Arbitration: Is It Time to Recognize the Consensus? Craig Tevendale and Ula Cartwright-Finch, a. *Journal of International Arbitration* 26(6) : 823–839, 2009. 2009 Kluwer Law International. Printed in The Netherlands.
- b. Tom Ginsburg & Richard M. Mosk, ‘Evidentiary Privileges in International Arbitration’ (Coase-Sandor Institute for Law & Economics Working Paper No. 656, 2013).
- c. Evidentiary Privileges: Best Practice Standards versus/and Arbitral Discretion by Klaus Peter Berger *Arbitration International*, Vol. 22, No. 4 LCIA, 2006.

2. Electronic Evidence | International Commercial Arbitration

- a. MM Watney, Cross-Border Law Enforcement: Gathering of Stored Electronic Evidence, *Journal of Information Warfare*, Vol. 15, No. 3 (2016), pp. 69-80 Published by: Peregrine Technical Solutions.
- b. Jim Calloway What Is Electronic Evidence?, *Family Advocate* , Winter 2006, Vol. 28, No. 3 (Winter 2006), pp. 8-9, American Bar Association Stable.
- c. UNCTAD, Dispute Settlement, *International Commercial Arbitration*, 5.9 Electronic Arbitration.
- d. Stephen Mason, *International Electronic Evidence*, British Institute of International & Comparative Law.
- e. Burkhard Schafer and Stephen Mason, The characteristics of electronic evidence, *Electronic Evidence*, University of London Press; Institute of Advanced Legal Studies.
- f. Burkhard Schafer and Stephen Mason, The foundations of evidence in electronic form, *Electronic Evidence*, University of London Press; Institute of Advanced Legal Studies.

3. Expert Witnesses

- Protocol for the use of party-appointed expert witnesses in international arbitration, Chartered Institute of Arbitrators
- Party-appointed and Tribunal- appointed Experts, Chartered Institute of Arbitrators
- Alan W. Shilston, ‘Some Reflections on the Role of the Expert Witness’, *Arbitration: The International Journal of Arbitration, Mediation and Dispute Management*, (© Chartered Institute of Arbitrators (CI Arb); Kluwer Law International 1992, Volume 58 Issue 4) pp. 251 – 258
- Geoffrey Senogles, ‘Some Views from the Crucible: The Perspective of an Expert Witness on the Adversarial Principle’, in Thomas Schultz (ed), *Journal of International Dispute Settlement*, (© The Author(s); Oxford University Press 2018, Volume 9 Issue 3) pp.361-366
- Francis Goodall, ‘The Expert Witness: Partisan with a Conscience’, *Arbitration: The International Journal of Arbitration, Mediation and Dispute Management*, (© Chartered Institute of Arbitrators (CI Arb); Kluwer Law International 1990, Volume 56 Issue 3) pp. 159 – 161

Procedure & Rendering of an Award

- a. Klaus Peter Berger and J. Ole Jensen, Due process paranoia and the procedural judgment rule: a safe harbour for procedural management decisions by international arbitrators, *Arbitration International*, 2016, 32, 415–435.
- b. Kaufmann-Kohler, Gabrielle. *Globalization of Arbitral Procedure*. *Vanderbilt Journal of Transnational Law*, 2003, vol. 36, p. 1313-1333.
- c. Thomas E. Carbonneau, *Rendering Arbitral Awards with Reasons: The Elaboration of Common Law of International Transactions*, 23 *Colum. J. Transna’l L.* 579 (1985).
- d. Fernand Mantilla-Serrano *Arbitration International*, *Towards A Transnational Procedural Public Policy*, Vol. 20, No. 4.

New York Convention – Procedure & Enforcement

- a. The New York Convention of 1958: An Overview Albert Jan van den Berg.
- b. Enforcement under the New York Convention, Emmanuel Gaillard and Benjamin Siino Gaillard Banifatemi Shelbaya, 08 June 2021, Global Arbitration Review the Guide to Challenging and Enforcing Arbitration Awards, Second Edition.
- c. The Exercise of Judicial Discretion in Relation to Applications to Enforce Arbitral Awards under the New York Convention 1958, Jonathan Hill, Oxford Journal of Legal Studies, Vol. 36, No. 2 (Summer 2016), pp. 304-333, Oxford University Press.
- d. A Twenty Years' Review of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Pieter Sanders, The International Lawyer, Spring 1979, Vol. 13, No. 2 (Spring 1979), pp. 269-287, American Bar Association.
- e. Christopher Boog and Benjamin Moss, 'Arbitrability, Foreign Mandatory Law and the Lazy Myth of the Tribunal's Obligation to Render an Enforceable Award: A Case Note on Swiss Federal Supreme Court Cases 4A_654/2011 and 4A_388/2012 (2013)' 31(3) ASA Bulletin 647.
- f. Chromalloy Aeroservices Inc v The Arab Republic of Egypt (1997) XXII YBCA 1001.
- g. OTV v Hilmarton (1996) XXI YBCA 524.

4. Institutional Rules Comparison

- a. Ashurst – International arbitration: Which institution?
- b. Towards the Harmonization of International Arbitration Rules: Comparative Analysis of the Rules of the ICC, AAA, LCIA and CIETAC Jonathan L. Greenblatt, Peter Griffin, Arbitration International, Vol. 17, No. 1 LCIA, 2001.
- c. Are All Institutional Rules Now Basically the Same? Jonathan Lim (Wilmer Cutler Pickering Hale and Dorr LLP)/April 10, 2015.