ICSID has recently registered four requests for annulment of arbitral awards that were rendered under the Washington Convention of 1965. Under the Convention, awards cannot be reviewed by domestic courts, but, in limited circumstances, can be reviewed by ad hoc committees appointed by ICSID. These annulment proceedings should allow the effectiveness of the ICSID procedure to be gauged. (Story on page 287.)

Emmanuel Giallard, a distinguished arbitration scholar and commentator, has recently published the first volume in the Series on International Commercial Arbitration entitled Annulment of ICSID Awards. The volume contains contributions from experts on all aspects of the annulment process under Article 53 of the Washington Convention. (Story on page 288.)

The Texas state Supreme Court has rendered an important decision regarding class arbitration. In In re Wood, the court held that the arbitrator, not the court, should rule on class certification issues when the arbitration agreement says that all disputes arising under the contract are to go to arbitration. The Bazzle decision figures prominently in the court’s reasoning. (Case summary on page 291.)

In the Commentary section, Professor Frédéric Bachand, WAMR’s new Investment Arbitration Editor, discusses several ICSID arbitration cases which raise the question of whether a forum-selection clause contained in an investment contract can affect the jurisdiction of an arbitral tribunal constituted under a BIT between the host State and foreign investor’s State. He analyzes in particular the now-famous cases of SGS Société Générale & Vivendi. (The Commentary section begins on page 292.)

In another Commentary, Ian Hanger and John Cooper advocate for a hybrid mediation/mini-trial process for mediating large disputes called “Senior Executive Appraisal Mediation.” Their experience demonstrates that this flexible, dispute-specific design has had success and is easy to implement. (The Commentary begins on page 294.)

In a Perspectives piece, Lawrence W. Newman and David Zaslowsky of the New York Office of Baker & McKenzie discuss the vital importance culture and tradition plays in international commercial arbitrations—from procedure of the arbitration hearings to the application of arbitration clauses. They indicate that complex arbitration clauses generally do not resolve these issues. As a result, they provide suggestions on how to reduce the unpredictability of arbitration procedure in the transborder contexts. (The Perspectives section begins on page 298.)

Finally, Timothy S. Cole, Director of the NAF’s Internet Dispute Solutions, provides summaries of and the opinions in recent domain name awards. (The Documentary Resources section begins on page 300.)
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