

*The American Review of International Arbitration* is a publication of the Center for International Arbitration and Litigation Law which is devoted to the study of laws relating to international arbitration and litigation throughout the world. To that end, it promotes and sponsors the publication of books, commentaries, articles, periodicals and conferences on these subjects. *The American Review of International Arbitration* is one of the Center's publications. Other publications sponsored by the Center are the eight volume *Guides to International Arbitration* and the *World Arbitration Reporter*. The Center also co-operates with institutions engaged in advocating and administering international arbitration and sponsors clerkships at those institutions.

The Director of the Center is Hans Smit, Stanley H. Fuld Professor of Law, Columbia University. Inquiries about the Center and its activities should be addressed to:

Hans Smit  
Stanley H. Fuld Professor of Law  
Columbia Law School  
435 West 116<sup>th</sup> Street  
New York, New York 10027  
Tel: (212) 854-2693; Fax (212) 222-4256  
E-mail: [hsmit@law.columbia.edu](mailto:hsmit@law.columbia.edu)

#### MANUSCRIPTS

---

*The American Review of International Arbitration* invites the submission of unsolicited manuscripts. They should be double-spaced with footnotes that conform to the latest edition of A Uniform System of Citation. Manuscripts on IBM-compatible WordPerfect diskettes are greatly appreciated. The Review regrets that manuscripts cannot be returned unless they are accompanied by a self-addressed, stamped envelope. Send all correspondence to:

Elizabeth H. Cooper, Managing Editor  
The American Review of International Arbitration  
Columbia Law School  
435 West 116<sup>th</sup> Street  
New York, New York 10027  
Tel: (212) 854-3971; Fax (212) 222-4256  
E-mail: [ecooper@law.columbia.edu](mailto:ecooper@law.columbia.edu)

#### SUBSCRIPTION

The Review is published quarterly. The subscription rate is U.S. \$252. Subscriptions are renewed automatically unless notice of termination is given.

Address changes should be sent at least 45 days before the date of the issue with which they are to take effect. The post office will not forward copies unless you provide extra postage; there is a charge for duplicate copies. Subscription queries and address changes should be directed to:

Juris Publishing, Inc.  
71 New Street  
Huntington, NY 11743  
Tel (631) 673-3330; (631) 350-0200; Fax (631) 673-9117  
For calls outside the U.S. and Canada: (631) 673-3330

ISSN 1050-4109

Copyright © 2004 by Hans Smit and Juris Publishing, Inc.

**THE AMERICAN REVIEW  
OF  
INTERNATIONAL ARBITRATION**

**Vol. XIV — 2003**

**Center for International Arbitration  
and Litigation Law**

**New York**

**2003**



# THE AMERICAN REVIEW OF INTERNATIONAL ARBITRATION

---

**Vol. 14**

**2003**

**Nos. 1-2**

---

## ARTICLES

EVERYTHING YOU REALLY NEED TO KNOW ABOUT “SEPARABILITY” IN SEVENTEEN SIMPLE PROPOSITIONS	<i>Alan Scott Rau</i>	1
THE TENSIONS BETWEEN CONFIDENTIALITY AND TRANSPARENCY IN INTERNATIONAL ARBITRATION	<i>Cindy G. Buys</i>	121
THE NEW LAW OF INTERNATIONAL COMMERCIAL ARBITRATION IN BANGLADESH: A COMPARATIVE PERSPECTIVE	<i>Dr. A.F.M. Maniruzzaman</i>	139

## ARBITRAL & JUDICIAL DECISIONS

CLASS ACTIONS IN ARBITRATION	<i>Hans Smit</i>	175
------------------------------	------------------	-----

## CURRENT DEVELOPMENTS

A COLLOQUIUM ON INTERNATIONAL COMMERCIAL ARBITRATION AND AFRICAN STATES 2003	<i>Dr. Amazu Anthony Asouzu</i>	179
------------------------------------------------------------------------------------	---------------------------------	-----

<b>RECENT BOOKS AND ARTICLES ON COMMERCIAL ARBITRATION</b>		183
------------------------------------------------------------	--	-----

\* A cumulative table of contents for Volume XIV will appear  
at the back of the final issue of the year.



---

**THE AMERICAN REVIEW**  
**OF**  
**INTERNATIONAL ARBITRATION**

---

**EDITORS-IN-CHIEF**

HANS SMIT  
VRATISLAV PECHOTA

**MANAGING EDITOR**

ELIZABETH H. COOPER

**SENIOR STUDENT EDITORS**

HOWARD BAKER, YONA CONZEVOY, MINDY FOSS, KATHRINE GEHRING,  
ADRIA PEREZ, MARRI TUSSING

**STUDENT EDITORS**

LESLIE BENNETT, EDUARDO CORRETJER, JOSE DIAZ, JONATHAN FARKAS,  
SARAH FRIEDMAN, YUICHI HARAGUCHI, ABID IMAM, RACHEL JACOBS,  
CHEOMA JULIEN, JOANNA MCRAE, GEOFFREY MORRIS, STUART ORSAK,  
CHAD SILVERMAN, ANDREAS STIER, YI ZHANG

---

**BOARD OF ADVISORS**

GIORGIO BERNINI	<i>President, International Council for Commercial Arbitration</i>
HORACIO A. GRIGERA NAÓN	<i>Special Counsel, White &amp; Case, Washington, D.C.</i>
BERNARD HANOTIAU	<i>Professor, Universities of Louvain and Namur</i>
MICHAEL F. HOELLERING	<i>General Counsel, American Arbitration Association</i>
J. MARTIN H. HUNTER	<i>Barrister, London and Professor, Nottingham Law School</i>
NEIL KAPLAN	<i>Special Counsel, Debevoise &amp; Plimpton</i>
SERGEI N. LEBEDEV	<i>President, Maritime Arbitration Commission, Moscow</i>
PIERRE MAYER	<i>Professor, Université de Paris I — Sorbonne, Paris</i>
WERNER MELIS	<i>Chairman, Arbitral Centre of the Federal Economic Chamber, Vienna</i>
ALLAN PHILIP	<i>Philip &amp; Partners, Copenhagen</i>
MICHAEL CHARLES PRYLES	<i>Partner, Minter Ellison, Melbourne</i>
CLAUDE REYMOND	<i>Professor, University of Geneva</i>
OTTO SANDROCK	<i>Professor, University of Muenster</i>
TOSHIO SAWADA	<i>Professor, Sophia University, Tokyo</i>
VINCENZO VIGORITI	<i>Professor, University of Florence</i>

