

THE PECHOTA
BIBLIOGRAPHY ON
ARBITRATION

SECOND EDITION

EDITOR-IN-CHIEF
Mary Helen Mourra

EDITOR
Loukas Mistelis

JURIS

Questions About This Publication

For assistance with shipments, billing or other customer service matters,
please email us at: subscriptions@arbitrationlaw.com

For editorial assistance, please email us at: editorial@jurispub.com

To obtain a copy of this book, please visit:
www.arbitrationlaw.com/allbooks/

To learn more about Juris ArbitrationLaw, please visit:
www.arbitrationlaw.com

COPYRIGHT © 2024
by JurisNet, LLC

All rights reserved. No part of this publication may be reproduced in any form or by any electronic or mechanical means including information storage and retrieval systems without permission in writing from the publisher.

All rights reserved
Printed in the United States of America

ISBN-13: 978-1-93383-304-0

JurisNet, LLC
www.arbitrationlaw.com

TABLE OF CONTENTS

About the Editors.....	xiii
Abbreviations	xv

PART ONE

SUBJECT-MATTER BIBLIOGRAPHY

1. COMMERCIAL ARBITRATION IN GENERAL

- 1.01 Treatises, Collection of Essays, Encyclopedias
- 1.02 Commercial Arbitration - General
- 1.03 History of Commercial Arbitration
- 1.04 Recent Developments
- 1.05 Periodicals

2. SOURCES OF ARBITRATION LAW

- 2.01 Sources in General
- 2.02 Geneva Protocol on Arbitration Clauses 1923
- 2.03 Geneva Convention on Execution of Foreign Awards 1927
- 2.04 New York Convention on Recognition and Enforcement of Foreign Arbitral Awards of 1958
- 2.05 European Convention on International Commercial Arbitration 1961
- 2.06 Washington Convention on Settlement of Investment Disputes 1965
- 2.07 UN Convention on Carriage of Goods by Sea 1978 (Hamburg Rules)
- 2.08 Inter-American Convention on International Commercial Arbitration 1975
- 2.09 Inter-American Convention on Validity of Foreign Awards 1979
- 2.10 North American Free Trade Association (NAFTA)
- 2.11 Bilateral Treaties
- 2.12 National Legislation
- 2.13 Unification of Arbitration Law
- 2.14 UNCITRAL Model Law on International Commercial Arbitration
- 2.15 UNCITRAL Model Law on International Commercial Conciliation
- 2.16 Judicial Decisions
- 2.17 Arbitral Decisions

3. INTERNATIONAL ARBITRATION INSTITUTIONS AND RULES

- 3.01 International Institutions and Rules Generally
- 3.02 UNCITRAL Arbitration Rules
- 3.03 Inter-American Arbitration Commission
- 3.04 International Centre for the Settlement of Investment Disputes
- 3.05 International Chamber of Commerce
- 3.06 Iran-United States Claims Tribunal
- 3.07 Permanent Court of Arbitration at the Hague
- 3.08 Regional Centres for Commercial Arbitration Cairo and Kuala Lumpur

The Pechota Bibliography on Arbitration

- 3.09 WIPO Arbitration and Mediation Center
- 3.10 Other International Institutions and Rules
- 3.11 International Council for Commercial Arbitration
- 3.12 Proposals to Create an International Arbitration System

4. NATIONAL ARBITRAL INSTITUTIONS AND RULES

- 4.01 National Institutions and Rules Generally
- 4.02 American Arbitration Association
- 4.03 Arbitration Institute of the Stockholm Chamber of Commerce
- 4.04 China International Economic and Trade Arbitration Commission (CIETAC)
- 4.05 International Arbitral Centre of the Austrian Federal Economic Chamber Vienna
- 4.06 International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation
- 4.07 Italian Arbitration Association
- 4.08 Japan Commercial Arbitration Association
- 4.09 London Court of International Arbitration
- 4.10 Spanish Court of Arbitration
- 4.11 Swiss Rules of International Arbitration
- 4.12 Other National Institutions and Rules
- 4.13 Cooperation of National Institutions

5. THE NATURE OF ARBITRAL ADJUDICATION

- 5.01 Contractual or Consensual Basis of Arbitration
- 5.02 International Character of Dispute
- 5.03 Ad hoc Arbitration
- 5.04 Institutional and Administered Arbitration
- 5.05 Amiable Composition
- 5.06 Mediation and Conciliation
- 5.07 Specialized Arbitration
- 5.08 Public Policy Favoring Arbitration
- 5.09 Confidentiality
- 5.10 On-Line/Virtual Arbitration

6. CATEGORIES OF DISPUTES

- 6.01 Categories of Disputes
- 6.02 Commercial Disputes
- 6.03 Commodity Contracts
- 6.04 Competition and Antitrust
- 6.05 Construction
- 6.06 Insurance, Banking and Finance Disputes
- 6.07 Investment Disputes
- 6.08 Maritime Disputes
- 6.09 Patents, Trademarks, Copyright, Transfer of Technology
- 6.10 Securities Transactions
- 6.11 Sports

Table of Contents

- 6.12 Other
- 6.13 Arbitrability

7. PARTIES

- 7.01 Capacity of Parties
- 7.02 Equality of Parties
- 7.03 Nationality
- 7.04 States as Parties
- 7.05 Sovereign Immunity
- 7.06 Public Organizations and Enterprises
- 7.07 Death, Dissolution, Merger, Succession and Substitution of Parties
- 7.08 Bankruptcy of a Party
- 7.09 Responsibility of Parties

8. AGREEMENT TO ARBITRATE

- 8.01 Existence and Validity of Agreement to Arbitrate
- 8.02 Requirement of Written Form
- 8.03 Standard and Model Arbitration Clauses
- 8.04 Separability
- 8.05 Contents of Arbitration Agreement
- 8.06 Operation and Effects
- 8.07 Defects and Invalidity
- 8.08 Termination
- 8.09 Enforceability of Arbitration Agreements

9. ARBITRATION AND THIRD PARTIES

- 9.01 Third Parties in Arbitral Proceedings

10. MULTI-PARTY ARBITRATION

- 10.01 Multiple Parties in Arbitration

11. ARBITRATORS AND ARBITRAL TRIBUNALS

- 11.01 In General
- 11.02 Composition of Arbitral Tribunal
- 11.03 Designation of Arbitrators
- 11.04 List of Arbitrators
- 11.05 Selection by Arbitral Institution
- 11.06 Sole Arbitrator
- 11.07 Tribunal of Two Arbitrators
- 11.08 Tribunal of Three Arbitrators
- 11.09 Capacity and Qualifications of Arbitrators
- 11.10 Nationality of Arbitrators
- 11.11 Independence and Impartiality
- 11.12 Code of Ethics for Arbitrators

The Pechota Bibliography on Arbitration

- 11.13 Challenge of Arbitrators
- 11.14 Removal and Resignation of Arbitrators
- 11.15 Responsibility of Arbitrators
- 11.16 Immunity of Arbitrators
- 11.17 Compensation of Arbitrators
- 11.18 Training of Arbitrators

12. AUTHORITY OF THE ARBITRAL TRIBUNAL

- 12.01 Powers of Arbitrators
- 12.02 Right to Decide on Jurisdiction
- 12.03 Right to Determine Validity of Agreement
- 12.04 Right to Determine Applicable Law
- 12.05 Right to Decide *ex aequo et bono*; Powers of the *Amiable Compositeur*
- 12.06 Rights Pertaining to the Conduct of Proceedings
- 12.07 Termination of Authority

13. APPLICABLE LAW

- 13.01 Choice of Applicable Law in General
- 13.02 Law Applicable to Procedure
- 13.03 Law Applicable to the Merits
- 13.04 Applicable Conflict-of-Laws System
- 13.05 International and Transnational Law
- 13.06 *Lex Mercatoria*
- 13.07 International Public Order

14. THE ARBITRAL PROCESS

- 14.01 Commencement of Arbitral Proceedings
- 14.02 Delivery and Receipt of Communications
- 14.03 Representation and Legal Assistance
- 14.04 Choice of Forum; Place of Proceedings
- 14.05 Languages
- 14.06 Time Limits
- 14.07 Waivers
- 14.08 Failure to Arbitrate; Default

15. ARBITRATION PROCEDURE

- 15.01 Mode and Course of Proceedings in General
- 15.02 Basic Standards of Due Process
- 15.03 Terms of Reference
- 15.04 Preliminary Questions, Referee Procedure
- 15.05 Written Proceedings
- 15.06 Expedited Proceedings
- 15.07 Consolidation of Proceedings
- 15.08 Statement of Claim and Defense; Counterclaims; Set-Offs
- 15.09 Hearing

Table of Contents

- 15.10 Evidence and Witnesses
- 15.11 Experts

16. INTERIM MEASURES OF PROTECTION

- 16.01 In General
- 16.02 Interim Measures Relating to Property
- 16.03 Interim Measures Relating to Evidence
- 16.04 Orders for Security

17. THE AWARD

- 17.01 In General
- 17.02 Time Limit for Rendering Award
- 17.03 Formal Requirements
- 17.04 Substantive Requirements
- 17.05 Reasons
- 17.06 Confirmation or Authentication
- 17.07 Types of Award
- 17.08 Nationality of Award
- 17.09 Relief and Remedies in General
- 17.10 Payment of Money, Foreign Currency
- 17.11 Indemnity, Damages, Punitive Damages
- 17.12 Interest and Costs
- 17.13 Dissenting and Separate Opinions
- 17.14 Amendments and Rectification
- 17.15 Interpretation of the Award
- 17.16 Delivery to the Parties
- 17.17 Deposit of Award
- 17.18 Confidentiality and Publication
- 17.19 Effects
- 17.20 Appeal to Arbitral Tribunal and Annulment
- 17.21 Settlement

18. COSTS

- 18.01 Costs in General
- 18.02 Arbitration Fees
- 18.03 Expenses of Parties
- 18.04 Deposit of Costs
- 18.05 Apportioning of Costs

19. ARBITRATION AND THE COURTS

- 19.01 Jurisdiction and Powers of the Courts in Matters of Arbitration Generally
- 19.02 Proceedings to Determine or Modify Arbitration Agreement
- 19.03 Proceedings to Compel Arbitration
- 19.04 Stay of Court Proceedings Pending Arbitration
- 19.05 Judicial Consolidation of Arbitral Proceedings

The Pechota Bibliography on Arbitration

- 19.06 Judicial Appointment of Arbitrators
- 19.07 Judicial Assistance in Procedural Matters
- 19.08 Judicial Granting of Interim Relief
- 19.09 Stay or Termination of Arbitral Proceedings by Judicial Order
- 19.10 Judicial Confirmation of Award
- 19.11 Recourse Against Award Generally
- 19.12 Procedure and Grounds for Setting Aside
- 19.13 Review on the Merits
- 19.14 Remission
- 19.15 Contractual Expansion or Limitation of Judicial Review

20. RECOGNITION AND ENFORCEMENT OF ARBITRAL AWARDS

- 20.01 In General
- 20.02 Enforceability
- 20.03 Applicable Law
- 20.04 Formal Requirements
- 20.05 Procedure for Enforcement
- 20.06 Grounds for Refusal of Enforcement
- 20.07 Stay of Enforcement

21. CLASS ACTIONS

22. WTO

Table of Contents

PART TWO
COUNTRY-BY-COUNTRY
AND
REGIONAL
BIBLIOGRAPHY

Africa.....	II-1
Albania	II-7
Algeria	II-8
Anguilla	II-10
Antigua and Barbuda	II-11
Argentina	II-12
Armenia	II-19
Asia.....	II-20
Australia	II-27
Austria	II-37
Azerbaijan.....	II-44
Bahamas	II-45
Bahrain	II-46
Balkans	II-47
Bangladesh	II-48
Belarus.....	II-49
Belgium	II-50
Benin	II-59
Bermuda	II-60
Bhutan	II-61
Bolivia	II-62
Botswana	II-63
Brazil	II-64
Brunei	II-74
Bulgaria	II-75
Burkina Faso.....	II-78
Burundi	II-79
Cambodia....	II-81
Cameroon	II-82
Canada	II-83
Caribbean.....	II-97
Central African Republic.....	II-98
Chad.....	II-99
Chile	II-100
China (People's Republic of).....	II-103
Colombia	II-124
Congo (Democratic Republic of) (formerly Zaire).....	II-128
Congo (Republic of)	II-129
Costa Rica.....	II-130
Côte d'Ivoire (Ivory Coast)	II-131
Croatia	II-132

The Pechota Bibliography on Arbitration

Cuba.....	II-136
Cyprus	II-137
Czech Republic.....	II-138
Denmark	II-142
Developing Countries in General	II-144
Djibouti.....	II-147
Dominican Republic	II-148
Dubai	II-149
Ecuador.....	II-151
Egypt	II-153
El Salvador	II-159
Eritrea	II-160
Estonia	II-161
Ethiopia	II-162
Europe	II-163
European Union.....	II-170
Fiji	II-181
Finland.....	II-182
France	II-184
Gabon	II-203
Gambia	II-204
Georgia	II-205
Germany	II-206
Ghana.....	II-235
Greece.....	II-236
Guatemala.....	II-239
Guyana.....	II-240
Honduras.....	II-241
Hong Kong	II-242
Hungary	II-251
Iceland	II-254
India.....	II-255
Indonesia.....	II-270
Iran.....	II-273
Iraq.....	II-276
Ireland.....	II-278
Israel	II-280
Italy	II-281
Jamaica	II-297
Japan.....	II-298
Jordan	II-306
Kazakhstan	II-309
Kenya.....	II-311
Korea (Republic of).....	II-312
Korea (Democratic People's Republic of) (North Korea)	II-317
Kuwait	II-318
Kyrgyzstan.....	II-321
Laos	II-322

Table of Contents

Latin America.....	II-323
Latvia.....	II-332
Lebanon	II-333
Lesotho	II-336
Liberia	II-337
Libya.....	II-338
Liechtenstein.....	II-341
Lithuania.....	II-342
Luxembourg	II-343
Macau	II-344
Madagascar.....	II-345
Malawi.....	II-346
Malaysia	II-347
Mali	II-350
Malta.....	II-351
Mauritania.....	II-352
Mauritius.....	II-353
Mexico.....	II-354
Middle East.....	II-361
Moldova.....	II-369
Mongolia.....	II-370
Morocco.....	II-371
Mozambique.....	II-373
Myanmar.....	II-374
Namibia	II-375
Netherlands.....	II-376
New Zealand.....	II-382
Nicaragua.....	II-384
Niger	II-385
Nigeria	II-386
Norway	II-390
Oman	II-392
Pacific Rim	II-395
Pakistan	II-396
Palestine.....	II-398
Panama	II-399
Papua New Guinea	II-400
Paraguay	II-401
Peru.....	II-402
Philippines	II-405
Poland	II-407
Portugal	II-412
Qatar	II-415
Romania.....	II-417
Russian Federation	II-420
Rwanda.....	II-438
Saudi Arabia	II-439
Senegal	II-443

The Pechota Bibliography on Arbitration

Serbia and Montenegro (formerly Yugoslavia)	II-444
Seychelles	II-446
Sierra Leone.....	II-447
Singapore.....	II-448
Slovakia	II-454
Slovenia	II-455
Somalia	II-456
South Africa (Republic of)	II-457
Spain	II-459
Sri Lanka	II-473
Sudan	II-474
Swaziland	II-475
Sweden	II-476
Switzerland.....	II-486
Syria.....	II-514
Taiwan	II-517
Tanzania	II-519
Thailand.....	II-520
Togo.....	II-522
Trinidad and Tobago	II-523
Tunisia	II-524
Turkey	II-527
Turkmenistan.....	II-530
Uganda.....	II-531
Ukraine	II-532
United Arab Emirates	II-535
United Kingdom	II-539
U.K. – Bermuda.....	II-572
U.K. – British Virgin Islands.....	II-573
U.K. – Gibraltar.....	II-574
U.K. – Grenada.....	II-575
U.K. – Guernsey	II-576
U.K. – Scotland	II-577
United Nations	II-579
United States.....	II-581
Uruguay	II-657
Venezuela	II-659
Vietnam	II-663
West Africa.....	II-665
Western Samoa.....	II-666
Yemen	II-667
Zambia.....	II-669
Zimbabwe	II-670