CONTENTS

| | Page |
|---|-------|
| Preface | v |
| Contents | vii |
| Table of Cases | xi |
| Table of Abbreviations | xxxv |
| | Para. |
| Chapter 1. Definition and Sources of International Arbitration | |
| 1.1 Definition of arbitration | 1 |
| 1.2 Distinctions between arbitration and related institutions | 12 |
| 1.3 The international character of arbitration | 22 |
| 1.4 Sources | 41 |
| Chapter 2. The Law Governing the Arbitration ("lex arbitrii") and the Role of the Seat of the Arbitral Tribunal | |
| 2.1 The concept of "lex arbitrii" | 112 |
| 2.2 The role of the seat | 115 |
| 2.3 Delocalised arbitration | 120 |
| 2.4 The concept of the seat | 134 |
| 2.5 Subsidiary or alternative connecting factors | 136 |
| 2.6 Determining and transferring the seat | 143 |
| 2.7 The arbitrators and the "lex arbitrii" of the seat | 145 |
| 2.8 Practical criteria for choosing the seat of the arbitration | 148 |
| Chapter 3. Definition and Essential Elements | |
| 3.1 Definition and essential elements | 149 |
| 3.2 The separability of the arbitration clause | 162 |
| 3.3 The form of the arbitration agreement | 183 |
| 3.4 The parties to the arbitration | 227 |
| 3.5 The law applicable to the arbitration agreement | 291 |
| | |

Contents

| 3.6 Interpretation and the scope of the arbitration agreement | • |
|--|---|
| 3.7 Arbitrability | |
| 3.8 The effects of the arbitration agreement | |
| 3.9 Extinguishment of the arbitration agreement | |
| Chapter 4. The Arbitral Tribunal | |
| 4.1 Composition of the arbitral tribunal | |
| 4.2 Appointment of the arbitrators | |
| 4.3 Independence and challenge | |
| 4.4 Replacement of an arbitrator | |
| 4.5 The status of the arbitrator | |
| 4.6 The arbitrator's mission | |
| Chapter 5. Control of the Arbitral Tribunal's Jurisdiction | |
| 5.1 The arbitral tribunal's control of its own jurisdiction | |
| 5.2 Control by the courts at the seat of the arbitration | |
| 5.3 Direct control by the ordinary courts | |
| 5.4 Indirect control by a court seized with the merits: priority of the | |
| arbitral tribunal or lis pendens? | |
| Chapter 6. The Arbitral Procedure | |
| 6.1 The rules applicable to the arbitral procedure | |
| 6.2 The conduct of the arbitral procedure | |
| 6.3 Provisional measures | |
| 6.4 Evidence | |
| Chapter 7. The Law Applicable to the Merits of the Dispute | |
| 7.1 The problem | |
| 7.2 The private international law specific to international arbitration | |
| 7.3 Rules of law, general principles, trade usages, alias lex mercatoria | |
| 7.4 The limits of choice of the parties and arbitrators | |
| 7.5 Amicable composition, ex aequo et bono arbitration and equity | |
| clauses | |
| Chapter 8. The Award | |
| 8.1 The various types of awards | |
| 8.2 Abritrators' deliberations and vote | |
| 8.3 The form and contents of the award | |
| 8.4 Rectification, interpretation and additional awards | |

Contents

| Chapter 9. | The Judicial | Control o | of the A | ward by | the Court | t of the |
|-------------|--------------|-----------|----------|---------|-----------|----------|
| Seat of the | Arbitration | | | | | |

| 9.1 Challenges and recognition |
|---|
| 9.2 Jurisdiction |
| 9.3 Decisions which can be challenged |
| 9.4 Time-limit for challenging an award and effect on the enforcement |
| 9.5 Grounds for challenge |
| 9.6 The effects of a successful challenge |
| 9.7 Waiver of the challenges |
| 9.8 Revocation of the award |
| Chapter 10. Recognition and Enforcement of Arbritral Awards |
| 10.1 Introduction |
| 10.2 The recognition and enforcement of awards in the state of the seat of the arbitration (domestic recognition) |
| 10.3 Recognition and enforcement of foreign awards |
| 10.4 Procedure |
| Chapter 11. General Conclusions |
| 11.1 Similarities and differences: an assessment |
| 11.2 Some doubts to dissipate, gaps to fill and defects to correct |
| in international arbitration matters |
| |
| Table of Legal Sources |
| Bibliography |
| Index |
| |