

TABLE OF CONTENTS

<i>Preface</i>	vii
<i>Foreword</i>	ix
<i>Table of Contents</i>	xi
<i>Abbreviations</i>	xv
<i>Table of Cases</i>	xix
<i>Table of Awards</i>	xxxi
<i>Table of Conventions, Model Laws and Rules</i>	xli
<i>Table of National Legislation and Secondary Legislation of the European Union</i>	liii
<i>Table of Treaties</i>	lvii

I—Commentary on the UNCITRAL Rules of Arbitration

Introduction

Section 1

Introductory rules

Article 1 Scope of Application	17
Article 2 Notice and Calculation of Periods of Time	53
Article 3 Notice of Arbitration	61
Article 4 Response to the Notice of Arbitration	83
Article 5 Representation and Assistance	93
Article 6 Designating and Appointing Authorities	98

Section 2

Composition of the arbitral tribunal

Article 7 Number of Arbitrators	123
Article 8 Appointment of Arbitrators (Sole Arbitrator)	128
Article 9 Appointment of Arbitrators (Three Arbitrators)	135
Article 10 Appointment of Arbitrators (Multiparty Arbitration)	147
Article 11 Disclosures by and Challenge of Arbitrators (Disclosure)	154
Article 12 Disclosures by and Challenge of Arbitrators (Challenge of Arbitrators)	167
Article 13 Disclosures by and Challenge of Arbitrators (Challenge Procedure)	202
Article 14 Replacement of an Arbitrator	226
Article 15 Repetition of Hearings in the Event of the Replacement of an Arbitrator	235
Article 16 Exclusion of Liability	237

Section 3**Arbitral proceedings**

Article 17 General Provisions	255
Article 18 Place of Arbitration	283
Article 19 Language	293
Article 20 Statement of Claim	300
Article 21 Statement of Defence	311
Article 22 Amendments to the Claim or Defence	322
Article 23 Pleas as to the Jurisdiction of the Arbitral Tribunal	329
Article 24 Further Written Statements	343
Article 25 Periods of Time	345
Article 26 Interim Measures	347
Article 27 Evidence	378
Article 28 Hearings	405
Article 29 Experts Appointed by the Arbitral Tribunal	412
Article 30 Default	422
Article 31 Closure of Hearings	436
Article 32 Waiver of Right to Object	440

Section 4**The award**

Article 33 Decisions	457
Article 34 Form and Effect of the Award	471
Article 35 Applicable Law, <i>Amiable Compositeur</i>	511
Article 36 Settlement or Other Grounds for Termination	535
Article 37 Interpretation of the Award	545
Article 38 Correction of the Award	553
Article 39 Additional Award	561
Article 40 Definition of Costs	565
Article 41 Fees and Expenses of Arbitrators	576
Article 42 Allocation of Costs	589
Article 43 Deposit of Costs	599
Annex Model Arbitration Clause for Contracts	607
Possible Waiver Statement	607
Model Statements of Independence Pursuant to Article 11 of the Rules	607

II—Arbitration under Selected BITs (the UK-Argentina BIT, the US-Ecuador BIT and the Netherlands-Czech Republic BIT)

II.0 Introduction	621
II.1 Dispute Resolution Provisions under BITs	631

II.2 Investors and Investment	661
II.3 Standards of Protection	693
II.4 Expropriation	725

III—Models and Examples

III. Introductory Remarks

Document 1:	Notice of Arbitration (<i>S.D. Myers Inc. v Canada</i>)	748
Document 2:	Response to the Notice of Arbitration [not reproduced]	751
Document 3:	Terms of Appointment (<i>X (Canada) v Y (Scotland)</i>)	752
Document 4:	Application to the PCA to Designate an Appointing Authority (<i>X (Canada) v Y (Scotland)</i>)	756
Document 5:	PCA Letter Inviting Comments From the Respondent on the Designation of an Appointing Authority (<i>X (Canada) v Y (Scotland)</i>)	758
Document 6:	Respondent's Comments With Respect to the Designation of the Appointing Authority (<i>X (Canada) v Y (Scotland)</i>)	759
Document 7:	PCA Letter Informing the Parties of the Designation of an Appointing Authority (<i>X (Canada) v Y (Scotland)</i>)	760
Document 8:	Designation of Appointing Authority (<i>X (Canada) v Y (Scotland)</i>)	761
Document 9:	Claimant's Request that the Appointing Authority make use of the "list procedure" provided for in Article 8(2) (<i>X (Canada) v Y (Scotland)</i>)	763
Document 10:	PCA Letter Confirming the Use of the "List Procedure" for the Designation of the Presiding Arbitrator (<i>X (Canada) v Y (Scotland)</i>)	764
Document 11:	Respondent's Letter to the Appointing Authority Providing Comments with Respect to the Choice of the Presiding Arbitrator (<i>X (Canada) v Y (Scotland)</i>)	765
Document 12:	Claimant's Letter to the Appointing Authority Providing Comments with Respect to the Choice of the Presiding Arbitrator (<i>X (Canada) v Y (Scotland)</i>)	766
Document 13:	Respondent's Reply with Respect to the Choice of the Presiding Arbitrator (<i>X (Canada) v Y (Scotland)</i>)	768
Document 14:	Submission of Comments on a List of Possible Arbitrators to the Appointing Authority (<i>X (Canada) v Y (Scotland)</i>)	769
Document 15:	PCA Letter Informing the Parties that the Appointing Authority has Appointed the Presiding Arbitrator (<i>X (Canada) v Y (Scotland)</i>)	770
Document 16:	Appointment of the Presiding Arbitrator by the Appointing Authority (<i>X (Canada) v Y (Scotland)</i>)	771
Document 17:	Decision on Challenge by an Appointing Authority (<i>National Grid PLC v Argentina Republic</i>)	772

Document 18:	Order Regarding Production of Documents (<i>Bilcon of Delaware et al v Government of Canada</i>)	778
Document 19:	Form of Request of Documents, With Answers and the Decision of the Tribunal in Tabular Form (<i>X v Y</i>)	782
Document 20:	Basic Procedural Orders (<i>S.D. Myers v Canada</i>)	784
Document 21:	Statement of Claim (<i>S.D. Myers v Canada</i>)	792
Document 22:	Statement of Defence (<i>S.D. Myers v Canada</i>)	800
Document 23:	Partial Award (Liability) (<i>S.D. Myers v Canada</i>)	810
Document 24:	Partial Award (Quantum) (<i>S.D. Myers v Canada</i>)	829
Document 25:	Final Award (Costs) (<i>S.D. Myers v Canada</i>)	846
Document 26:	Judgment on Request for Judicial Review (<i>S.D. Myers v Canada</i>)	850
Document 27:	Consent Award (<i>TCW Group v the Dominican Republic</i>)	856
Document 28:	Termination Order (<i>X (Switzerland) v Y (Uganda)</i>)	857

IV—Supporting Material

1.	Text of Rules	864
2.	Comparison 2010 Rules with 1976 Rules	881
3.	UNCITRAL Notes on Organizing Arbitral Proceedings (1996)	915
4.	New York Convention (1958)	934
5.	UNCITRAL Model Law (as revised 2006)	939
6.	Excerpt from the Swiss Private International Law	956
7.	Excerpt from the French Code of Civil Procedure	961
8.	Excerpt from the English Arbitration Act 1996	964
9.	Excerpt from the US Federal Arbitration Act	995
10.	IBA Rules on the Taking of Evidence in International Arbitration (2010)	1002
11.	IBA Guidelines on Conflict of Interest in International Arbitration (2004)	1012
12.	International Law Association Recommendations regarding <i>Res Judicata</i> and <i>Lis Pendens</i> (2006)	1025
13.	International Law Association Recommendations regarding Ascertaining the Contents of Applicable Law in International Commercial Arbitration (2008)	1028
14.	Draft articles on Responsibility of States for Internationally Wrongful Acts (International Law Commission, 2001)	1031
	<i>About the Author</i>	1043
	<i>Index</i>	1045