# Flight International 26 May 1 June 2015

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numerous jurisdictions worldwide have augmented their ratification of the new york convention of 1958 with the uncitral model law 1985 uml which takes a giant step forward toward global uniformity in legal application and understanding of the arbitration process this book develops a standard or benchmark for the uml objective of uniformity using the relevant legislation and case law of hong kong singapore and australia to consider whether a uniform approach to implementation of the uml and its interpretation is being achieved across those jurisdictions the author's methodological tools are eminently adaptable to other jurisdictions given the importance of the ability to set aside an arbitral award the body of case law on setting aside and the directly related area of enforcement the emphasis throughout is on article 34 in addition the study considers the meaning of uniformity in law and in the context of the uml the correct approach to interpretation of the uml pre and post article 2a the interpretational relationship between the uml and the convention on contracts for the international sale of goods cisg the relationship between the uml and the new york convention the degree of textual uniformity of article 34 with the three jurisdictions focused on and the degree of applied uniformity of article 34 both in terms of juristic methodology and similarity of results the author with more than thirty years of practice in the field of commercial arbitration in hong kong has had access to voluminous cases spanning decades and brings his specialist expertise to the subject this book considers whether the uml has succeeded in its aim of achieving uniformity it serves as a guide both academic and practical to exploring and adopting the correct approach to the interpretation of the uml as well as to the method of classification of court decisions under the uml this study is of immeasurable academic and practical value

volume 25 of the yearbook of international humanitarian law ihl sheds light on the interplay between ihl and other adjacent branches of international law this volume moves beyond the traditional preoccupation of examining ihl s relations with international human rights law the law on the use of force and international criminal law authors were invited to discuss both in general and specific terms doctrinally and theoretically interactions between ihl and other neighbouring frameworks accordingly this volume is dedicated to exploring the interrelationship between ihl and other adjacent frameworks such as international environmental law international investment law the law on defences to state responsibility and counter terrorism law the volume contains four articles dedicated to the subject of ihl and neighbouring frameworks the volume further features a focus section on ihl controversies arising from russia s aggression against ukraine and ends as usual with a year in review section the yearbook of international humanitarian law is a leading annual publication devoted to the study of international humanitarian law the yearbook has always strived to be at the forefront of the debate of pressing doctrinal questions of ihl and will continue to do so in the future as this volume demonstrates it offers a space where ihl related issues can be explored both from a doctrinal and a theoretical perspective it provides an international forum for high quality peer reviewed academic articles focusing on this crucial branch of international law distinguished by contemporary relevance the yearbook of international humanitarian law bridges the gap between theory and practice and serves as a useful reference tool for scholars practitioners military personnel civil servants diplomats human rights workers and students

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central to the book s purpose is the procedural challenge facing arbitrators at each and every stage of the arbitral process when fairness arguments conflict with efficiency concerns and trade offs must be determined some key themes include how can a tribunal be fair and in particular be neutral if parties are so diverse how can arbitration be made efficient and cost effective without undue inroads into fairness and accuracy how does a tribunal do what is best if the parties are choosing a suboptimal process when can or must an arbitrator ignore procedural choices made by the parties the author thoroughly evaluates competing arguments and adds his own practical tips expertly synthesizing and engaging with the conference literature and differing authors views he identifies criteria that offer a harmonized approach to each stage of the arbitral process with particular attention to such aspects of international arbitration as appropriate trade offs between flexibility and certainty the rights duties and powers of arbitrators appointment and challenge of arbitrators responses to guerilla tactics drafting of arbitration agreements including specialty clauses drafting of required commencement notices and response documents set off fast track arbitration and other efficiency options strategic use of preliminary conferences and timetabling online arbitration multi party multi contract class arbitration amicus and third party funders pre arbitral referees and interim relief witness evidence both factual and expert documentary evidence production obligations and challenges to production identifying applicable law and remedies and costs

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