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dispute

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Arbitration is a
legal mechanism
encouraging
settlement of
disputes between
two or more
parties mutually
by the
appointment of a
third party
whose decision

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the parties
referring the...

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Arbitration is a
dispute-
resolution
process in which
the parties
select a neutral

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third party to
resolve their
claims. Parties
typically agree
to arbitrate in
order to avoid
the time,
expense, and
complexity of
litigation.

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Duke University
School of Law*

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This title has been made positive law by section 1 of act July 30, 1947, ch. 392, 61

Stat. 669, which provided in part that: "title 9 of the United States Code, entitled

'Arbitration', is codified and

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enacted into
positive law and
may be cited as
' 9 U.S.C., § –'
". Repeals.

*U.S. Code: Title
9. ARBITRATION |
U.S. Code | US
Law | LII ...*

If any party
against which a
claim has been
made does not

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submit an
Answer, or if
any party raises
one or more
pleas concerning
the existence,
validity or
scope of the
arbitration
agreement or
concerning
whether all of
the claims made
in the

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of Arbitration may

be determined

together in a

single

arbitration, the

arbitration

shall proceed

and any question

of jurisdiction

or of whether

the claims may

be determined

together in that

arbitration

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shall be decided
directly by the
arbitral
tribunal ...

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International
Chamber of ...*

The Arbitration
and Conciliation
(Amendment)
Ordinance, 2020,
states that a

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court must grant an unconditional stay where a prima-facie case of fraud or corruption has been made out: Either in the making of the award. Or the agreement or contract that forms the basis of an arbitral

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award.
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Whose Purpose Is
Unclear*

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third post in
the series of
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this series of
podcasts,
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insights from
thought leaders
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the field of
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Arbitration, IP
Law,
International
Tax Law and
Competition Law.
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Blog, we will
highlight...

*International
Law Talk Podcast
and Arbitration:
In ...*

Arbitration is a
private process
where disputing
parties agree
that one or
several

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individuals can make a decision about the dispute after receiving evidence and hearing arguments.

Arbitration is different from mediation because the neutral arbitrator has

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of Arbitration in
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the authority to
make a decision
about the
dispute.

*Arbitration -
American Bar
Association*

In the absence
of any express
governing law
provision in the
substantive
contract, the

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governing law of
the arbitration
agreement would
normally be the
law of the seat,
i.e. English
law. It was
argued that in
this case the
seat should be
ignored because
it was agreed
without actual
authority.

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*The governing
law of the
arbitration
agreement Q&A*

...

The first of
these is the
arbitration
under the act of
June 16, 1836,
which provides
that the parties
to, any suit may

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consent to a
rule of court
for referring
all matters of
fact in
controversy to
referees,
reserving all
matters of law
for the decision
of the court,
and the report
of the referees
shall have the

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effect of a special verdict, which is to be proceeded upon by the court as a special verdict, and either party may have a writ of error to the judgment entered thereupon

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*Legal definition
of arbitration*

The Law of
Arbitration sets
out the South
African common
law, legislation
and case law
applicable to
each stage of
the arbitration
cycle, including
the arbitration
agreement, the

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staying of
court....
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*The Law of
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South African
and
International*

...

The "arbitration
clause" or the
"arbitration
agreement" is
the provision in

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allows the parties to have their dispute resolved by an arbitral tribunal instead of ordinary State courts. An arbitration clause is binding and the parties cannot renounce

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unilaterally to
the jurisdiction
of the arbitral
tribunal.

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Based on these
provisions, the
parties were
found to have
made an express
choice of
English law to

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govern the arbitration agreement. This conclusion was reinforced by the arbitration clause itself, which provided, at Article 14(3), that: “The arbitrator(s) shall apply the provisions

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contained in the
Agreement". The
court construed
this as
requiring the
arbitrator to
apply all the
provisions,
including the
English
governing law
clause, not just
to substantive
disputes but

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*Governing law of
arbitration
agreement -*

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If there is no
express law of
the arbitration
agreement, the
law with which
that agreement
has its closest

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and most real
connection is
either the law
of the
underlying
contract or the
law of the...

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Agreement: Is it
the law of the
...*

e. Arbitration,
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alternative
dispute
resolution
(ADR), is a way
to resolve
disputes outside
the courts. The
dispute will be
decided by one
or more persons
(the
'arbitrators',
'arbiters' or '

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tribunal'), which renders the arbitration award'. An arbitration award is legally binding on both sides and enforceable in the courts. Arbitration is often used for

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the resolution
of commercial
disputes,
particularly in
the context of
international
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transactions.

*Arbitration -
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The Arbitration
Law provides for
two ways in

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which a party
can challenge an
arbitral award.

First, an
application
under Section 75
of the
Arbitration Law
to set aside an
arbitral award
can be made on
similar grounds
to those set out
in Article V of

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agreements may include clauses that control the selection of arbitrator (s), the format of the hearings that take place, the procedural and evidentiary rules that will be used, the controlling law,

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and the venue
where the
arbitration will
take place.
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Arbitration only
comes about when
two parties

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agree to it,
either before or
after a legal
dispute comes
up. For this
reason,
agreements to
arbitrate
disputes are
typically found
somewhere in a
written contract
agreed to by
both parties.

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Still, this
doesn't mean
that agreements
to arbitrate are
rare.

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Philippines v.
China (PCA case
number 2013–19),
also known as
the South China

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was an
arbitration case
brought by the
Republic of the
Philippines
against the
People's
Republic of
China under
Annex VII to the
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Convention on
the Law of the

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Sea (UNCLOS)
concerning
certain issues
in the South
China Sea
including the
legality of
China's claimed
Nine-dash line.

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