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THE ELEVEN HIGHEST QUALIFICATION SOURCES OF INFORMATION IN INTERNATIONAL COMMERCIAL ARBITRATION (ICA)

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Abstract:

Aim: The main purpose of the in attendance study seeks to examine how selected journals have been made to assist international commercial arbitration and whether the journals have been supportive in making the legal research effective in this area.

Research problem: Legal researches in international commercial arbitration have not received as much attention as it deserves. The field of ICA, there is a good number of international and regional journals published by academic, professional bodies and commercial organization but a few of them deals with a specific this subject in depth and finding of valuable information is potentially problematic, since the universe of ICA journals or practitioners are not easily identified.

Methodology: The used method in this study is descriptive which carried out on the eleven highest qualification source of information in international commercial arbitration. This legal overview is based on the most recent commentary, research articles and court decisions reported and referenced in selected international and regional journals.

Conclusion: No doubt, an indispensable instrument or tool of legal research is the law journal. The listed international and regional journals in this article have become an indispensable reference tool for all potential practitioners and an international reputation as a vehicle of legal research and legal writing in international commercial arbitration. In spite of themes high international reputation, the journals appear to be weak in one respect-lack of publication of annotations on selected cases. The selected journals utility can be increased if, instead of listing only current arbitral cases appearing in various national or international courts, the journals publish of annotations on selected cases.

KEYWORDS:

International Commercial Arbitration, Legal Journals, Research, Arbitral Awards.

INTRODUCTION:

Law as a discipline of knowledge acts as an instrument of regularizing social and economic activities in the civilized world. Knowledge of present trends is more necessary in law because of usual adjustments in legislation by courts. The field of ICA, there is a good number of international and regional journals published by academic, professional bodies and commercial organization but a few of them deals with a specific this subject in depth. Some of the well known journals or high qualification sources of

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information with international or regional coverage are the following;

- 1)International Council or Commercial Arbitration (ICCA) Publications
- 2)Mealey's International Arbitration Report
- 3)La Revue De L'arbitrage
- 4)Journal of International Arbitration
- 5)Swiss Arbitration Association (ASA) Bulletin
- 6)Collection of ICC Arbitral Awards
- 7)The United Nations Commission On International Trade Law(UNCITRAL) Database
- 8)Kluwer Arbitration
- 9)Oil Gas Energy Mining Infrastructure And Investment Disputes(OGEMID)
- 10)The American Law Institute (ALI) Restatement On International Commercial Arbitration
- 11)The New York Convention (NYC)1958

One of its major objectives is to publish legal material related to ICA and to encourage legal writing for promoting legal research in international or regional level. They have coverage of selected cases and articles published in English throughout the world, which were not covered by other international or regional legal journals.

The used method in this study is descriptive which carried out on the eleven highest qualification source of information in international commercial arbitration. This legal overview is based on the most recent commentary, research articles and court decisions reported and referenced in selected international and regional journals.

1)International Council or Commercial Arbitration (ICCA) Publications

International Council or Commercial Arbitration (ICCA) pursuant to cooperation agreement with the Permanent Court of Arbitration (PCA) published valuable information about current developments in international commercial arbitration area. It is composed of more than 40 Officers and member who are recognized specialists in field of ICA. The ICCA publications comprise:

A)The Yearbook Commercial Arbitration

Since 1976, it has been a main source of information concerning international commercial arbitration jurisprudence. It provides a comprehensive annual report or overview including:

Court decision on the New York Convention 1958.
Court decision on arbitration from around the world.
Court decisions on major multilateral and bilateral arbitration convention.
Ad hoc arbitral and institutional awards.
Updates on current developments in arbitration law and practice from around the world.
Court decision digest and a bibliography of latest texts.

But an indispensable feature of yearbook is reporting on the New York Convention which contains major court decisions throughout the world.

B) International Handbook on Commercial Arbitration

It published under guidance of the general editor, Professor Jan Paulsson and with assistance of PCA in both hard copy and online database. It contains detailed national reporters by local arbiters in over 70 jurisdiction, describing new trends and practices in their respective countries.

C) The ICCA Congress Series

Since its first conference in 1961, The ICCA Congress and Series Conferences consist of reporting the fundamental and the contentious topics in international commercial arbitration at important venues throughout the world.

D)The ICCA's Guide to Interpretation of the New York Convention 1958

In May 2011, the first edition of The ICCA's Guide to Interpretation of the New York Convention 1958 was added to the list of ICCA publications. It is a handbook with written in simple and clear languages on the essential aspects of the scope, interpretation and application of the New York convention 1958.

The Yearbook Commercial Arbitration, International Handbook on Commercial Arbitration and ICCA Congress Series are available in electronic from Kluwer law international database which they practice area:

Banking/Finance/Insolvency Law
Commercial Arbitration and Litigation
Comparative Law
Competition Law/Antitrust Law
Corporate/Commercial Law
Employment/Labor Law
European Union Law
Intellectual Property Law
International Taxation
International Energy and Environmental Law
International Law
International Trade Law
Transportation Law

Translations of the Guide into multiple languages are envisaged. Hard copies or PDF can be purchased through the ICCA website at http://www.arbitration-icca.org/publications/NYC_Guide.html.

2) Mealey's International Arbitration Report

Since 1986, it has published a monthly summary of recent judicial decisions concerning international arbitration and arbitral awards in courts worldwide, including cases heard by the Iran-USA claims tribunal, the ICSID, the England and Wales High Court and Commercial Court. It is a source of timely information and provides full text copies of significant awards and decisions. All subscribers exclusively can receive online at www.lexis.com.

3) La Revue De L'arbitrage

La Revue De L'arbitrage was created by the French committee of arbitration 1955 and, since that date, the guiding journal devoted to legal arbitration in French. It published four times a year, in French but it is available in all languages. The journal contains relating international and domestic arbitration articles or overviews as well as commentary on French court decisions and arbitral awards.

Since 2011, with a lag of about a quarter can be found on the website content kluwearbitration.com almost complete issues of the journal of the arbitration online research can be traced back to the year 2003.

4) Journal of International Arbitration

It is a bimonthly –six times a year- rather than quarterly. It published since 1985 by the London Court of International Arbitration (LCIA).The journal aim to maintain balance between academic debate and practical contributions to the field of ICA with a particular focus on Europe and England legislation. The journal coverage in-depth examination on the most important current issues in national and international arbitration, focusing trade, investment, and consumer disputes between private corporations, State controlled entities, and States especially in:

Compensation for Moral Damages in Investor-State Arbitrations;
New Stockholm Chamber of Commerce Emergency Arbitrator Rules;
Arbitrators and Conflicts of Interest;
Legal and Practical Problems Arbitrating and Enforcing Awards in Russia.

5) Swiss Arbitration Association (ASA) Bulletin

Swiss arbitration association is a non-profit association alongside above 1000 associates not only merely by Swiss arbiters but also by so many of the world's arbitration practitioners which is published official quarterly journal (six times per year) in ICA area.

It contains articles in ICA, as well as commentary or recent development of Swiss judicial decision dealing with arbitral awards and international arbitration of Swiss Federal Supreme Court and selected law cases from foreign jurisdiction worldwide. Each law cases and articles are usually published in its original languages with comprehensive note in French, German and English.

ASA Bulletin has become an indispensable reference tool for all practitioners involved in ICA. Full text articles available online in ASA Bulletin website in three category links:

Linguistics-German Language;
Linguistics-French Language;
Law- Commercial, Consumer, Business and Financial Law.

6) Collection of ICC Arbitral Awards

Since 1974 to 2000, the fourth volume in the Collection of ICC Arbitral Awards series contain digest of all cases handled by the ICC international court of arbitration. The fourth volumes cover the periods: 1) 1974-1985; 2) 1986-1990; 3) 1991-1995 and 4) 1996-2000.

The collection is a practical reference tool, containing three kinds of useful indexes incorporating information from all volumes:

A chronological index tabulating the awards alongside acknowledgements to lawful literature; a key word index, additionally in English and French, permitting the reader to find physical of attention swiftly and easily;

A cross-referenced index of cases denoting to the Journal du droit global, the Yearbook Business Arbitration and to the Global Assembly Regulation Study for every single of the awards published in the Collection;

A consolidated analytical table, in both English and French, alongside comprehensive cross-references established on the terminology utilized in awards and case notes.

The United Nations Commission On International Trade Law (UNCITRAL) Database

In 1996, the United Nations established the United Nations Commission on International Trade Law (UNCITRAL) for a universal setoff standards and rules to modernize and harmonize to international trade laws and active United Nations role in removing or reducing legal obstacles to the flow of international trade.

It located at UNs Headquarters in New York City (USA) but the UNCITRAL secretariat as transferred to Vienna in September 1979. The commission meets once a year alternatively between Vienna and New York.

The UNCITRAL develops different types of legislative texts such as model laws, conventions and legislative or non legislative texts guides and it has completed major international texts on Transport Law, Insolvency Law, Dispute Resolution, Sale of Goods, Procurement and Infrastructure Development, Electronic Commerce, Security Interest and Procurement and International Commercial Arbitration.

The UNCITRAL secretariat has established a modern system for collecting and disseminating information on judicial decision and arbitral awards. The purpose of the system is to promote in to awareness of the law texts formulated by the commission and to facilitate uniform interpretation and application of those texts. The case law The UNCITRAL website at http://www.uncitral.org/uncitral/en/case_law.html.

8) Kluwer Arbitration

It is the world's leading electronic resource for international arbitration research. It contains a wealth commentary from expert author and an extensive collection of primary source materials, analytical content, and practical tool, the institute for transnational (ITA) report and blog post from the Kluwerarbitartion Blog.

It has been designed to be 24 hour –access to an unsurpassable library, easy to use, save money and save time by fast finding to the most complete ICA material available. Kluwerarbitartion.com grants

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subscribers access to an exclusive and valuable compilation of ICA related material.

Kluwerarbitration database has been coordinated into pursuing specific categories: Bilateral Investment Treaties (BITs), Conventions, Countries, Legislation, NY Convention Decisions, Organizations, and Rules. Every single main group is more gathered into the pursuing continentals: Asia and Oceania, America, Africa, and Europe. Once a group is selected, all countries encompassing documents in the selected group will display.

9) Oil Gas Energy Mining Infrastructure and Investment Disputes (OGEMID)

The OGEMID is an internet based discussion forum moderated by the formal owner, Professor Thomas W. Wälde with co –sponsored by TDM (www.transnational-dispute-management.com) and CEPMLP/Dundee (www.cepmlp.org) in collaboration with OGEL (www.ogel.org).

The OGEMID collected together most of the world's experienced professional in field of international dispute management, mainly, arbitration, conciliation, mediation and negotiation with a specific emphasis on investment disputes.

10) The American Law Institute (ALI) Restatement On International Commercial Arbitration

In 1923, The American Law Institute (ALI) founded "The Committee on the Establishment of a Permanent Organization for the Improvement of the Law" by a group of prominent American advocates, judges and law professor of highest qualification.

The committee had reported that the two main problems in American law, in two categories including:

- a) American law uncertainty: the lack of agreement on fundamental principle of the common law.
- b) American law complexity: the lack of harmonization within different jurisdictions of USA.

The committee has recently recommended that a advocates' organization be formed to improve the American law and announced a decision to establish a restatement of international commercial arbitration law. The restatement of international commercial arbitration law has a significant impact on American law especially in US International Commercial Arbitration Law.

11) The New York Convention (NYC) 1958

The Convention On The Recognition and Enforcement of Foreign Arbitral Awards, also known as "The New York Convention 1958" or "The New York Arbitration Convention 1958" is a key instrument in international arbitration and play a vital role in this area.

The NYC publication has started by the publication of Professor Albert Jan van den Berg's. The author is a past President of the Netherlands Arbitration Institute (NAI) and former Vice-President of the London Court of International Arbitration (LCIA) and a member of CI Arb (London), DIAC (Dubai), ICC (Paris), LCIA Company (London), Foundation for International Arbitration Advocacy, Geneva, Advisory Board of the Geneva University Master in International Dispute Settlement and academic council for the Institute for Transnational Arbitration in Texas.

WWW.NewYorkConvention.Org is an universal site and success to all information regarding the NYC. All information including court decisions and interpretation and judicial commentary provided in association with international council for commercial arbitration and kluwerarbitration.com.

CONCLUSION:

No doubt, an indispensable instrument or tool of legal research is the law journal. The selected international and regional journals have become an indispensable reference tool for all potential practitioner and an international reputation as a vehicle of legal research and legal writing in international commercial arbitration. In spite of their high international reputation, the journals appear to be weak in one respect. Its utility can be increased if, instead of listing only current arbitral cases appearing in various national or international courts, the journals explore the possibility of giving an "abstract" or a "summary" of the material covered or publish of annotations on selected cases. This will certainly increase its utility and experiment can be made on a co-operative basis as suggested above. Even in its present form as online database, it is a dispensable search tool and quick retrieval all secondary information or valuable literature related international commercial arbitration.

REFERENCES

- Wani, S.K. Verma and M. Afzal. Legal Research and Methodology. New Delhi: The Indian Law Institute, 2010. 200.
- www.pca-cpa.org/showpage.asp?pag_id=1182.
- www.arbitration-icca.org/publications/NYC_Guide.html.
- www.arbitration-icca.org/about/governing.
- www.ali.org/index.cfm?fuseaction=about.overview.
- www.cfaarbitrage.com/index.php?option=com_content&view=article&id=85&Itemid=83
- www.chamber.se/hem-3.aspx?p=1&newsid=41378&tid=print9.
- www.e-arbitration-t.com/2003/02/27/collection-of-icc-arbitral-awards/.
- www.journalseek.net/cgi-bin/journalseek/journalsearch.cgi?field=issn&query=1010-9153.
- www.kluwerarbitrationblog.com/about/.
- www.kluwerlaw.com.
- www.kluwerlawonline.com/toc.php?pubcode=JOIA.
- www.lexis.com.
- www.opiniojuris.org/2008/01/22/restatement-on-international-commercial-arbitration/.
- board/MEMBERS/Albert_Jan_van_den_Berg.html.
- www.transnational-dispute-management.com/ogemid/.
- www.uncitral.org/uncitral/en/case_law.html.
- www.unis.unvienna.org/unis/en/unvienna/uncitral.html

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