



Arbitration Clauses for International Contracts - 2nd Edition

Paul D. Friedland

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This book, by a leading international arbitration practitioner, offers suggested language for every option that a drafter of an international arbitration may need. Following a succinct assessment of the choice between arbitration and litigation and commentary on the choices among arbitration fora and formats, the author presents an accessible how-to for drafting. While other works offer theory and a smattering of drafting tips, there is no other comprehensive collection of workable language, presented accessibly with easy-to-reference appendices. This book will be a regular reference for both in-house counsel and outside practitioners. This book provides, in an accessible format, clauses that address all the significant issues that contracting parties face, and in any event should consider, when they decide to draft a dispute resolution clause for an international contract. Those who wish immediate access to suggested language may turn directly to the Appendices. Those who wish to understand the analysis that leads to the suggested language should read the text. New to the Second Edition: (i) More decisive recommendations of clauses. The first edition included some clauses whose language the author considered workable, but which he did not in fact recommend. The new edition makes clear which clauses are recommended and why, and has eliminated entirely several clauses set out in the first edition. (ii) Expert determination and dispute boards. This second edition adds a chapter on clauses providing for expert referral, a practice increasingly used in construction contracts and share purchase agreements. (iii) China. This second edition introduces a chapter dealing with the special drafting considerations that arise when mainland China is either the place of arbitration or the place of possible enforcement of an arbitral award. (iv) Sovereign contracts. This chapter is much revised. The author has expanded the discussion of ICSID arbitration clauses and added a section on the vexing issue of assignment of ICSID arbitration agreements. The author has excluded discussion of arbitration agreements involving NGOs. (v) Increased reference to Latin America law and practice. During the years since the first edition of this book, Latin America has moved to the center of the international arbitration world. In this edition, references to U.S. and European laws have been retained (and updated), but they are no longer the sole references.

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