International Commercial Arbitration

For the first class, on January 11, 2005, please read the following (page references are to the casebook for the course, Várady, Barceló and von Mehren, International Commercial Arbitration, 2d edition, or in one case to the document supplement to the casebook):

Carter excerpt, pp 24-26
Bühring-Uhle excerpt, p 26
L'Alliance decision, pp 42-44
Aksen excerpt, pp. 27-35
Note on the sources of relevant norms, pp 62-67
The two Termarea decisions, pp 73-79

In reading this material you are invited to consider

(1) what prospective advantages and disadvantages might lead a commercial party to prefer, or on the contrary to reject, arbitration as a means for resolution of prospective disputes arising under its international contracts;

(2) whether the national policy of a "modern" country should be expected to encourage or discourage resort to arbitration, and in either case for what reasons; and

(3) how you would explain the different results in the two Termarea decisions.

You should pay particular attention to the provisions of Articles I - VII of the 1958 U.N. Convention, commonly referred to as the New York Convention.