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In its recognition that a business executive entering into an international commercial transaction is mainly interested in drafting an agreement that satisfies all of the parties and that will be performed as promised, this superb functional guide for negotiation, drafting and resolving disputes in international

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This comprehensive Research Handbook examines the continuum between private ordering and state regulation in the lex mercatoria, highlighting constancy and change in this dynamic and evolving system in order to offer an in-depth discussion of international commercial contract law. International scholars from a range of jurisdictions and legal cultures across Africa, North America and Europe, dissect a plethora of contract types, including sale, insurance, shipping, credit, negotiable instruments and agency against the

backdrop of key legal regimes commonly chosen in international agreements.

Although negotiation still lies at the heart of international commercial agreements, much of the detail has migrated to the Internet and has become part of electronic commerce. This incomparable one-volume work??now in its sixth edition??with its deeply informed emphasis on both the face-to-face and electronic components of setting up and performing an international commercial agreement, stands alone among contract drafting guides and has proven its enduring worth. Following its established highly practical format, the book□s much-appreciated precise information on a wide variety of issues??including those pertaining to intellectual property, alternative dispute resolution, and regional differences??is of course still here in this new edition. There is new and updated material on such matters as the following: □ the need for contract drafters to understand and to use the concepts of □standardization□ (i.e., the work of the International Organization for Standardization (ISO) as a contract drafting tool); □ new developments and technical progress in e-commerce; □ new developments in artificial intelligence in contract drafting; □ the possible use of electronic currencies such as Bitcoin as a payment device; □ foreign direct investment; □ special considerations inherent in drafting licensing agreements; □ online dispute resolution including the innovations referred to as the □robot□ arbitrator; □ changes in the arbitration rules of major international organizations; and □ assessment of possible future trends in international commercial arrangements. Each chapter provides numerous references to additional sources, including a large number of websites. Materials from and

citations to appropriate literature in languages other than English are also included. In its recognition that a business executive entering into an international commercial transaction is mainly interested in drafting an agreement that satisfies all of the parties and that will be performed as promised, this superb guide will immeasurably assist any lawyer or business executive to plan and carry out individual transactions even when that person is not interested in a full-blown understanding of the entire landscape of international contracts. Business executives who are not lawyers will find that this book gives them the understanding and perspective necessary to work effectively with the legal experts.

Previous edition, 1st, published in 2005.

This is the first publication to identify a universal procedural code for international commercial arbitration. This informative and well-argued discussion of a uniform code for due process is a useful aid for both practitioners and scholars. More than just a useful desk reference, this publication uncovers a unifying arbitration principle in light of the diversity of national traditions. The authors demonstrate how this unifying principle might establish a new standard procedure in arbitration law. Guiding the reader through a step-by-step analysis of due process in international commercial arbitration, the book is comprehensive without being esoteric. Due Process in International Commercial Arbitration, Second Edition thus helps both practitioners new to arbitration procedure and experienced attorneys looking for a cutting-edge discussion of due process issues. It can be used as a handbook for lawyers engaged in arbitral disputes. To provide the necessary guidance for lawyers in need of quick, reliable information, authors Matti Kurkela and Santtu Turunen update readers on the numerous changes made to arbitration law

since the book's 2005 edition. Even more helpfully, Kurkela and Turunen have added two new chapters to show lawyers what to expect in the midst of an arbitration proceeding: a chapter on procedural rules from the New York Convention and a chapter on jurisdiction arising from sources outside the arbitration agreement. As corporations engage in more globalized commerce, and as arbitrators resolve more international legal disputes, this resource provides both the broad background and the quick reference information necessary to understand the complexities of arbitration procedure. A thorough Table of Contents, Index, and Appendix of primary documents facilitate practitioners' research in this vital book. This new edition's balance of comprehensiveness and concision make it a one-stop resource for arbitration attorneys around the world.

This volume presents national reports describing the legal instruments that are available to prevent the payment of bribes for acquiring contracts. Anti-corruption is one of the preeminent issues in the modern global commercial order and is tackled with the help of criminal law and contract law in different ways in different countries. The reports included in this volume, from very diverse parts of the world, represent a unique and rich compilation of court decisions, doctrinal discussions and a pool of suggested solutions. The central theme is the enforceability of three problematic types of contracts: the bribe agreement, whereby a bribe payer promises the agent of his business partner a personal benefit in exchange for favourable contract terms; the agreement between a bribe payer and an intermediary (a □bribe merchant□), where the latter offers his expertise to help funnel bribes to agents of the business partner; and finally, the contract between the bribe payer and his business partner which was obtained by means of bribery. The analysis is

tailored toward commercial contracts, which can also include contracts with state-owned enterprises. The examination and comparison of international and national initiatives included in this volume advance the discussion on the most appropriate remedies in corruption cases, and show how to get past the boundaries of criminal, private and contract law.

This book offers an innovative approach to the topic of liability in international arbitration, a controversial topic that has heretofore not been fully explored in the scholarship. Arbitral institutions have recently emerged as powerful actors with new functions in and outside arbitration processes. The author proposes to shift the debate on liability from arbitrators to the arbitral institutions. The book re-evaluates the orthodox understanding of the status, functions, and responsibility of arbitral institutions and is recommended for arbitration scholars, practitioners, and students. It is argued that the current regulations regarding liability are inadequate given both the contractual obligations and the emerging public function of arbitral institutions and that institutional arbitral liability is therefore necessary. The book also links the contemporary functions of arbitral institutions to recent debates regarding legitimacy challenges in international commercial arbitration. Responding to these challenges, a model of institutional contractual liability is proposed that invites arbitral institutions to proactively regulate the scope of their liability.

PRAISE FOR THE BOOK: "This constitutes a work of impressive scholarship that will become a major reference point for future discourse on choice of court agreements. Dr Ahmed advances a firm thesis in a lucid manner that will satisfy both academics and practitioners. The discussion is supported by a monumental foundation of underpinning

research. Ahmed's monograph throughout shows clear understanding of underlying substantive laws and in Chapter 11 displays a refreshing willingness to engage in intelligent speculation on the implications of Brexit." Professor David Milman, University of Lancaster "The book is an excellent attempt to understand the theoretical underpinnings of choice of court agreements in private international law ... Anyone with an interest in the theory and practice of choice of court agreements, in particular in mechanisms for their enforcement, should read this book. They will find much of value by doing so." Professor Paul Beaumont, University of Aberdeen (from the Series Editor's Preface) This book examines the fundamental juridical nature, classification and enforcement of choice of court agreements in international commercial litigation. It is the first full-length attempt to integrate the comparative and doctrinal analysis of choice of court agreements under the Brussels I Recast Regulation, the Hague Convention on Choice of Court Agreements ('Hague Convention') and the English common law jurisdictional regime into a theoretical framework. In this regard, the book analyses the impact of a multilateral and regulatory conception of private international law on the private law enforcement of choice of court agreements before the English courts. In the process, it both pre-empts and offers innovative solutions to issues that may arise under the jurisprudence of the emergent Brussels I Recast Regulation and the Hague Convention. The need to understand the nature and enforcement of choice of court agreements before the English courts from the perspective of the EU private international law regime and the Hague Convention cannot be understated. This important new study aims to fill an existing gap in the literature in relation to an account of choice of court agreements which explores and reconnects arguments drawn from international legal theory with legal practice. However,

the scope of the work remains most relevant for cross-border commercial lawyers interested in crafting pragmatic solutions to the conflicts of jurisdictions.

The growth of national economic regulation and the process of globalisation increasingly expose international transactions to an array of regulations from different jurisdictions. These developments often contribute to widespread international contractual failures when parties claim the incompatibility of their contractual obligations with regulatory laws. The author challenges conventional means of dispute resolution and argues for an interdisciplinary approach whereby disciplines such as international economic law, conflict of laws, contract law and economic regulations are functionally united to resolve international and multifaceted regulatory disputes. He identifies the normative foundation of contract law as an important determinant in this process, contending that contract law is essentially neutral and underpinned by the concept of corrective justice, while economic regulations are mainly prompted by distributive justice. Applying this corrective/distributive justice dichotomy to international contracts, the author critically assesses major conflict of laws approaches such as `proper law', `the Rome Convention' and `governmental interest analysis', which could disregard either public interest or private rights. The author, taking these theories into account, proposes an alternative two-dimensional interest analysis approach. He tests the viability of this approach with reference to arbitral awards and court decisions in various jurisdictions and concludes that it uniquely fits into the structure of international commercial arbitration. In adopting this approach arbitrators would take into account both corrective and distributive justice, and to the

extent that corrective justice prevails, would be able to avert a total failure of the contract.