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## Studying Law of Disqualifying Arbitrators in Institutional Arbitration

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### ABSTRACT

**Background:** Institutional arbitration is performed based on the arbitration regulations of the concerned institution. The parties to a suit bind themselves to arbitration procedure by submitting the claim to the arbitration institution and ask it to manage arbitration based on that procedure. Institutional nature of arbitration doesn't damage principle of freedom of the parties to select the arbitrator and principally doesn't mean violation of this specification but regulates it by determining rules of arbitrator selection and takes action while preventing delay in selection of the arbitrator or predicting alternative rules in case of disagreement of the parties to a suit on selection of the arbitrator or umpire and sometimes, the panel of arbitrators. **Objective:** This paper which was performed to study right of disqualifying arbitrator in institutional arbitration. **Results:** disqualification of arbitrator is a method for providing and guaranteeing truth of the institutional arbitration when independency and neutrality of the arbitrator are doubted justifiably or the arbitrator is not qualified as agreed by the parties. **Conclusion:** it was mentioned that the only risk of accepting the arbitrator's qualification theory for qualifying himself is partiality of arbitrator when he investigates his qualification.

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## INTRODUCTION

Arbitration in human civilization has long history and perhaps, it can be said that it was and is one of the dispute settlement options concurrently with formation of societies and creation of arbitration or mediation disputes and then beside justice administration (Craig, 1999).

Black Legal Dictionary defines arbitration as referring the dispute to the neutral (third) party who was selected by the parties to a suit and the parties agree to follow the award which the arbitrator issues after holding session and hearing comments of the parties (Black and Garner, 1999) but no comprehensive definition has been given and each one of the definitions given by different references is not perfect. It seems that the best definition of arbitration is as follows:

Referring dispute of the parties with mutual consent to the real persons or natural entities selected by the parties with obligation to accept decisions made by them based on their jurisdiction by virtue of the arbitration agreement.

But institutional arbitration is a necessary phenomenon for management of arbitration and can play effective role in settlement of the commercial disputes because it has suitable procedure and sound management. Institutional arbitration principally acts in private framework or with contractual nature in which arbitration institution, arbitrator and the parties to a suit have rights and obligations toward each other (Van Den Berg, 1991). Prosperity of arbitration institutions all over the world is the reason for importance of institutional arbitration. Characteristics of the institutional arbitration include help of experts to organize arbitration and its regular proceeding in which the cases such as selection of arbitrator in proper period, meeting personal condition of the arbitrator, applying complementary regulations in case of silence, hearing arbitrator disqualification, preventing from referring to the court and stabilization of arbitration costs are easily performed. This paper carefully deals with disqualification of the arbitrator in institutional arbitration. Disqualification of the arbitrator has different fundamentals and roots. Since arbitration has contractual nature, contract of the parties and their agreement on any special condition and then arbitration regulations should be considered and in case no provision is stipulated in any of two sources, then, one can refer to the governing law in the country. To mention causes of disqualification and dismissal of the arbitrators in international conventions to which

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arbitration institutions refer for arbitration rules, five cases are mentioned as follows: 1- capacity , 2- special conditions and capabilities , 3-obedience , 4- independence , 5-misconduct (Tupman, 1989).

On this basis, it was necessary to pay attention to regulations of two important systems in global arbitration i.e. International Chamber of Commerce (ICC) and U.N. Commission on International Trade Law (UNCITRAL) among the existing arbitration systems and mention issues of arbitrator disqualification in institutional arbitration based on these two systems. Research method of the present paper is descriptive – analytical method and the data has been collected based on library data and it seeks to answer this question that how arbitrator can be disqualified in institutional arbitration and what is the competent authority for hearing disputes of the parties about jurisdiction of the panel of arbitrators.

On this basis, different methods of disputes settlement and position of arbitration in them and nature of institutional arbitration were mentioned. Then, main specifications of arbitrator were mentioned, concepts of disqualifying arbitrator and manner of disqualification in institutional arbitration were studied and the main question was answered in conclusion. Considering that the forum for disqualifying arbitrator is the arbitrator in most arbitration institutions. In conclusion, the reason for this case was studied and it was mentioned that the only risk of accepting the arbitrator's qualification theory for qualifying himself is partiality of arbitrator when he investigates his qualification.

#### *Different methods of disputes settlement and position of arbitration in them:*

Generally, disputes settlement methods can be classified into two groups: judicial proceeding in the courts which have adversarial nature and disputes settlement methods which are based on mutual consent of the parties. The latter group includes arbitration, consolation, mediation and fact finding and qualification and legality of the latter methods result from the prior consent of the parties to dispute. Recently, other disputes settlement methods as alternative dispute resolution in some common law countries include neutral evaluation, mini trial and other dispute settlement methods. Characteristic of these techniques is that they are not binding such as conciliation or mediation (Buhler and Webster, 2008).

Reference to arbitration converts dispute space to friendly and flexible climate. Of the advantages of arbitration which encourage this institution are as follows:

- 1- Speed and efficiency: due to failure to observe procedure formalities and because proceeding such as preliminary hearing, revision, appeal has no multiple stages and also failure to observe conflict of laws rule in selection of suitable law.
- 2- Neutrality and independency of arbitrator: perhaps, it is the most important and distinguished characteristic of arbitration and failure to have such characteristic causes disqualification of arbitrator and consequently, his dismissal.
- 3- Arbitration confidentiality: another characteristic of this institution is that information relating to assets and debts and details of their contract is kept confidential.
- 4- Low arbitration cost: it is another characteristic of arbitration because cost of proceedings in judicial proceeding is so considerable that the plaintiff is not able to pay it in some instances.
- 5- Specialty: because arbitrator is selected at request of the parties, the parties usually try to select arbitrator among the related specialists (Derains and Schwartz, 2005).

#### *Nature of institutional arbitration:*

After recognizing the terms and concepts of arbitration, institutional arbitration should be recognized. In institutional arbitration, the parties to a suit first should refer to arbitration institution and ask them to arbitrate based on arbitration regulations of the concerned organization. It means that he supervises on proceedings and manages arbitration while helping select arbitrator and referring the suit to him. Arbitration management by arbitration institution implies facilitation of arbitrator selection and acceptance and supervision on good arbitration proceedings and can be expanded to cases such as determination of the number of arbitrators , determination of arbitration place , formation and payment of arbitration fee , probably dismissal of arbitrator and sometimes procedural supervision on award of the arbitrator (Lee, 2007). It is clear that relationship between arbitration institution and parties to a suit is contractual. It is also clear that relation of the parties becomes contractual for this reason by referring claim by the arbitration institution to the arbitrator and accepting him. In other words, contract of the arbitrator which has been concluded with arbitration institution may be similar to a contract of which performance by the institution is transferred to the arbitrator by virtue of the second contract. So, arbitration institution and also arbitrator and parties to a dispute have rights and duties toward each other in the related field. In other words, arbitration institution facilitated and mediates reference of the case to arbitration while it plays different administrative, expertise and supervisory roles and for this reason, it assumes major responsibilities until end of hearing and issuance of the award. In institutional arbitration, arbitration proceeding is performed according to the arbitration rules of the related institution and arbitrator may be least affected by external factors because the related arbitration institution acts as a self-sufficient system based on their codified rules but this form of arbitration doesn't negate powers and freedom of the

referring parties because institutional arbitration rules usually empower the parties to select the governing law, time of arbitration, place of arbitration etc and intervention of arbitration institution is mostly administrative not judicial and also substantive view will not be effective on arbitration and decisions (Gusy et al., 2011).

Generally, specifications and advantages of institutional arbitration should include help of expert to organize arbitration and manage it until end of the proceeding i.e. performance of the activities which the parties have to deal with through collaboration and by spending long time and without use of experts in case arbitration and in absence of the arbitration institution where possibility of collaboration is low due to disputes or they have to refer to the court for resolving it.

In fact, considering complexity and specialty of arbitration, arbitration institution play the following roles: 1- being expert, 2- referring the case to arbitrator, 3- supervising on his activity, 4- supervising on the costs, 5- performing the promises and 7- responding to many unpredicted problems, 8- dividing labor between administrative and legal issues. It performs administrative affairs and some quasi-legal affairs and facilitates the proceeding and in fact, it performs the activities which shall be done by the parties, court or arbitrator in special arbitration as the case may be.

#### *Specifications of arbitrator selection:*

1- The arbitrator is natural not legal. In legal assemblies, sometimes arbitration of International Chamber Of Commerce and sometimes arbitration of the American Arbitration Association are mentioned and they create imagination that arbitration institution or guild institute or chamber of commerce can issue award. Such imagination is not true. Although arbitration has been attributed to legal entity by mistake in some laws, the legal entity cannot be selected as arbitrator. In such cases, arbitration is performed by natural persons who have been appointed by arbitration institution or guild institute and arbitrate only under supervision of the institution. In other words, arbitration award is issued by arbitrator or panel of arbitrators comprising of natural persons called arbitration institution or guild institute (Tupman, 1989).

2- No sexism: in the past, woman couldn't be selected as arbitrator in most European countries in the past and woman cannot be selected as arbitrator in some of the countries which arbitration or justice administration has close relationship. In common law of Islamic countries, the woman has limited right of issuing award and because arbitrator issues award, woman cannot be selected as arbitrator in terms of the identical bases. In local laws of these countries and arbitration rules of international arbitration institutions and international conventions, sexism in arbitration has not been considered at all. On the other hand, there has been no female arbitrator in local or international claims. Therefore, woman is not entitled to be selected as arbitrator under the present conditions only in the countries which suffer from sexism not by virtue of law but according to customs (Buhler and Webster, 2008).

3- Judges and judicial authorities don't have right to perform arbitration in some countries but for example, in France and England, the law has permitted the judge to perform arbitration. It should be noted that regulations relating to prohibition of judge to perform arbitration are disciplinary and their violation will not render arbitration award void (Tupman, 1989).

4- The most important general characteristics for which each arbitrator should possess are independence and neutrality. The secondary characteristics which are agreed by the parties should be possessed by the arbitrator but arbitrator may not have all of these characteristics, for example, he may be dependent on one of the parties to a dispute or advocate one of the parties and his independence and neutrality may be endangered (Born, 2009).

#### *Disqualification of Arbitrator:*

"Disqualification of Arbitrator" in law literally means making tired, injuring the body, cursing and nullifying justice. Disqualification of arbitrator is the right of the parties to object or reject qualification of arbitrator in case of withdrawal or suspecting withdrawal of the arbitrator from the predicted conditions and specifications (in contract or regulations of arbitration authority). Disqualification of arbitrator may be done during or before proceeding or after issuing the award and given truth of the disqualification, the disqualified arbitrator stops judgment as decided by the parties or other arbitrators. Possibility of disqualifying arbitrator is good performance guarantee of the arbitrators which is done in international arbitration for different reasons such as waste of time, negative effect on the opposing party and the disqualified arbitrator (even if disqualification is rejected) but reasons for disqualifying arbitrators are hesitation in independency, neutrality of arbitrator, inability to perform duties, loss of qualifications and capabilities, action contrary to arbitration contract etc. (Lew and Mistelis, 2003). In recent years, disqualification of arbitrators has increased considerably sometimes resulting from good faith and sometimes resulting from a tactic and the most important factor of disqualification of high cost of the object of dispute in international commercial claims. For this reason, any partiality or mistake in decisions causes high financial losses on the losing party. The most important means of disqualifying arbitrators is withdrawal or dependence and neutrality but to what extent dependency causes destruction of two traits mentioned above is under question and it seems that some standards cannot be certainly specified because such case is impossible in practice due to diversity of commercial subjects and disputes. It

seems that typical and personal criteria should be included to recognize withdrawal of arbitrator from neutrality or independency and any case should be judged typically to see if the arbitrator should be disqualified or not.

#### *Right of Disqualification:*

Goals of bringing an action by the judge or arbitrator are to hear dispute of the parties fairly and impartially and end hostility and judgment and arbitration are principally two institutions for settling disputes of the persons fairly and impartially. Right of having an independent and neutral court has not been emphasized only in arbitration documents. In human rights conventions, they can be also found. For example, provisions of article 10 of human rights global declaration and paragraph 1 of Article 14 of International covenant on civil and political rights can be mentioned. Article 10 stipulates that anyone is entitled to have fair and public proceeding with full equality in an independent and neutral court in decisions relating to his/her rights and commitments or any criminal charges. Paragraph 1 of Article 14 stipulates that: all are equal before courts and courts of justice. Anyone is entitled to have his petition heard fairly and publicly in an independent and neutral competent court according to the law and that court should make decision about legitimacy of the criminal accusations against him or disputes relating to his rights and obligations in civil affairs.

Considering these two articles, independency and neutrality of the forum (including judge or arbitrator) were necessary and part of human rights. Any violation of this right is not permissible and disqualification of the arbitrator or judge is one of the necessary elements for guaranteeing independency and neutrality. If it is possible for the parties to disqualify arbitrator or judge, they will be sure that a neutral authority has heard their suit (Tupman, 1989). Therefore, it can be concluded that disqualification is a way of providing independency and neutrality of the arbitrator and its existence is necessary. If the parties can disqualify arbitrator or judge, they will be sure that their dispute will be heard fairly and impartially.

#### *Forum of Disqualification in Institutional Arbitration:*

If disqualification is done under ICC rules of arbitration, general assembly of arbitration court makes decision about this issue. In the court, disqualification is heard in two stages: it can be heard to see if it has been brought in timely manner or not. Second, substantively, it can be heard to see if evidence of disqualification is convincing. The court can make decision about two stages altogether or separate them (Mellman, 1987).

The secretariat first announces the subject to the disqualified arbitrator and also the opposing party and other members of the panel of arbitration and given them a respite period to make common in writing. The written comments of both parties and arbitrators relating to disqualification are given to all parties and arbitrators. Therefore, the secretariat shall receive comments of the disqualified arbitrator and the opposing party and other members of the panel of arbitration. In other words, the secretariat is not obliged to provide the opportunity for the disqualifying party to make more comments. Anyway, general goal is to prevent long discussions between the parties and arbitrators relating to disqualification (Bühning-Uhle et al., 2006).

At the end, general assembly of arbitration court makes decision about acceptance or rejection of the disqualification and decision of the court about disqualification is final and the court is not obliged to announce its reasons for acceptance or rejection of disqualification (Born, 2009).

In addition, according to paragraphs 2 and 3 of Article 13 of ICC and UNCITRAL Model Law on International Commercial Arbitration, the forum for hearing disqualification is arbitrator and if the mentioned arbitrator rejects the disqualification, the disqualifying party can request the arbitration court to make decision about disqualification within 30 days of receiving notice containing decision about rejection of disqualification. Therefore, according to International Commercial Arbitration law and UNCITRAL Model Law, the competent court for hearing disqualification is arbitrator in the first instance including individual arbitrator or panel of arbitrators. In other words, the arbitrator who has been disqualified should hear reasons for disqualification. It should be mentioned that arbitration authority can hear his own qualification based on rule of "competency of the arbitration authority to hear his qualification". This case has been expressed in Article 16 of the mentioned laws which stipulates that: the arbitrator can make decision about his qualification and also the presence or validity of the arbitration agreement. The reason for the presence of this rule is more separation of arbitration authorities from courts of the country in which arbitration is performed.

#### *Formalities after disqualification of arbitration:*

If an arbitrator is successfully disqualified, he will be dismissed. When new arbitrator is admitted, most institutional arbitration rules stipulate that decision about repetition of the stages of procedural stages shall be made by arbitration court. But Iran commercial arbitration law doesn't have provision in this field and it is not evident how proceeding will continue in case of successful disqualification or death and resignation of arbitrator in three-member arbitration or single-member arbitration.

It seems that it is not reasonable to revise all sessions considering arbitration principle which is speed and efficiency because the new arbitrator who is expert will be informed of the case by investigating and considering

it and a session should be held for removing ambiguities in case of ambiguity and if necessary as in the local judicial system.

But if arbitrator is not disqualified successfully and disqualification is rejected, it will have undesirable effects because it is effective in relations between the disqualified arbitrator and disqualifying party and can be effective in views of arbitrator and also cause delay in proceeding. On the other hand, disqualification of an arbitrator will be effective on his job future and professions due to limited number of international arbitrators and there may be some doubts about his selection in other claims as an arbitrator. For this reason, it is better for the arbitrator and parties to select arbitrator carefully not to disqualify him in proceeding stages. At the end, it is necessary to select the new arbitrator as the dismissed arbitrator is selected because this method agrees with intention of parties about composition of the court.

#### *Cultural Disputes on Application of Standards:*

Institutional arbitration is a transcultural activity in the world in which difference of understanding plays important role in evaluation of such ambiguous and subjective concepts such as independency and neutrality.

Arbitration rules require all arbitrators to be independent and neutral. At the same time, national arbitration customs may be contrary to this condition. For this reason, it is common in local arbitration and even the appointed arbitrator of a party may be expected to act as attorney of that party in the court proceedings. For example, in the American Arbitration Association (AAA), it is only necessary for head of the court or single arbitrator to be neutral. Implicit concept of this term is that the arbitrators appointed by the parties are not neutral (Calvo, 1998). This claim holds true for arbitration in many countries in the Middle East. The problem will be intensified when the arbitrators with different suggestions and without international experience or with low experience in this field participate in an international commercial arbitration. In this case, the whole concept of "independence" or "neutrality" and their perception of their role as colleague arbitrator are deeply affected by their record.

Role of the arbitrator appointed by the parties is the subject which has been introduced in many writings and will be written in future. The issue relates to international arbitration process in which cultural relationships and intimacy form arbitrator's perception of the truth and untruth. When the arbitrator goes beyond fine delicate between consultation with the appointing party and backing him? Martin Hunter is one of the known arbitrators who said that the arbitrator appointed by either party should combine his minimum tendency toward the appointing party with the minimum backing. There are no fixed rules for answering these questions. In the best case, the arbitrators appointed by the parties act as a bridge for mutual understanding. They help their colleagues in the branch understand position of one party. At worst, they are converted into contentious defenders of the object of claim sought by the appointing party and lose their validity and status in arbitration court and become fully inefficient in helping their party before other members.

#### *Conclusion:*

But institutional arbitration is a necessary phenomenon for management of arbitration and can play effective role in settlement of the commercial disputes because it has suitable procedure and sound management. Institutional arbitration principally acts in private framework or with contractual nature in which arbitration institution, arbitrator and the parties to a suit have rights and obligations toward each other.

As we saw, institutional arbitration rules try to minimize disputes arising out of disqualification. In case request of disqualification is rejected, when this has disrupted work of the court, the arbitration court continues its work but if the disqualification is successful, one of the arbitrators should be replaced. Now, should arbitral proceedings be revised from the beginning due to arrival of new arbitrator or should it continue when the new arbitrator has been employed for hearing the case? Institutional arbitration rules stipulate that decision about whether there is need for repetition of procedural stages shall be made by the court. The arbitrators are judges as far as they judge about disputes referred to them. The parties who voluntarily refer the case to arbitrators should ensure that those who judge are fair. For this reason, rules of the arbitration institutes predict the mechanisms in which one or more arbitrators can be disqualified in case it is found that they are not independent and neutral. At the same time, disqualification of arbitrator is very destructive for arbitration process. The standards for which arbitrators should be qualified in their judicial position should be also possessed by the judges. They should be independent and neutral. There is no difference between objective standard of independence and more subjective standard of neutrality. Independence is not a standard alone but it is a way of measuring possibility of backing. Arbitrators can be disqualified due to lack of the characteristics determined in the arbitration contract between the parties. Study of different procedures for disqualifying the arbitrators in institutional arbitration rules and UNCITRAL shows that concern of supporting arbitration process against destructive effects of disqualification is practically found in all rules. In this framework, it is important to select arbitrator or institutional arbitration rules. Arbitration institutes have created methods for protecting arbitration process. Considering short period for bringing disqualification and not accepting that disqualification can stop arbitration in proceeding, accepting the qualification powers for determining methods of selection or even selection of

alternative arbitrator, arbitration institutes seek to reduce disorder in proceeding process. The parties who participate in arbitration out of the framework of an arbitration institute or the rules such as UNCITRAL will not be supported. At worst, they cannot take any action against non-neutral arbitration court unless proceeding ends and the issued award is violated.

The parties who voluntarily refer a case to arbitrators should ensure that those who judge are fair. Aspects of disqualification in international conventions include principle of arbitrator neutrality, lack of specialty and his obedience. For this purpose, rules of arbitration institutes predict the mechanisms in which one or more arbitrators can be disqualified in case it is found that they are not independent and but there is a question in institutional arbitration : what is the competent authority for hearing dispute of the parties on jurisdiction of panel of arbitration? Today, procedure of institutional arbitration indicates that the arbitration court has inherent competency to determine his scope of powers and competency based on what the parties have granted to him through arbitration agreement. Even decision shall be made by the arbitration court of the same chamber about the existence and validity of the arbitration agreement in arbitration rules of International Chamber of Commerce and paragraph 2 of Article 6 of new arbitration rules of ICC stipulates that in case of dispute on the existence, validity or domain of arbitration agreement, arbitration court of the chamber decides if there is apparently arbitration agreement without affecting nature of the case. In case the arbitration court is not convinced that there is a valid arbitration agreement which shows scope of jurisdiction, it notified the parties that arbitration cannot be continued and either party can refer to the competent court for hearing the principle of validity or existence of the agreement. Of course, in case the arbitration court finds that there is arbitration agreement, the opposing party can object in arbitration court or refer to legal authorities and the concerned local court (for example, arbitration courts) and request for stoppage of the arbitration.

Anyway, to facts should be separated from each other: one is the existence and validity of the arbitration agreement which is substantive and is finally subject to governing principles of the creation and validity of contracts and if it is not settled in the framework of arbitration institution, one should refer to regulations of the country in which arbitration agreement was concluded and finally decision should be made by the related national court. The latter is domain and venue of arbitrators though both subjects may be raised and investigated altogether. Anyway, according to institutional arbitration procedure, arbitrators have the least qualification to determine and delineate their venue and the cases for which they are qualified based on arbitration agreement because agreement on arbitration implies that arbitrators are granted with such qualification and permission. On this basis, International Commercial Arbitration Law has stipulated that arbitrator can make decision about his qualification and also about the existence and validity of the arbitration agreement. Arbitration condition which is a part of a contract is regarded as an independent agreement for enforcement of such law. Decision of the arbitrator about nullity of the contract per se doesn't mean invalidity of arbitration condition inserted in the contract.

It seems that the only risk of accepting theory of the arbitraries competency for qualifying himself is partiality of the arbitrator when investigating his competence. For this reason, in case the arbitrator rejects disqualification, the applicant for disqualification can ask the court to hear the disqualification. Regarding decision of the court about definite or objectionable nature of disqualification, it should be mentioned that referring to Article 6 of International Commercial Arbitration Law and paragraph 3 of UNCITRAL Model Law on International Commercial Arbitration makes it clear that all decisions which have been assigned to the competent court are regarded definite and unobjectionable.

## REFERENCES

- Black, H.C., B.A. Garner, 1999. *Black's law dictionary*, West Publishing Company.
- Born, G., 2009. *International commercial arbitration*, Kluwer Law International.
- Buhler, M.W., T. Webster, 2008. *Handbook of ICC Arbitration: Commentary, Precedents, Materials*. Sweet & Maxwell.
- Buhring-Uhle, C., G.L. Kirchhof, G. Scherer, 2006. *Arbitration and mediation in international business*, Kluwer Law International.
- Calvo, M.A., 1998. The Challenge of the ICC Arbitrators—Theory and Practice. *Journal of International Arbitration*, 15: 63-72.
- Craig, W.L., 1998. *Craig, Park & Paulsson's Annotated Guide to the 1998 ICC Arbitration Rules: With Commentary*, Oceana Publications.
- Derains, Y., E.A. Schwartz, 2005. *A guide to the new ICC rules of arbitration*, Kluwer Law International.
- Gusy, M.F., J.M. Hosking, F.T. Schwarz, 2011. *A guide to the ICDR international arbitration rules*, Oxford University Press.
- Lee, I., 2007. Practice and Predicament: The Nationality of the International Arbitrator (with Survey Results). *Fordham Int'l LJ.*, 31: 603.

Lew, J.D., L.A. Mistelis, 2003. *Comparative international commercial arbitration*, Kluwer Law International.

Mellman, J.A., 1987. Seeking Its Place in the Sun: Florida's Emerging Role in International Commercial Arbitration. *The University of Miami Inter-American Law Review*, 19: 363-412.

Tupman, W.M., 1989. Challenge and Disqualification of Arbitrators in International Commercial Arbitration. *International and Comparative Law Quarterly*, 38: 26-52.

Van Den Berg, A.J., 1991. *I, Preventing delay and disruption of arbitration; II, Effective proceedings in construction cases*, Kluwer Law Intl.