PREFACE	
Albert Jan van den Berg, General Editor	\mathbf{v}
TABLE OF CONTENTS	vii
WORKING GROUP A: RE-EXAMINING THE ARBITRATION AGREEMENT	
1. The Arbitration Agreement: Still Autonomous?	
Moderator: Werner Melis	

Report:	Philippe Leboulanger The Arbitration Agreement: Still Autonomous?	3
Comment:	Joseph E. Neuhaus The Autonomy of the Arbitration Agreement: Some Thoughts on the US Experience	32
Comment:	J. Brian Casey Re-examining the Arbitration Agreement: Is It Still Autonomous? The Common Law Canadian Experience	39
Comment:	Gilberto Giusti The Arbitration Agreement: Still Autonomous? A Brazilian Perspective	48
	2. Jurisdiction to Determine Jurisdiction	
Moderator:	Loukas Mistelis	
Report:	William W. Park The Arbitrator's Jurisdiction to Determine Jurisdiction	55
Comment:	Virginie Colaiuta The Similarity of Aims in the American and French Legal Systems with Respect to Arbitrators' Powers to Determine Their Jurisdiction	154

Comment:	Hiroyuki Tezuka The Effect of Arbitral Authority and the Timing of Judicial Review: Japan's Approach Under its New Arbitration Law Based on the UNCITRAL Model Law	167
Comment:	Paulo Cezar Aragão A Brazilian View of the <i>Kompetenz-Kompetenz</i> Principle	176
	3. Control of Jurisdiction by Injunctions Issued by National Courts	
Moderator:	Carlos Nehring Netto	
Report:	Julian D.M. Lew QC Control of Jurisdiction by Injunctions Issued by National Courts	185
Comment:	José I. Astigarraga Comments on Control of Jurisdiction by Injunctions Issued by National Courts	221
Comment:	Pierre A. Karrer Anti-arbitration Injunctions: Theory and Practice	228
	4. Protection of Jurisdiction by Injunctions Issued by Arbitral Tribunals	
Moderator:	Margrete Stevens	
Report:	Emmanuel Gaillard Anti-suit Injunctions Issued by Arbitrators	235
Comment:	Paul Friedland and Kate Brown A Claim for Monetary Relief for Breach of Agreement to Arbitrate as a Supplement or Substitute to an Anti-Suit Injunction	267
Comment:	Toby T. Landau "Arbitral Lifelines": The Protection of Jurisdiction by Arbitrators	282
	5. Applicable Law – Consensus or Confusion?	
Moderator:	Ivan Szasz	
Report:	Klaus Peter Berger Re-examining the Arbitration Agreement: Applicable Law – Consensus or Confusion?	301
Comment:	Yasuhei Taniguchi The Applicable Law to the Arbitration Agreement: A Comment on Professor Berger's Report	335

viii

6. Jurisdiction Over Non-signatories: National Contract Law or International Arbitral Practice			
Moderator	: Ulf Franke		
Report:	Bernard Hanotiau Non-signatories in International Arbitration: Lessons from Thirty Years of Case Law	341	
Comment:	John M. Townsend Non-signatories in International Arbitration: An American Perspective	359	
Comment:	Anne Marie Whitesell Non-signatories in ICC Arbitration	366	
Comment:	Babak Barin Non-signatories in International Arbitration: Some Thoughts from Canada	375	
	7. Treaties as Agreements to Arbitrate		
Moderator	: Gabrielle Kaufmann-Kohler Treaties as Offers to Arbitration – Some Issues	399	
Report:	Meg Kinnear Treaties as Agreements to Arbitrate: International Law as the Governing Law	401	
Report:	Peter J. Turner Issues of Scope: Parties, Ownership and Control	444	
Report:	Guido Santiago Tawil The Distinction Between Contract Claims and Treaty Claims: An Overview	492	
Report:	Mark Friedman Treaties as Agreements to Arbitrate – Related Dispute Resolution Regimes: Parallel Proceedings in BIT Arbitration	545	
Comment:	Brigitte Stern Treaties as Agreements to Arbitrate: Comments	569	

WORKING GROUP B: CONTEMPORARY PRACTICE IN THE CONDUCT OF PROCEEDINGS

Note General Editor		589
	1. Round Table on Document Production	
Moderator:	Arthur Marriott	
Speaker:	James H. Carter Five Fundamental Things About Document Production, and a Question	593
Speaker:	Jingzhou Tao Document Production in Chinese International Arbitration Proceedings	507
Speaker:	Hans van Houtte The Use of an Expert to Handle Document Production: IBA Rules on the Taking of Evidence (Art. 3(7))	596 622
	2. Round Table on Fact Testimony	
Moderator	Marc Lalonde	
Speakers:	Laurent Lévy and Lucy Reed Managing Fact Evidence in International Arbitration	633
Speaker:	Bernardo M. Cremades The Oral Presentation of Fact Witnesses in International Commercial Arbitration	645
Speakers:	Michael Hwang S.C. and Andrew Chin The Role of Witness Statements in International Commercial Arbitration	650
	3. Evidentiary Privileges	
Moderator	: William K. Slate	
Report:	Henri Alvarez Evidentiary Privileges in International Arbitration	663
Comment:	Matthieu de Boisséson Evidentiary Privileges in International Arbitration	705

4. Arbitral Provisional Measures: The Actual Practice

Moderator:	Fali S. Nariman Introduction	719
Report:	Kaj Hobér Interim Measures by Arbitrators	721
Comment:	José Maria Abascal The Art of Interim Measures	751
Comment:	Neil Kaplan CBE, QC Interim Measures – A Practical Experience	768
	5. Round Table on Legal Experts	
Moderator:	Karl-Heinz Böckstiegel	
Speakers:	Kap-You (Kevin) Kim and John P. Bang Commentary on Using Legal Experts in International Arbitration	779
	6. Round Table on Damages and Technical Experts	
Moderator:	John Beechey	
Speaker:	Nael G. Bunni Some Thoughts from Experiences in Construction Arbitrations	789
	7. Round Table on Techniques for Eliciting Expert Testimony	
Moderator:	Yves Derains	
Speaker:	Ahmed S. El-Kosheri The Different Types of Experts with Special Emphasis on Legal Experts (<i>Jura Novit Curia</i>)	797
Speaker:	Claus von Wobeser The Arbitral Tribunal-Appointed Expert	801
Speaker:	Dushyant Dave Contemporary Practice in the Conduct of Proceedings: Techniques for Eliciting Expert Testimony – How Party- Appointed Experts Can Be Made Most Useful	813

т	ARI	F	OF	CON	TE	NT	٩.
1	лы	- E	OI.	CON	11		- 0

Speaker:	Martin Hunter Expert Conferencing and New Methods	820				
	8. Round Table on Oral Argument					
Moderator:	V.V. Veeder					
	"Oral Argument": Report of the Session	829				
	PLENARY SESSION					
	1. Commercial Arbitration and Transnational Public Policy					
Moderator:	Donald Francis Donovan					
Report:	W. Michael Reisman Law, International Public Policy (So-called) and Arbitral Choice in International Commercial Arbitration	849				
Comment:	Catherine Kessedjian Transnational Public Policy	857				
Comment:	Alan Redfern Comments on Commercial Arbitration and Transnational Public Policy	871				
	2. Treaty Arbitration and International Law					
Moderator:	Donald Francis Donovan					
Report:	Jan Paulsson International Arbitration and the Generation of Legal Norms: Treaty Arbitration and International Law	879				
Comment:	Francisco Orrego Vicuña The Role of Treaty Arbitration in Rebalancing the Development of International Law	890				
Comment:	Rudolf Dolzer Comments on Treaty Arbitration and International Law	894				

CLOSING CEREMONY

Gerold Herrmann Closing Ceremony in Honour of Pieter Sanders	905
closing ceremony in Honour of Freter Sanders	203
LIST OF PARTICIPANTS	911
	211
LIST OF ICCA OFFICERS AND MEMBERS	947