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Introduction
Arthur W. Rovine
Director, Fordham Law School Conference on International Arbitration

The Fordham University School of Law in New York City has a long tradition of hosting annual conferences addressing questions of international and foreign law. The conference on international anti-trust law is some 30 years old, and the conference on international intellectual property law is 11 years old. Papers are published from both of these conferences. By contrast, the Fordham Law School Conference on International Arbitration, of which I am the Director, is only three years old. We had our first conference at the end of May 2006 and the second conference in June 2007. As of the date of this writing (April 2008), plans have been completed for the third conference in June 2008.

The papers in this volume are from the 2007 conference, with the exception of the papers in Part III, all of which are from the 2006 conference. We intend to have a conference on international arbitration and mediation each year at Fordham Law School and to have the papers from each conference published in an annual volume. The conferences themselves may be forgotten, even by the participants, but the published papers that emerge from the conferences should constitute the true and lasting contribution.

Yet certain events at the conference itself may stand out as memorable. I was particularly pleased at the June 2007 Fordham conference to say a few words and to have Antonio Parra, Secretary General of the International Council for Commercial Arbitration (ICCA) and former Deputy Secretary General of the International Centre for Settlement of Investment Disputes (ICSID), say a few words about Aron Broches. Broches inspired what are perhaps the key initial developments in the growth of bilateral and multilateral investment treaties, which, among many other things, permit what we now call investor-State arbitration. These developments were the drafting, signing, and entry into force of the 1965 Washington Convention on the Settlement of Investment Disputes and the establishment of ICSID. Parra provides further detail on Broches in his essay in Part I. Suffice it to say here that Broches was the key drafter of the ICSID Convention and the central figure in the creation of ICSID. Broches was also a 1942 graduate of the Fordham Law School. The latter fact is not well known, but should be,
and certainly at the Fordham Law School, which has every right to be proud of Aron Broches.

The Fordham conference and papers, as the title to this volume indicates, focus on contemporary issues in international arbitration and mediation. The field changes rapidly, both in international commercial and investor-State arbitration. Even without full-scale publication of and access to awards, there are now a sufficient number of published and accessible awards to make it essential, even if more time consuming and difficult, for participants in, and students of, the field to keep up to date with awards and with judicial decisions involving international arbitration. And of course, more awards are now published and online than ever before, due to the greater number of awards necessitated by the growth in international trade and investment, and the resultant accompanying numbers of contract clauses and treaties requiring arbitration in case of dispute. There is also now a greater pressure from private organizations and individuals to publish and a lesser resistance to publication. The general trend to transparency in decision making is the key here, particularly in investor-State arbitration, and has made possible a great body of literature on the subject, including the papers by Parra, Reed and Bray, Stern, Legum, and Brower and Ottolenghi in Part I of this volume, the article by Shany in Part II, and the article by Jarvin in Part III. Like so many of the articles in this field, none of these papers could have been written without publication or other access to the decisions of arbitration panels in investor-State disputes.

Publication of awards is currently having its greatest impact on investor-State arbitration. While there are necessarily far fewer arbitral awards in this area than in international commercial arbitration, a great percentage of the investor-State awards do eventually come to public attention. Where governments are involved, as they necessarily are in investor-State cases, host State taxpayers have an obvious interest in knowing how much his or her government may be paying to an investor, why, and what wrong-doing has been alleged and possibly determined by the arbitral tribunal. A given case may also involve matters of important public policy and questions of legislative concern. Host States also wish to know the jurisprudence in cases involving other governments and how that jurisprudence is developing. So do investors, most of whom have an obvious interest in the publication of awards. They want to know what the cases say about host State actions and regulations that may affect their investments. All this, in turn, has had an important effect on accessibility of awards and the development of the law.

The use of prior awards as persuasive sources for decision making in investor-State cases is far heavier than in traditional international commercial arbitration. While the number of investor-State awards is relatively small, perhaps that fact as well as accessibility of awards makes it difficult for arbitrators, and not worth their while, to ignore what other arbitrators have decided in similar cases. If nothing else, arbitrators do not wish to be seen as
not knowing what other possibly relevant awards say. The utility of prior awards in investor-State cases has also reduced, to some extent, reliance on customary international law. A kind of common law of investment protection is in the process of development, and in that process arbitrators are scrutinizing prior cases with great care and rendering decisions in some measure on the basis of those cases, or else distinguishing them.

Arbitral tribunals treat these prior cases as common law judges might—accepting in whole or in part, differentiating, distinguishing, not contradicting if possible—and in the end, through a now seen hand of the legal market, developing a coherent body of law. Today, for example, if the question is what constitutes a regulatory taking of property under international law, the awards rendered at the Iran-United States Claims Tribunal, ICSID, North American Free Trade Agreement (NAFTA), and under some 2,500 bilateral investment treaties are likely to receive more attention from arbitral decision makers and scholars than are the strictures of customary international law. At the same time, the International Law Commission’s Articles on State Responsibility provide the most useful current statement of customary international law, which remains essential where the current cases provide insufficient answers to the questions posed.

While reliance on prior cases in international commercial arbitration is not as substantial, neither is the need. The great majority of commercial cases involve private contract disputes, and, more frequently than not, the central question is whether or not there has been a contract breach, and, if so, how the damages are calculated. While there are significant legal issues in calculating damages, arbitrators often feel uncomfortable with those issues, and for that reason, one might think there would be more reliance on, or at least examination of, prior cases with respect to damages. But the result seems to have been the reverse. A panel of arbitrators or a sole arbitrator in international commercial cases might complete a great many awards without having deemed it necessary to examine critical legal issues. This is less likely to happen in investor-State cases.

Yet even in international commercial arbitration, one sees a growing number of citations to previous cases, both in the awards themselves and in scholarly articles and books. One of the significant sources of support for this is the ICCA Yearbook Commercial Arbitration, under the general editorship of Albert Jan van den Berg, which publishes each year, with headnotes, a great number of arbitral awards, particularly International Chamber of Commerce (ICC) awards. The ICC practice is to publish these awards only three years after their issuance (leaving time for possible court proceedings concerning enforcement or set-asides), and the arbitrators’ names and facts identifying the parties are deleted. But once published, the texts provide invaluable guidance for arbitrators in other international commercial arbitration cases and in the development of international arbitral law, both procedural and substantive.
In terms of the many practical considerations relevant to the arbitral management of cases, there is no satisfactory alternative to long experience. Prior cases can take an arbitrator just so far in deciding how to run a case that is quite likely to be different, at least procedurally, from the cases he or she has managed before. Thus, the Derains and Gill papers in Part II rely not on cited cases, but on the authors’ own very substantial experience in arbitrating disputes.

Judicial decisions in national court systems involving international arbitration are obviously an important source of relevant law and are perhaps correctly perceived as precedents in some jurisdictions, such as the United States. We see this in the papers by Barceló and Benedictsson in Part II, as well as the papers by Lew, Mosk, and Davidson in Part III, and Carter, Brennan, and Hwang, Chung and Cheng in Part IV.

In view of the foregoing considerations, one of the goals of the Fordham conference and the publication of the Fordham papers is and will be to assist in keeping arbitrators, arbitration advocates, scholars, and students aware of the latest issues and developments in the field. While an annual conference on international arbitration, normally with only four panels and some 16 presenters and writers of papers, cannot be expected to make a comprehensive presentation of all contemporary issues and developments, the numbers and the high-level participants ensure, in my view, that a significant contribution is made.

It is insufficient, of course, simply to keep up to date with the latest developments and cases, as important as that is. It is essential to appreciate the patterns, to know how the law is changing and developing, to understand the reasons for the awards, the fact patterns that underlay them, and the directions the awards and the law may take. Some writers will make recommendations as to what, in their view, the law should be. Here too, even four panels and the papers that emerge, may make a significant contribution.

At the same time, the 2007 conference included presenters who wrote papers on mediation. There appears to be a trend indicating that, as international arbitration proceedings begin to resemble litigation in some respects, particularly as to discovery, length of proceedings, and expense, mediation will expand in terms of the numbers of mediations conducted, locations, and significance. The arbitration rules pamphlets always grow thicker, never thinner. There are always more rules, never fewer. It is all done in the name of fairness, and the resulting proceedings are indeed fairer. But the process may become as slow and expensive as litigation, resulting in the development of international mediation. Part V on mediation covers ethics, training, and growth (articles by Scanlon, Smith, and Davidson, respectively), mediation function (Carroll, Lang, and Tarrazon), and some mediation geography (Yang). Mediation does not present a rich array of reported cases, but that certainly does not signify
there is not much to be said about the area. Mediation is an essential part of the Fordham conference and papers.

* * *

We hope that the Fordham annual volumes on contemporary issues in international arbitration and mediation, with papers by leading authorities in these fields, and as published by Martinus Nijhoff, will contribute to the understanding and work of international arbitrators, mediators, advocates, scholars, and students, in both international commercial and investor-State arbitration and mediation. These are fascinating and significant areas of dispute resolution, and our hope is that the readers of these volumes will learn from them, and in turn will themselves contribute to further advances in these fields.
Contributors

Arthur W. Rovine has been serving as an arbitrator in international cases under NAFTA, ICSID (International Centre for the Settlement of Investment Disputes), and ICDR (International Centre for Dispute Resolution of the American Arbitration Association) since his retirement from the law firm of Baker & McKenzie as of July 1, 2005. He is also the Director of the International Arbitration Conference at Fordham Law School, the Editor of the Fordham annual volume on international arbitration and mediation, and an Adjunct Professor of Law at Fordham Law School.

After joining Baker & McKenzie in 1983, Mr. Rovine represented many major clients in international arbitrations, including a large number of investor-State cases at the Iran-United States Claims Tribunal in The Hague and the U.N. Compensation Commission in Geneva. He has also had cases before the International Chamber of Commerce in Paris, the American Arbitration Association in New York, the Stockholm Institute, ad hoc arbitrations, and international litigations in U.S. federal courts. Mr. Rovine handled many claims for and against governments, including investment disputes with Iran and Iraq, and representation of the government of Egypt in a major case against Iraq at the U.N. Compensation Commission.


During this period Mr. Rovine was the President of the American Society of International Law (2000-2002) and the Chairman of the International Law Section of the American Bar Association (1985-1986). Mr. Rovine was also a member of the Board of Editors of the American Journal of International Law (1977-1987), and has been a member of the Council on Foreign Relations since 1987.

Prior to joining Baker & McKenzie in 1983, Mr. Rovine served in the Office of the Legal Adviser in the U.S. Department of State from 1972 to 1983. He established the Digest of United States Practice in International Law (1972-1974), and was then named Assistant Legal Adviser for Treaty Affairs (1975-1981). In that capacity he was responsible for the international law, constitutional law, and U.S. foreign relations law issues involved in many treaties, agreements, and legislation, including the Algiers Accords with Iran, the termination of the Mutual Defense Treaty with Taiwan, the Taiwan Relations Act, the Panama Canal Treaties, the Egypt-Israel Peace
Treaty, several human rights treaties, succession of States with respect to treaties, and the president’s treaty powers.

Mr. Rovine was then appointed the first United States Agent to the Iran-United States Claims Tribunal in The Hague from 1981 to 1983. In that capacity, and working with the Iranian Agent, tribunal members, and the Dutch government, he helped establish the tribunal adapt the UNCITRAL Rules for the tribunal, and helped develop all tribunal administrative procedures, privileges and immunities, payment mechanisms, etc. Mr. Rovine then argued cases at the tribunal on behalf of the U.S. government.

Prior to his government service, Mr. Rovine served as Counsel at the International Court of Justice in the South-West Africa cases against South Africa (representing Ethiopia and Liberia) and in the Namibia Advisory Opinion (representing the International League for the Rights of Man as amicus curiae). Both of these cases involved apartheid issues and practices in South Africa.

Mr. Rovine has written widely and made many presentations on international arbitration and international law.

* * *

John J. Barceló III is the William Nelson Cromwell Professor of International and Comparative Law and the Reich Director of the Berger International Legal Studies Program at Cornell Law School in Ithaca, New York. He has been a member of the Cornell Law School faculty for almost 40 years. He holds a J.D. from Tulane Law School and an S.J.D. (research doctorate in law) from Harvard Law School. He was a Fulbright scholar in 1966-1967 at the University of Bonn, Germany. He is co-author of a leading arbitration casebook: International Commercial Arbitration—A Transnational Perspective (3d ed. 2006) (with T. Varady and A. von Mehren). He has authored or edited other books and many articles on arbitration, international trade, and international litigation, including A Global Law of Jurisdiction and Judgments—Lessons From The Hague (2002) (with K. Clermont) and Lawyers’ Practice and Ideals: A Comparative View (1999) (with R. Cramton). He is also co-editor (with H. Corbet) and contributing author of a forthcoming volume on Rethinking the World Trading System. He is the founder and continuing director of the Cornell-Paris I Summer Institute of International and Comparative Law held annually in Paris during July, where he teaches international commercial arbitration. At Cornell, in addition to international commercial arbitration, he teaches WTO law, EU law, and international business transactions. From 1981 to 1983 he was a consultant on international trade law to the U.S. Department of Commerce. He has experience as an arbitrator and has taught or lectured at leading universities throughout Western and Eastern Europe, and in Asia, including in China, France, Germany, Hungary, Italy, Spain, and the United Kingdom. He is proficient in German and French, and has a basic ability in Spanish.
**Jonas Benedictsson** is head of the Disputes Group in the Stockholm office and a member of the Steering Committee of Baker & McKenzie’s European Disputes Practice Group. He has tried cases in all major courts in Sweden, including the six courts of appeal and the Supreme Court. He has also acted as counsel and advocate in numerous domestic and international arbitrations, and is frequently appointed as arbitrator in commercial disputes, both domestic and international.

Mr. Benedictsson has been lead counsel and advocate in more than 60 international arbitration cases under various institutional bodies such as the ICC, the Zurich Chamber of Commerce, the Geneva Chamber of Commerce, the Hong Kong International Arbitration Center, and the Stockholm Chamber of Commerce. He has acted as lead counsel and advocate in *ad hoc* arbitrations in Sweden, Denmark, Finland, Germany, Switzerland, and Austria. He has also acted as co-counsel in a number of arbitration cases in various other parts of the world. In his capacity as counsel and advocate he has acted in and rendered advice on arbitral disputes arising out of or concerning matters pertaining to more than 20 different countries, including Kazakhstan, Azerbaijan, Turkmenistan, the Ukraine, Russia, PRC, Turkey, Canada, United States, and Italy.

Mr. Benedictsson is the contributing author for Sweden in Sweet & Maxwell’s publication, *The Tracing of Assets*. He has been the editor of numerous in-house publications such as *Arbitration in Sweden*, *International Commercial Arbitration Directory*, and *Litigation in Europe*. He was the contributing editor for Sweden to the periodical international arbitration Web publication *Arbitration by International Law Offices* in cooperation with the International Bar Association and contributing author to the Juris Publishing book *International Arbitration Checklist* and to the *Stockholm Arbitration Report* issued by the Arbitration Institute of the Stockholm Chamber of Commerce.

Mr. Benedictsson is a frequent speaker at various seminars around the world on litigation and arbitration matters.

**Daina Bray** is an associate in the Dispute Resolution Group of Freshfields Bruckhaus Deringer LLP and is based in the firm’s New York office. She has assisted in the representation of clients in international arbitrations under the ICC, ICSID, and LCIA rules, and with regard to issues of public international law and foreign investment. Prior to joining Freshfields in 2006, Daina worked in the Litigation Department of White & Case LLP in New York, concentrating on the litigation and arbitration of international commercial law matters. She has also been involved in the representation of *pro bono* clients in immigration, asylum, and constitutional matters.

Daina received her JD in 2004 from Stanford Law School and graduated with distinction and highest honors from the University of North Carolina at Chapel Hill in 1998. While at Stanford, Daina received the Carl
Mason Franklin Prize in International Law and served as the Senior Publishing Editor of the *Stanford Journal of International Law*.

**Lorraine M. Brennan** is Senior Vice President of The International Institute for Conflict Prevention and Resolution (CPR Institute). She had been a partner in the New York office of Kilpatrick Stockton, LLP, a full-service international law firm based in Atlanta, Georgia. She specialized there in international arbitration and dispute resolution and was the Director of the firm’s International Arbitration Group. Prior to her tenure at Kilpatrick, Ms. Brennan served as Director of Arbitration and ADR, North America, ICC International Court of Arbitration, wherein she acted as the American advisor to the International Court of Arbitration of the International Chamber of Commerce (ICC) in Paris, France, advising North American attorneys and companies on all phases of ICC arbitration, including: negotiation of arbitration clauses, requests for arbitration, procedural issues and enforcement of arbitration awards. She frequently appears as a speaker/panelist at international arbitration and dispute resolution conferences and seminars and is one of eight U.S. members of the NAFTA 2022 Advisory Committee on Private Commercial Disputes. From 1997-1999, Ms. Brennan served as the Director of Arbitration and Intellectual Property and Legal Counsel at the USCIB, the U.S. affiliate of the ICC. In her role as Director of Intellectual Property, she assisted in formulating and implementing U.S. policy with respect to intellectual property issues and advised U.S. companies on the latest developments in the intellectual property rights field. She is an adjunct Professor of Law at Cornell Law School in Ithaca, New York (Spring and Fall 2005 and Fall 2006 and 2007), teaching International Business Transactions, and an adjunct Professor of Law at Georgetown University Law Center (Spring 2006 and Spring 2007), teaching International Business Transactions and Dispute Resolution and International Commercial Arbitration (Spring 2008). She was a Visiting Professor at Shantou University in Shantou, China in May 2006 and July 2007, and May 2008, teaching an intensive International Business Transactions course.

Before joining the USCIB in 1997, Ms. Brennan served as Senior Law Clerk to the Honorable Irving Ben Cooper in the United States District Court for the Southern District of New York and was a litigation associate at Milbank Tweed Hadley and McCloy in New York City, where part of her practice involved international arbitration. She also worked as a litigation associate at Choate Hall and Stewart in Boston.

Ms. Brennan received her Bachelor of Arts degree in French Literature from Cornell University and a Juris Doctor from Suffolk University Law School. She is a 1997 graduate of the Fletcher School of Law and Diplomacy, where she received a Masters of Arts in Law and Diplomacy (MALD) with a concentration in international economic law. She is also the recipient of a Diplôme d’Études Supérieures from the Institut Universitaire
des Hautes Études Internationales in Geneva, Switzerland. Her bar admissions include the Massachusetts State Bar, the New York Bar, the Southern and Eastern Districts of New York and the District of Massachusetts Bar. She is fluent in French and proficient in Spanish.

Ms. Brennan is a Member of the Executive Board of the American Branch of the International Law Association, Chair of the Women’s Interest Network and Co-Chair of the Commercial Dispute Resolution Committee of the Section of International Law of the ABA as well as a member of the Diversity Task Force of that Section, a former Co-Chair of the International Litigation Committee of the ABA Litigation Section, a member of the American Society of International Law, a member of both the International Commercial Disputes Committee of the Association of the Bar of the City of New York and the Alternative Dispute Resolution Committee, a member of the Advisory Board of the Institute for Transnational Arbitration, the International Bar Association, and a fellow of the American Bar Foundation and the Center for International Legal Studies. She was a co-chair of the ILEX Steering Committee. She is the author of “High Court Declines to Address Arbitrator Bias Standard,” New York Law Journal, October 1, 2007; the co-author of “Negotiating the Maze of IP Protection,” National Law Journal, April 9, 2007; “The Ten Most Frequently Asked Questions about ICC Arbitration,” 19(1) International Litigation Quarterly 30-31; and co-author of “The Practice of Law in the EEC by New York Litigators after 1992,” 4(2) International Law Practicum. 38 (Autumn 1991), The International Law and Practice Section of the New York Bar Association.

Judge Charles N. Brower’s 45-year career in the law has combined extensive practice at the bar with distinguished public service, both national and international, concentrating during more than 25 years in the fields of public international law and international dispute resolution.

Following eight years with the global law firm White & Case LLP in New York City (1961-1969), acting both as a commercial trial and appellate attorney and as criminal defense counsel in prominent cases, Judge Brower served for four years (1969-1973) in the United States Department of State in Washington, DC, where as Acting Legal Adviser he was the chief lawyer of the Department and principal international lawyer for the U.S. government. Thereafter, he rejoined White & Case LLP, co-founding its Washington, DC office, where his practice, originally concentrated in the litigation of administrative and public law cases, came to be comprised almost exclusively of substantial international arbitrations.

He has served continuously since 1983 as a Judge of the Iran-United States Claims Tribunal in The Hague, The Netherlands, where he sat full-time from 1984 to 1988. That service was interrupted for some months in 1987 by White House service as Deputy Special Counsellor to President Reagan. While continuing to serve in The Hague on a part-time basis, Judge
Brower resumed partnership in White & Case LLP from 1988 until 2001, when he resumed full-time service as a judge of the Iran-United States Claims Tribunal and also joined 20 Essex Street Chambers in London. Judge Brower currently also serves as Judge Ad Hoc of the Inter-American Court of Human Rights, as a member of the Register of Experts of the United Nations Compensation Commission in Geneva (UNCC), and as a member of the Panels of Conciliators and Arbitrators of the International Centre for Settlement of Investment Disputes (ICSID) (a member of the World Bank Group). He has represented various governments in proceedings before the International Court of Justice (World Court) and is a member of the panels of arbitrators of a number of arbitral institutions around the world. As counsel or arbitrator he has handled cases principally under the rules of the ICC, UNCITRAL, the LCIA, the AAA, the UNCC, ICSID and SCC. These cases have involved a wide variety of commercial disputes as well as issues of public international law, particularly involving the oil and gas sector, major infrastructural projects, expropriations, and other investment disputes, including ones arising under both bilateral and multilateral investment treaties (such as NAFTA and the Energy Charter).

Eileen Carroll, a pioneering lawyer who was a founder of CEDR, has been engaged in a broad range of disputes and is one of a few mediators with experience in co-mediation, particularly relevant in major projects. As deputy Chief Executive of CEDR she has also been involved in designing and brokering the resolution of highly complex multiparty disputes, working with senior members of judiciary and politicians on high-profile projects.

Eileen’s career started in the international business of chemicals and industrial consultancy work. She moved to law, and in over 20 years of practice worked with multinational corporations and a number of high-profile clients. Her clients have included multinational and FTSE 100 companies. She has served an international client base in the United States, continental Europe, the Far East, India, and a number of other jurisdictions. Eileen has also founded the Follett Group of leading international women mediators. She is a member of various panels including the advisory panel of the Conflict Analysis Research Centre (CARC) at the University of Kent, the Council of Distinguished Advisors of the Straus Institute for Dispute Resolution at Pepperdine University, California, and the CPR mediator panel in New York.

Eileen is the author of many articles on ADR and has spoken on numerous platforms in Europe and North America. She is the co-author of International Mediation—The Art of Business Diplomacy (2d ed. 2006); she was a contributor to Butterworths’ Mediators on Mediation (2005).

Eileen has been invited to speak at many international events, including Harvard Business School, OECD, and the World Bank.
During her career, Eileen has received many distinctions including: being the first European to receive the New York-based CPR Institute of Dispute Resolution Award for excellence in alternative dispute resolution, 1997. She was a finalist for the European Women of Achievement Award, 2005. She was awarded the Entrepreneurial Award from European Union of Women 2005 in recognition of outstanding contribution to pan-European understanding and progress that provides inspiration to others.

James H. Carter is a partner in the New York office of Sullivan & Cromwell LLP and coordinator of its international arbitration practice, in which he is active as counsel and as an arbitrator. He is a graduate of Yale College and Yale Law School and attended Cambridge University as a Fulbright Scholar. Mr. Carter is a former Chairman of the Board of Directors of the American Arbitration Association and the Immediate Past President of the American Society of International Law. He is also a Past Chair of the American Bar Association Section of International Law and Practice and served as Chair of its Committee on International Commercial Arbitration. Mr. Carter has chaired both the International Affairs Council and the Committee on International Law of the New York City Bar Association, as well as the International Law Committee and the International Dispute Resolution Committee of the New York State Bar Association. He has served as a member of the London Court of International Arbitration and Vice President of its North American Council and is a member of the Court of Arbitration for Sport.

Fong Lee Cheng is an associate in the Chambers of Michael Hwang SC. Ms. Cheng was educated at the National University of Singapore Faculty of Law, where she graduated with a Bachelor of Laws (Honors) degree in 2006. She was placed on the Dean’s List three out of her four years at the National University of Singapore and was awarded the Law Society Book Prize in 2004/5.

Katie Chung is an associate in the Chambers of Michael Hwang SC. Ms. Chung was educated at the London School of Economics and Political Science, where she graduated with a Bachelor of Laws (Honors) Degree in 2005. She was also educated at the National University of Singapore Faculty of Law, where she graduated with a Graduate Diploma in Singapore Law in 2006.

Robert B. Davidson is based in JAMS’ New York Resolution Center, as a full-time arbitrator and mediator and the Executive Director of JAMS Arbitration Practice. Prior to joining JAMS in 2003, Mr. Davidson spent 31 years at the law firm of Baker & McKenzie, 24 years as a partner, practicing international arbitration and litigation. His experience as a practicing lawyer included acting as lead counsel in 11 cases before the Iran-United States Claims Tribunal at The Hague, cases before the U.N. Claims Commission in Geneva hearing claims arising out of the first Gulf War, and many ICC and ad hoc international proceedings. He has since served as an