

ARBITRATION WORLD

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FROM THE EDITORS

In this edition of Arbitration World, we include our usual update on developments in international arbitration, including reports on recent cases and changes in arbitration laws from regions around the globe, as well as reporting on developments with respect to arbitration institutions.

We include our usual investor-state arbitration update, including discussion of anticipated investor-state disputes arising from government measures taken to fight the COVID-19 pandemic; the process of amendment of the ICSID Arbitration Rules; and an update on the work of the Investment Support Programme for Least Developed Countries, an initiative of the International Development Law Organization; plus our usual review of significant recent cases.

We also include a compendium of articles previously published as Arbitration World alerts. In particular:

We include our article, and link to the associated podcast, on fact witness evidence in international arbitration and the issues raised by the ICC Task Force report on this topic, amid the concerns over the reliability of human memory and thoughts on ways to improve the taking of fact witness evidence. We also include an article considering common criticisms of expert evidence in international arbitration and exploring possible ways of improving the taking of expert evidence. We report on two significant developments related to Swiss arbitration: the formation of the Swiss Arbitration Centre (successor to the Swiss Chambers' Arbitration Institution) and the release of a new version of the Swiss Rules of International Arbitration. We report on a recent case from the Dubai Court of Cassation finding that the interests of justice can override an agreement to arbitrate in circumstances where a dependent contract does not also provide for arbitration. We also include a review of a decision from the Abu Dhabi Court of Cassation confirming that representatives acting under a power of attorney must have express and unambiguous authority to bind a principal to arbitration.

We report on the release of the new rules of the Australian Centre for International Commercial Arbitration (ACICA), Australia's premier international dispute resolution institution.

We review the recent Privy Council decision in *Betamax Ltd v State Trading Corp.* (on appeal from the Supreme Court of Mauritius) regarding what "contrary to public policy" may mean in the context of the recognition and enforcement of international arbitration awards. We review a decision from the English Commercial Court considering the implications of commencing an arbitration without satisfying a contractual dispute resolution "escalation" procedure and whether the subsequent arbitration award may be open to challenge.

Finally, we highlight some aspects of the Regional Comprehensive Economic Partnership (RCEP), covering 15 economies in the Asia Pacific region, of potential relevance from the perspective of foreign investors considering investment in the RCEP member states with respect to investor-state dispute settlement.

We hope you find this edition of Arbitration World of interest and we welcome any feedback (email [Ian Meredith](#) or [Peter Morton](#))

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