

## ARBITRATION WORLD

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### **K&L Gates Publication**

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Welcome to the 35th Edition of K&L Gates' *Arbitration World*

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### **FROM THE EDITORS**

Welcome to this 35th edition of *Arbitration World*, a publication from K&L Gates' International Arbitration Group that highlights significant developments and issues in international and domestic arbitration for executives and in-house counsel with responsibility for dispute resolution.

In this edition, we include two articles related to the growth of third party funding in arbitration: we report on the recent passing of a bill in Hong Kong to permit third-party funding of arbitration, and an English court case regarding security for costs against third-party funders, which may have relevance for international arbitration.

With respect to general developments in arbitration practice and procedure, we consider some of the recent initiatives to make information on arbitrators more widely available (including GAR's "Arbitrator Research Tool" and "Arbitrator Intelligence"), and review the new Expedited Procedure under the ICC's Arbitration Rules.

In the energy and natural resources sectors, we report on the enacting of legislation regarding natural resources in Tanzania and potential consequences for investment treaty claims in Africa. We report on an award rendered earlier this year in favour of an investor against the Kingdom of Spain and its potential implications for investment treaty claims in the renewable energy sector. We review the current themes in gas price review disputes, with a focus on how developments in the market for gas and liquefied natural gas (LNG) are having an impact on price review arbitrations.

As to country/region-specific developments, we report on the proposed amendments to the International Arbitration Act 1974 in Australia, including provisions with significance for enforcement of foreign awards, and the power to award costs and transparency in investor-state arbitration. We also review some of the relevant considerations when selecting a seat for arbitration in the Middle East, with particular reference to Qatar and Dubai.

Additionally, we provide our usual update on developments from around the globe in international arbitration and investment treaty arbitration.

We hope you find this edition of *Arbitration World* of interest, and we welcome any feedback (e-mail [ian.meredith@klgates.com](mailto:ian.meredith@klgates.com) or [peter.morton@klgates.com](mailto:peter.morton@klgates.com)).

## IN THIS ISSUE:

### **Arbitration News from Around the World**

by Ben Mackinnon (London)

Our usual survey of key recent developments in international arbitration.

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### **World Investment Treaty Arbitration Update**

by Wojciech Sadowski and Patrycja Treder (Warsaw)

The latest news from the investor-state arbitration scene.

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### **Third-Party Funding of Arbitration in Hong Kong is Given the Green Light**

by Christopher Tung, Sacha Cheong and Dominic Lau (Hong Kong)

A report on the recent passing of a bill in Hong Kong to permit third-party funding of arbitration, expected to be given legislative effect later this year.

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### **Security for Costs in International Arbitration: Are All Third-Party Funders the Same?**

by John Magnin and Jonathan Graham (London)

A report on a recent English court decision that suggests that where a third-party funder may fall on the “spectrum” of funders may be relevant in considering a security for costs application in court proceedings and raises the question of whether such considerations may also be relevant in arbitration proceedings.

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### **The Rise of Arbitrator Intel**

by Ashish Chugh and Aloysius Chang (Singapore)

A review of some of the recent initiatives to make information on arbitrators more widely available.

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### **ICC Launches New Expedited Procedure**

by Peter Morton (London)

A review of the new Expedited Procedure under the ICC's Arbitration Rules, effective 1 March 2017.

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## **Mining Law Reform in Africa – Are the Recent Legislative Changes Made by Tanzania Part of a Developing Trend?**

by Ian Meredith (London)

A commentary on legislation enacted in Tanzania regarding natural resources, prompting affected parties to consider making investment treaty claims, and consideration of whether this might be part of a wider trend.

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## **Gas Price Review Arbitrations – Current Themes**

by John Gilbert (London)

A review of the current themes in gas price review disputes, with a focus on how developments in the market for gas and liquefied natural gas (LNG) over recent years are having an impact on price review arbitrations.

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## **The Future of Renewable Energy Treaty Claims After Eiser**

by W. Sadowski (Warsaw)

A report on the award rendered earlier this year in favour of an investor against the Kingdom of Spain and its potential implications for investment treaty claims in the renewable energy sector.

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## **Small But Important – Recent Proposed Changes to the Australian International Arbitration Act 1974**

by John Kelly and William KQ Ho (Melbourne)

A review of the proposed amendments to the International Arbitration Act 1974 in Australia, which covers matters including the enforcement and recognition of foreign awards, the arbitral tribunal's powers to award costs, and transparency in investor-state arbitration.

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## **“Dear Dispute, Please Have a Seat” – Selecting Qatar or Dubai as Your Seat of Arbitration**

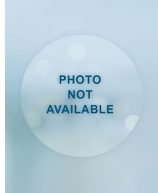
by Matthew Walker and Leanie van de Merwe (Doha)

A review of some of the relevant considerations when selecting a seat for arbitration in the Middle East, with particular reference to Qatar and Dubai.

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