# TABLE OF CONTENTS

## PREFACE

Albert Jan van den Berg, General Editor v

## TABLE OF CONTENTS

vii

## ADDRESSES

Karen Gough
Welcome Address 1

Fali S. Nariman
Welcome Address Opening Ceremony 3
Opening Address 7
Tribute to Sir Michael Kerr 9

Tjaco T. van den Hout
Luncheon Address: The Influence of International Commercial Arbitration on the Permanent Court of Arbitration 11

## CONTEMPORARY QUESTIONS

**The Requirement of a Written Form for an Arbitration Agreement**

Toby Landau
The Requirement of a Written Form for an Arbitration Agreement: When “Written” Means “Oral” 19

**Interim Measures of Protection**

Donald Francis Donovan
The Scope and Enforceability of Provisional Measures in International Commercial Arbitration: A Survey of Jurisdictions, the Work of UNCITRAL and Proposals for Moving Forward 82

Jacomijn van Haersolte-van Hof
Interim Measures of Protection – A European and Continental Perspective 150

Cecil O.D. Branson, Q.C.
The Enforcement of Interim Measures of Protection “Awards” 163
<table>
<thead>
<tr>
<th>Title</th>
<th>Author</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Christopher R. Drahozal</strong></td>
<td><strong>Party Autonomy and Interim Measures in International Commercial Arbitration</strong></td>
<td>179</td>
</tr>
<tr>
<td><strong>Do We Need a Model Law of Conciliation?</strong></td>
<td>Shavit Matias</td>
<td>190</td>
</tr>
<tr>
<td><strong>Aspects of Illegality in the Formation and Performance of Contracts</strong></td>
<td>Richard H. Kreindler</td>
<td>209</td>
</tr>
<tr>
<td><strong>Illegality in the Conduct of Arbitration</strong></td>
<td>Bernard Hanotiau</td>
<td>261</td>
</tr>
<tr>
<td><strong>Corruption and Other Illegality in the Formation and Performance of Contracts and in the Conduct of Arbitration Relating Thereto</strong></td>
<td>Karen Mills</td>
<td>288</td>
</tr>
<tr>
<td><strong>The Challenge of Awards on the Basis of Criminal Acts</strong></td>
<td>Christoph Liebscher</td>
<td>300</td>
</tr>
<tr>
<td><strong>The Detection of forgery and Fraud</strong></td>
<td>Peter V. Tytell</td>
<td>314</td>
</tr>
<tr>
<td><strong>THE PSYCHOLOGICAL ASPECTS OF DISPUTE RESOLUTION</strong></td>
<td>Shari Seidman Diamond</td>
<td>327</td>
</tr>
<tr>
<td><strong>The Psychological Aspects of Dispute Resolution: Issues for International Arbitration</strong></td>
<td>Anne Marie Whitesell</td>
<td>343</td>
</tr>
</tbody>
</table>
## TABLE OF CONTENTS

Teresa Giovannini  
The Psychological Aspects of Dispute Resolution: Commentary 348

### ARBITRATION UNDER INVESTMENT TREATIES

Nigel Blackaby  
Public Interest and Investment Treaty Arbitration 355

Dr. Karl-Heinz Böckstiegel  
The Role of the Arbitrators in Investment Treaty Arbitration 366

Pierre Lalive  
Some Objections to Jurisdiction in Investor-State Arbitration 376

Guillermo Aguilar Alvarez and William W. Park  
The New Face of Investment Arbitration: Capital Exporters as Host States under NAFTA Chapter 11 392

Shuji Yanase  
Bilateral Investment Treaties of Japan and Resolution of Disputes with Respect to Foreign Direct Investment 426

David A.R. Williams  
Challenging Investment Treaty Arbitration Awards – Issues Concerning the Forum Arising from the Metalclad Case 444

### POSTSCRIPT

V.V. Veeder  
Postscript 471

List of Participants 481

List of ICCA Officers and Members 511