



The Permanent Court of Arbitration

First Skirmishes:

Setting the stage on procedural details at the outset

The Permanent Court of Arbitration



- Established in 1899
- 1899 and 1907 Conventions
- Organization and structure of the PCA
- PCA rules of procedure
- Disputes administered by the PCA
- PCA and disputes involving the CIS
- Other services provided by the PCA
- Advantages of having your disputes administered by the PCA:
 - Peace Palace at no cost to the Parties
 - Safe keeping of archives and funds
 - Safe passage for witnesses



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Why does this matter?


Article V(1)(d) of the New York Convention:

Recognition and enforcement of the award may be refused, at the request of the party against whom it is invoked, only if that party furnishes to the competent authority where the recognition and enforcement is sought, proof that:

...

The composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties, or, failing such agreement, was not in accordance with the law of the country where the arbitration took place;

...



First Skirmishes: setting the stage on procedural details at the outset

- What?
- When?
- How?
- Who decides?
- What can go wrong?
- How to fix things?

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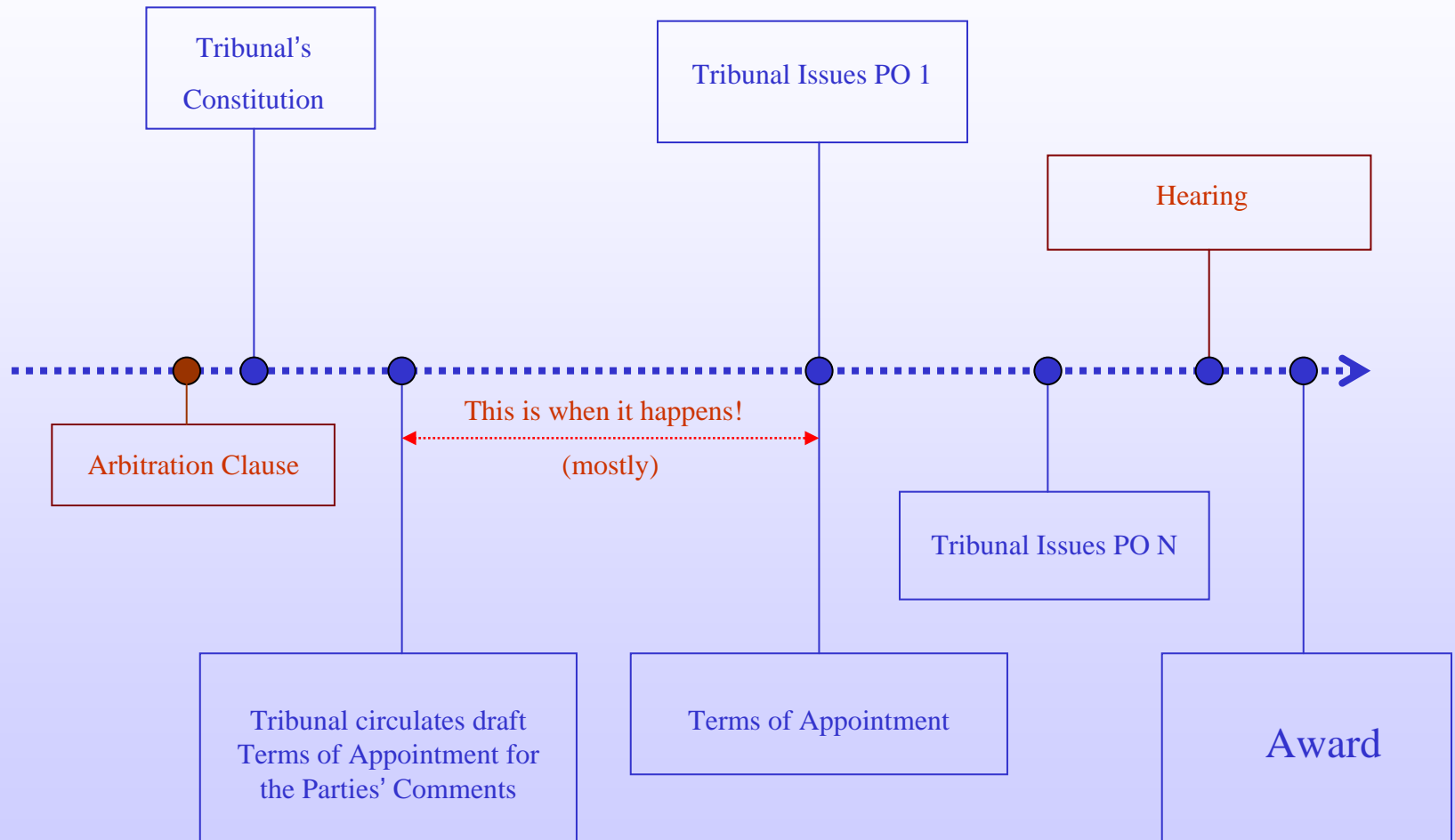
What?



- Applicable Procedural Rules
- Place and Language
- Deposit
- Lost in Translation
- Tribunal's Fees and Expenses
- Case Administration
- Communications
- Confidentiality Provisions
- Procedural Schedules
- Document Delivery Options
- Legal Authorities
- Document Production
- Witness Evidence
- Hearing
- ...

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When?





First Skirmishes: setting the stage on procedural details at the outset How?

The Annoying Fighter v. The Voice of Reason



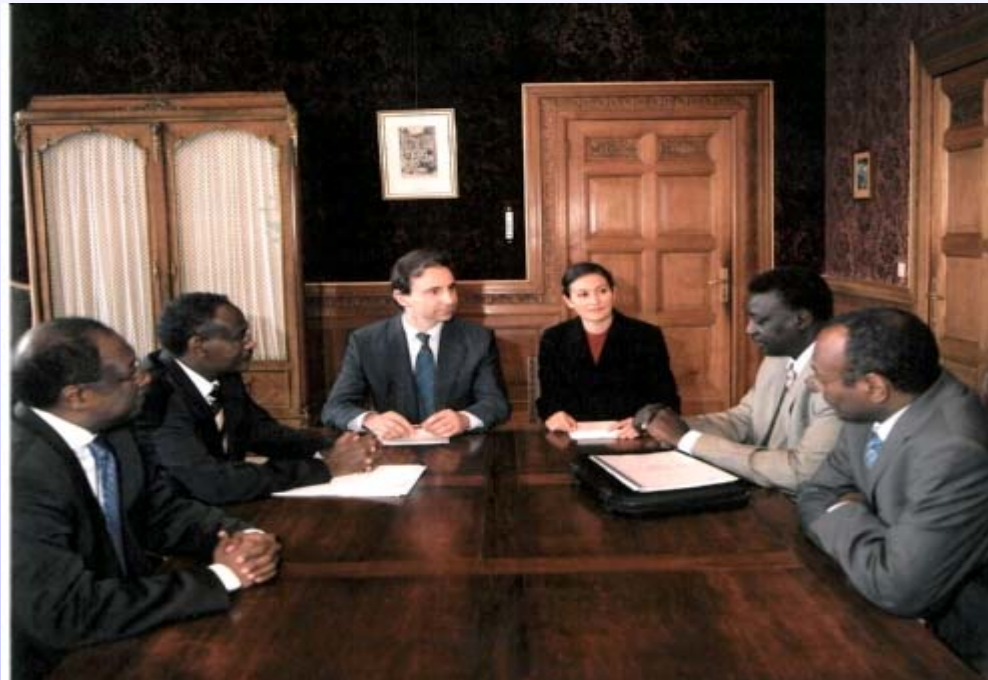


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Who decides?

The Tribunal

The Parties' Agreement





First Skirmishes: setting the stage on procedural details at the outset

What can go wrong and how to fix things?

- Applicable Procedural Rules
- Place and Language
- Deposit
- Lost in Translation
- Case Administration
- Communications
- Confidentiality
- Procedural Schedules
- Document Production
- Witness Evidence
- Scope of Witness Examination
- Hearing

Preventive strike: set the stage on procedural details at the outset

Better late than never: confer and agree, if not make a reasoned application to the Tribunal



Permanent Court of Arbitration



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