```
DTimes New Roman春!!春!!+蒔口
                                                               D娸SOes New Roman春!!春!!+蒔「
                                                                                                                 DTahomaew Roman春!!春!!+蒔「
                                                                                                                      @₁@₁|`└`└|€ €
                                                                                            dd@-
    DWingdingsRoman春!!春!!+蒔┌
                                    0
                                                      €\€
                                                                                @
                                                                                    n
                                                                                              41118111;1111111D1E11G1H1H1H1H1H1H1O11Q1R1S1T1U1V1W1X1Y111
[l₩llv] llallcldlel[□
                          Oer 槻 Oer 槻
                                                                                         0肝
                                                                                                 @T
                     @^{LL}A^{L}) _{\Gamma}B^{L}C^{LL}D^{L}
                                        E4142
                   4BdBd芗P「敆!!
                                  0
                                                                            4!d!d罈‼憌 0春‼烊P┌‼▼!!J<
                                                                                                      4dddd罈‼憌 0春‼烊P┌‼▼
                                                                                                                                          4BdBdī罈‼研 0春
                                           d
                                                                                                                                          " rr
     8#
                   PPT10
                                p p ?
                                                       =\!
                                                            d5
                                                                                .Chapter 5 Arbitration Tribunal & Jurisdiction
             Function of the Tribunal+
                                           Trial the case according to the applied arbitration rules Render award Quality of the award depends on
                                                                            Sole arbitrator tribunal Two arbitrators tribunal Three
the quality of the arbitrator€
                                   b<sub>1</sub>Y<sub>Γ</sub>
                                            Composition of the Tribunal+
                                                                         0
arbitrators tribunal Nationality requirement in international arbitration
                                                                               j€
                                                                                         а₁Хг
                                                                                                Al Haddad v. M/S Agapi (171)
                      U<sub>I</sub>C/P between the Al Haddad ( cargo owner) and M/S Agapi ( owner Diakan) with arbitration clause; Al brought lawsuit for damages to the
cargo; Diakan applied for stay the action for arbitration and apply for unpaid charter hire; Arbitrated by sole arbitrator in favor of Diakan with default
F_1 > \Gamma
                                                                                                                   (Tribunal | s Authority |
                                                                                                                                                    ·Tο
                                                                                             (`┌┌∜`€
decide its own jurisdiction based on the competence-competence doctrine; To render an award.
                                                                                                                  ]¬Ur
                                                                                                                             PCompetence-Competence Doctrine
                                               "The arbitral tribunal may rule on its own jurisdiction, including any objections with respect to the
 騈种璣陙种 枏
                       ))<sub>7</sub>(
existence or validity of the arbitration agreement Art. 16 UNCITRAL Model Law. The doctrine is universally recognized by the national legislation and
                                                  Heyman v. Darwins (181) $\ ^{\sqcup}
                                    Z^{J} {}_{1}S_{\Gamma}
arbitration rules.
                                                                                                   Facts: frustration of the contract with arbitration
clause Dispute: whether the court should stay the action Trial judge refusing the stay; The Court of Appeal granted the stay and refused to appeal further;
                                                     Qualification of the Arbitrators !!€(†
                                                                                                  2In general Panel system : compulsory or
Appeal dismissed by the House of Lords.
                                       Z G<sub>□</sub>?<sub>Γ</sub>
elective? :2<sub>[[</sub>f] ¬ €%<sub>[</sub>€ K<sub>7</sub>D<sub>[</sub> @IBA Ethics for Int | 1 Arbitrators |
                                                                       International arbitrators should be impartial, independent, competent,
diligent and discreet. Disclose all facts or circumstances that may give rise to justifiable doubts as to his impartiality or independence.
                                           Past or present business relationship Nature and duration of any substantial social relationship with
           IBA Duty of Disclosure (4)+
any party Nature of any previous relationship with any fellow arbitrator Extent of any prior knowledge of the dispute Extent of any commitments which may
affect his availability to perform his duties Disclosure duty throughout the proceedings In writing and communicated to all parties and arbitrators
           W_1T_\Gamma Case for Failure in Disclosure^{\downarrow} Finish Supreme Court Case in 2005 Civil liability for the failure in disclosure
private relationship with the party by the chairman of the arbitral tribunal Stockholm International Arbitration Review, 2007:1 🗖 117-127
                 V_1O_\Gamma
                           6CIETAC Disclosure Art. 25
    $
                                                              ,1гг гп†
                                                                                  Any facts or circumstances likely to give rise to justifiable doubts as to
his/her impartiality or independence; During the whole arbitration procedure oldsymbol{\epsilon}
                                                                                  MηFΓ
                                                                                           IBA Duty of Diligence (7)+
                                                                                                                          All arbitrators
should devote such time and attention as the parties may reasonably require having regard to all the circumstances of the case, and shall do their best to
conduct the arbitration in such a manner that costs do not rise to unreasonable proportion of the interests at stake. U_1N_\Gamma Failure in the Duty of
                            #¡French Supreme Court decision in 2005: three arbitrators in a domestic ad hoc arbitration personally liable for having failed to
render an award within the time period for arbitration, provided by Art. 1456 of the New Code of Civil Procedure. Stockholm International Arbitration Review,
                                                                                  Ad hoc award was set aside (1484) because it was rendered out of the time
            1 л
                      Ј₁Сг
                                    French Case (continued)
                                                                 (+
limit (1456), French Code of Civil Procedure. One of the parties brought a claim for liability for breach of contract against the arbitrators before the court.
The Aners Court of Appeal Ruled that the arbitrators were not liable. Cour de Cassation found that the arbitrators were liable and sent the case back to the
                                                               = ^{J} \, _{\Gamma} ^{L} \quad \, \mathbb{W}_{1} P_{\Gamma} \quad \, : Confidentiality \ Duty \ \blacksquare IBA-9
Orleans Court of Appeal for further consideration.
                                                  7. .
   $4 11 14
                       The deliberations of the arbitral tribunal and the contents of the award itself remain confidential in perpetuity unless the parties
release the arbitrators from this obligation. An arbitrator should not participate in, or give any information for the purpose of assistance in, any
proceedings to consider the award unless, exceptionally he considers it his duty to disclose any material misconduct or fraud on the part of his fellow
                    Z
                               N_1G_\Gamma
                                          Art.14 ICSID
                                                              (+
                                                                         MrPersons designed to serve on the Panels shall be persons of high moral character
and recognized competence in the field of law, commerce, industry or finance, who may be relied upon to exercise independent judgment. Competence in the field
of law shall be of particular importance in the case of persons on the Panel of Arbitration. *N_{\Gamma}l_{\gamma}L X_{\gamma}L H_{\gamma}A_{\Gamma}
                                                                                                                  Qualification in
                 Art. 13, CAL: righteous, upright persons, at least one of the following item required: engaged in arbitration work for at least eight years;
as a lawyer for at least eight years; as a judge for at least eight years (2004 amended); engaged in legal research or education and to have a senior title; or
have legal knowledge, to be engaged professionally in fields such as economic relations and trade, etc. and to have a senior title or attained an equivalent
professional level. , Z 2^{\rfloor}
                                  IηΒr
                                           Panel System+
                                                             pCAL Art. 11(4): commission should have appointed arbitrators; Each
                                                                                              Appointment by the parties Appointment of the
                                                              Composition of the tribunal
arbitration commission keep its own panel list qp€
                                                                                                67.г
permanent arbitration institution including ad hoc Appointment by the court in other countries
                                                                                                             Jurisdiction of the Tribunal +
its own jurisdiction in accordance with competence-competence doctrine Trial the dispute and make an award in accordance with the applied arbitration rules and
law O<sub>l</sub>I<sub>г</sub>
            Challenge to the Arbitrators+
                                             aGrounds for challenge Decision-made-authority for challenge to the arbitrators in other
          P_7J_\Gamma Grounds for Challenge in PRC (
                                                           n<sub>「</sub>CAL: Art.34 as a party in the case or a close relative of a party or of
an agent in the case; has a material interest in the case; has another relationship with a party or agent in the case which may affect the impartiality of the
arbitration; or privately met with a party or agent or accepted an invitation or gift from a party or agent (case for Tianjin & CIETAC)
           Decision for Challenge+
                                       Written form requirement for requirement for challenge with reasons Chairman of the arbitration commission
Arbitration commission in case of chairman as concerned arbitrator Court decision in other countries Appointment of substitute arbitrator
           =75↑ Immunity Issues for Arbitrators !!€(† IBA takes the position that int l arbitrators should in principle be
grant immunity from suit under national law, except in extreme cases of willful or reckless disregard of their legal obligations.
                                                                                                                                  : 12 г
                                                                                                                                                 Practices
in China+
                    No provisions as to the immunity of the arbitrators Criminal law as to the crime on the arbitrator s malpractice that perverted law in
adjudication of the case Hot discussion with two totally different view →worrying and welcome & 6€mE€ X<sub>1</sub>Q<sub>Γ</sub>
                                                                                                                    Result in Failure in
                Arbitration commission s internal rules for arbitrators Withdraw from the panel Criminal charge if committed crime Art.399 Amendment Criminal
Dutv+
< ZP#€
                                                                                                 €
                                                                                                                    SıLı
           Voluntary method for the settlement of dispute different from litigation CAL: independence without intervention from administration, social
group and individual Remedies for malpractice could be turned either to the arbitration commission or to the court supervision
                  T_{7}M_{5}
                                Welcome Side+
                                                      Both arbitrator and judge are implementing law. Both award and judgment are final. Judges could commit
  ZJ€
malpractices that perverted the law in adjudication of the case, so are arbitrators. Criminal law could apply to arbitration.
                                                                                                                                c_7 Z_\Gamma
                                                                                                                                            □^∟N: ` 邁' YR憲
                      dkMRN,gOS畫 NN魜剉0W質
                                                                               97t^11□g貧▼ '嵭
    te圖QOS畫□ 8嶒N駇3W R→O駢翀
                                                               錘,gOS畫:N芋←
                                                                                                 T駇3W R→O3u鲖駢翀→ 遹A
                                                                                                                           T T鐍韣e\L 98t^11□gR憲^◀T8嶒N\S
琋;`→0鶺嶯 T7h剉┛T T3u鲖駢翀→ 葉bk遹A
                                              F
                                                  Pr-H#P-HP
                                                                                         !rnrnrn:nrnînrn↔n/
     抓 葺 洙33 PP
                                        33 洙
                                                    33
                                                                                           ?¤n └< d¶ @1
 j@v郓 峥 澄 腑H`
                            € € 獎 览 懷
                                                  > [
                                               € @1@1|, r, r
                                                                                          |2 @<sub>¬¬</sub>↑`|7|
                `¦`|2¬+|€ n| ?" ddA@¬
                                                                              R|_{\Gamma} \pi_{\Gamma\Gamma\Gamma} \pi_{\Gamma}
                        シ╎┐└┌┐↑┐┐╢५┆┚┐┆€
                                                                                  鸷↓
                                                                                              <DJ€ .Pr
                                                                   餞□ - 602P
                                                                                 €
                                                                                                                                                    鹨ℷ
  餞□ € 7P「
                                                                                                                            鹛↓
                                                                                       $101€鋥
                                                                                                                                                    餓↑
```

餺↑

```
€ 000 1
            0
        8#
                    PPT10
                                                                   館 г0 □
                                                           PPT10
                                                                          PZ西Ŋ+ J▼D ='
                                                                                                     @ rB
                                                                                                                              € 000 ]
                                                                                                                       □昼癐
                       Iä
                                     餒↑
                                                                                        € 00 1
                    PPT10
                                                                      饃↓
                                                                                                                       h▼+ <sup>⊥</sup>▼D ='
                                                                                                     PPT10 i .□戈
                                                       x \stackrel{\alpha}{\vdash} \leftarrow \stackrel{\wedge}{\vdash}
                    xr ¬s *¹□¹€<#
            饉Ӏ
                                                                                       餒↑
                                                                                            € 0¤ J
                                                                                                                    燎v∅+ ┛▼D ='
                             € 0¤ J
                                                     0 ぱ∟
                                                         $ [ ( [
                                                                                            □J €O|
                                                                              餒↑
                                                                                      0Γ
                                                                                           0
                                                    zc+ <sup>⊥</sup>▼D ='
                                                                             @ <sub>F</sub>B
                                                                                      + ∯
                                                     U¹₩
       く川沿台↑
                                                                             飽1
                                                                                                    PPT10
                                                                                飽1
                             € 0$
                                                                                                     € 000 ]
⊥⊥33
                                                                                      + ∯
                                                                                                                 饘 гp □
  d┌₩覦↓
                                                                                                           i .□J@
                                                                                                    PPT10
                                                    @r$L $r$J (r
                                                                        @ | 炒触1
                                                                                           □<sup>J</sup> €Xv
                                         館 г
                                                                                                       € 000 ]
                                 PPT10
                                                      饦┌`┃
                                       € 0$
                                                                                  ,┌|♥|餽1
                                                                                                      □●腦
                    , ┌ ┐S
                                                    嘈5q+ J▼D ='
                                           i .□Y?
                  hr ¬S
                                                                                      h<sub>Γ</sub> ¬S
                                                                                                      PPT10
                                                                                     DΓ
                                                 嗷67+」▼D ='
                                 PPT10
                                                                                                       € 0¢ J
                                                                                                                  饦гp┛□
                              0
                                                                                                               PPT10
              @ rB
                                         € 0$
                                                   饦┌€
                                            (г ¬с
                                                                   □€往┌
                                $#
                                                                           € 000 ]
                   PPT10
                                                                                       館 [@ □
                                                                                                       $₩ (г
                                                                                                                           餹↑
                                                     飽↓
                                                 33 洙
                                                                                PPT10
                                                                                       i .□ >
                                                                                                 3j + <sup>⊥</sup>▼D ='
                                                   L | ₩ 飽↓
                                                                       □€ずг
                                                              @<sub>\[B\]</sub>
                                                                                       € 000 ]
                                                                       + ∯
                                                                                                             P.# $.#
                                                                      Pr¬S
                                                                              □髩湯
                                                                                                        憶J!+ J▼D =
                                                                                        _PPT10
                                        ΤӷФ└ $гФ┘ (г
                  € 00 1
                                                                               □刪肝г
                                                                                                           IIJ₩◀
     □€牒г
                                                                        0
                                                                                                                         33 洙
                             .□g?
                                                                                                                    $⊦₩
                                     弞!+ J▼D =
                                                              @ rB
                                                                                        € 00 1
                    PPT10
                                                                        + ∯
                     舗
                                                                                                                      IΓ
                                                                                                                                   @ rB
                  € 00 1
      }77
     □₩净г
                                                                                           藿h
                                                                                                                         33 洙
                                                                                                                                   1 □ □ 飽↓
                    PPT10
                                        + <sup>_</sup> ▼D ='
          □┘€涿
                                                                              □€豁
                                                                                                          '紭+」▼D ='
                                                         33 洙
                                                                                                            U¹₿◀
                                                            飽↓
                   € 0¤ J
                                                0 ₩ (г
                                                                                  0
                                                                                              師
                                                                                     Sr 0Φ 1¬¬负瘊г
                                                             = @<sub>□</sub>B
                                                                                                                       ZHouse of Lords: 駛齎蓄
誰:gsQ vQ$R砆鵞 N畫b ,g珟孴N R N 誰b桚 g豣_g汻┐0
                                                                      0
                                                                                                                    € 號 23 烫 膊 r P P 呼 ®
                                                               ١r
     鱕6+V :+餅=+j F 蔵mq珚< 驚wv
                                               ~ 媭亄 t Z@鄋敨黿Ol_+坎aOEg | e L
                                    ~& 蹟` 鍣S`
                                                                                       蕲 ┌c ┌ 1
                                                                                                    鄥燆鵒h+珣◘+'迟0↑0 гh¬p」
            Arbitrability▲ Legend User▲LC:\Program Files\Microsoft Office\Templates\Presentation Designs\Blends.pot\D起秀文▲J46▲↑Microsoft PowerPoint@
   x x
-┌┤-┌┌♬$└│ ,55,
                                                                                                                    誜」-
                                                                                      羿┚━┌┚╒┞┇┩┪┪┪┪┪┪┪┪┪┪
                                                                                                        'r """1-21-15$4 8 90908 81-12-
                                                                                                                       ))))¹-├¹-┌¥$└| 8 9 9 8 8¹-┌┤-┌Ŭ
```

┍┧っ┌┰╬└┼╬┼┩┪┪╬┼╗┪╌┌┼─┌┴ 666┚─┌┤─┌╓╬└┥╬┪┩┇┋┇┪╬┦─┌┦─┌┴ 888┚─┌┤─┌╓╬└│╂┇┇┉╗╢╗╢┇┇┩┎┌─┌ :::┤─┤┤─┌╓╬└│┉┉╗┪╗╢┇┉	۲ –
Lr#\$\ldots ===1-\rdots Lr#\$\ldots \rdots \rdots <td< td=""><td></td></td<>	
LLLJ-L ^j -rf\$└ L8L9+9+9+8L8 ^j -rl-r ^{ij} NNN ^j -l ^j -rf\$└ +8+9 A 9 A 8+8 ^j -rl-r ^{ij} QQQ ^j -l ^j -rf\$└ A8 A 9 Y9 ▼8A8 ^j -rl-r ^{ij} SSS ^j -l ^j -	
L└Q\$\ ▲8▲8 9 8\\$9-L\\-L\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	
┍┖╴╶────────────────────────────────────	
r#\$^ &&&9'9'8&&9'-r_#_r\#\$ ddd'-r'-r_#\$^ \8'9(9(8'8'-r_r'-r\#\ff'-r'-r\#\$^ (8(9)9)8(8'-r_r'-r\#\hhh'-r'-r_#\$^)8)9*9*8)8'-r_r'-	
┌└└──────────────────────────────────	£\$ L −8-
9.9.8-8 ¹	zzz -
┌╜──┌┇╬┖┆1819292818┘──┌─────────────────────────────────	- 니 _
- 「	J _
<u>「┌嫦~ 8889999888」- ┌</u> 一- 「	J _
- 「	
	1_
「「「「「「「「「「「「「」」」」」」」。 「「「「「」」」 「「「」」」 「「「」」」 「「」」」 「「」」」 「「」」」 「「」」」 「「」」」 「「」」 「「」」」 「「」」」 「「」」」 「「」」」 「「」」」 「「」」」 「「」」」 「「」」 「「」」」 「「」」」 「「」」」 「「」」」 「「」」」 「「」」」 「「」」」 「「」」」 「「」」」 「「」」 「「」」 「「」」 「「」」」 「「」」」 「「」」」 「「」」」 「「」」」 「「」」 「「」」 「「」」」 「「」」 「「」」」 「「」」」 「「」」 「「」」」 「「」」」 「「」」 「「」」 「「」」 「「」」 「「」」 「「」」 「「」」 「「」」 「「」」 「」」 「「」 「」」 「「」」 「「」 「」	-
L└\\(\Pi\\$\) -\(\rl_1\)	1_
トロ 蘇 - ドー ドレサギ K8K9L9L8K8,-ドー- ト 膊 - ドー ドレサギ L8L9M9M8L8,-ドー- ト の - ドー ト の - ドー ド・ド お - ド゙	1_
rrはよ N8N90908N8,-L	1_
F	
- L- 1845-1/88/08/09/1845-1-1945-1945-1945-1945-1945-1945-1945-	
r 一	
- LLWp, lagaacacagag, - LL - LL	
「「「「「「「「「」」」」」「「「「「」」」」「「「」」」「「」」「「」」「	1
「「元\$! n8n9p9p8n8」- 「	1
接	0 01
	8 8
Chapter 5)
:: Chapter う	
\$ f alionia = .	tratio
Tribunal & Jurisdiction Function of the Tribunal Composition of the Tribunal Al Haddad v. M/S Agapi (171) Tribunal's Authority2Competence—Competence Doc	
(仲裁庭自裁管辖) ↑Heyman v. Darwins (181)!Qualification of the Arbitrators"IBA Ethics for Int' 1 Arbitrators-IBA Duty of Disclosure (4)▼Case for Failure	
Disclosure & CIETAC Disclosure (Art. 25) -IBA Duty of Diligence (7)!Failure in the Duty of Diligence French Case (continued) Confidentiality Duty (IBA-	
#Art.14 ICSID Qualification in China Panel System Composition of the tribunal Jurisdiction of the Tribunal → Challenge to the Arbitrators A Grounds for Ch	
in PRC Decision for Challenge!Immunity Issues for Arbitrators "Practices in China¬Result in Failure in Duty#Worrying Side Welcome Side ← 东总统大酒店案 +	+ ▲ Ē
用的字体 □▲◀演示文稿设计模板 ┗┏▲ 幻灯片标题 ┗▲ _ 銗銡 赵秀文 ◘u歲y 噀 □ □ -●□ 成什◀1 !! ¶ ┗ □ ↑ → □ ▼ **** ()*+, /0123456789:; <=>?	
@ABCDEFGHIJKLMNOPQRSTUVW YZ[\]^_`abcdefghijklmnop rstuvwx z{ }^~ €	

XH0PowerPoint Document(┐□ ┘

Current User→┐┌ q+