

Contents

ABOUT THE EDITORS	xxi
ABOUT THE CONTRIBUTORS	xxiii
PREFACE.....	xxxi
Chapter 1	1
<i>Iura Novit Arbiter in Argentine Arbitration Law</i>	
<i>Julio César Rivera Jr.</i>	
I. Introduction.....	1
II. Annulment Actions: Grounds of Invalidity	2
III. <i>Iura Novit Curia</i> and Annulment Actions Under Argentine Law	4
A. The Violation of the Principle of Congruence as Ground for Annulment and the <i>Iura Novit Curia</i>	4
B. “Essential Procedural Errors” as Ground of Annulment and <i>Iura Novit Curia</i>	7
1. “Essential Procedural Errors” as Ground of Annulment and the Arbitral Tribunal’s Power to Interpret and Construe the Contract According to the Governing Law	8
2. “Essential Procedural Errors” as Ground of Annulment and the Arbitral Tribunals’ Power to Apply the Legal Sources it Deems Applicable	10
3. “Essential Procedural Errors” as Ground of Annulment and the Arbitral Tribunals’ Power to Make its Own Legal Inferences from the Factual Basis that was Proven by the Parties.....	12
IV. <i>Iura Novit Curia</i> in Recognition and Enforcement Actions Under the New York Convention.....	13
V. Conclusion	15
Chapter 2	17
<i>Jura Novit Arbiter in Austria</i>	
<i>Katharina Auernig and Paul Oberhammer</i>	
I. Introduction.....	17
II. Procedural Background in Austria.....	18
III. Definition of the Subject Matter	19

CONTENTS

A.	The Arbitral Tribunal’s Power to Make Its Own Legal Inferences from the Factual Basis that Was Proven by the Parties	19
B.	The Arbitral Tribunal’s Power to Apply the Governing Law to Interpret, Construe, Supplement or Correct the Contract	20
C.	The Arbitral Tribunal’s Power to Apply the Legal Sources It Deems Applicable, Even If They Do Not Belong to the Law Chosen or Pleaded by the Parties	21
D.	The Arbitral Tribunal’s Power to Order, Independently from the Parties’ Pleadings, the Remedies that Follow from the Sources of Law the Arbitral Tribunal Deems Applicable	24
IV.	Express Law Provisions Relevant to <i>Jura Novit Curia</i>	25
A.	Provisions on the Recognition and Enforcement and for the Setting Aside of Awards	25
1.	The Right to Present One’s Case (Article V[1][b] of the NYC; Section of the 611[2][2] Austrian CCP)	26
2.	Excess of Powers (Article V[1][c] of the NYC; Section 611[2][3] of the Austrian CCP)	30
3.	Procedural Irregularity (Article V[1][d] of the NYC)	32
4.	Substantive Public Policy (Article V[2][b] of the NYC; Section of the 611[2][8] Austrian CCP)	33
B.	Setting Aside of Awards According to Section 611(2)(5) of the Austrian CCP for Violations of Procedural Public Policy	34
C.	Other Provisions Potentially Relevant for Questions of <i>Jura Novit Curia</i>	36
1.	The Principle that Each Party Carries the Burden to Prove Its Own Allegations	37
2.	The Arbitral Tribunal’s Power to Request Additional Information	38
3.	The Principle that the Arbitral Tribunal Shall Be Impartial	39
4.	The Arbitral Tribunal’s Position in Case of Default by One Party	40

CONTENTS

D. Institutional Rules and Their Possible Impact on the Application of <i>Jura Novit Arbiter</i>	41
V. The Law as Applied by the Different Actors.....	43
A. Sources Applied to Fill the Gaps or to Guide Application of the Law in the Matter of <i>Jura Novit Curia</i>	43
B. State Court's Perspective on <i>Jura Novit Arbiter</i> (Domestic Award vs. Foreign Award)	44
C. Field of Experience of One or Both Counsel (International Arbitration vs. Domestic Litigation).....	45
D. Context of the Dispute (International Dispute vs. Domestic Dispute)	45
E. Composition of the Arbitral Tribunal (Only Arbitrators of Austrian Nationality vs. More than One Member of the Arbitral Tribunal with Different Nationalities)	46
VI. Conclusion	46
Chapter 3	47
<i>Jura Novit Arbiter under Brazilian law</i>	
<i>Rafael Francisco Alves</i>	
I. Introduction.....	47
II. Express Law Provisions Relevant to <i>Jura Novit Arbiter</i> in Brazil	49
A. Foreign Arbitral Awards and <i>Jura Novit Arbiter</i> in Brazil	52
B. Domestic Arbitral Awards and <i>Jura Novit Arbiter</i> in Brazil	58
1. Excess of Power and <i>Jura Novit Arbiter</i> in Domestic Arbitral Awards in Brazil	60
a) Applicable law and legal sources	60
(i) Applicable law chosen by the parties	61
(ii) Applicable law not chosen by the parties	63
b) Legal basis, legal reasoning and remedies	64
2. Fair Hearing, Procedural Regularity, Adversary Principle and <i>Jura Novit Arbiter</i> in Domestic Arbitral Awards in Brazil	69
3. Brazilian Case Law on <i>Jura Novit Arbiter</i> Regarding Domestic Arbitral Awards	72

CONTENTS

C. Arbitration Rules of Arbitral Institutions that Are Relevant to <i>Jura Novit Arbiter</i>	75
III. The Law as Applied by the Different Actors.....	77
IV. Conclusion	80
Chapter 4	91
<i>Jura Novit Arbiter in Canada</i>	
<i>J. Brian Casey and Shunghyo Kim</i>	
I. Introduction.....	91
II. Recognition and Enforcement Under the New York Convention.....	93
A. Fair Hearing.....	93
B. Procedural Irregularity	95
C. Excess of Power	97
III. Grounds for Invalidity Under the UNCITRAL Model Law	99
A. Fair Hearing	100
B. Procedural Irregularity	103
C. Excess of Jurisdiction.....	104
IV. Implications of Domestic Arbitration Law	105
A. Each Party Carries the Burden of Proving Its Own Allegations	105
B. The Legal Basis for the Tribunal to Request Additional Information.....	107
C. Impartiality	108
D. Default by One Party.....	109
V. Arbitration Rules in Canada	109
A. Institutional Rules	109
1. Burden of Proof	110
2. Power to Request Additional Information	110
3. Impartiality	110
4. Default of a Party.....	111
VI. Additional Sources of Law	111
VII. Application of the Law by Various Actors	111
A. Courts	111
B. Lawyers	112
C. Arbitral Tribunals.....	112
VIII. Conclusion.....	112

CONTENTS

Chapter 5	115
<i>Iura Novit Arbiter in Danish Arbitration Law</i>	
<i>Joseph M. Lookofsky and Clement Salung Petersen</i>	
I. Introduction.....	115
II. Arbitration in Denmark: Sources and Institutions	116
A. International Legislation and the Danish Arbitration Act	116
B. Arbitral Institutions in Denmark	118
III. <i>Iura Novit Arbiter</i> under Danish Arbitration Law	119
A. Grounds for Setting Aside and Refusing Enforcement of an Arbitral Award	119
1. Violation of Due Process	120
2. Excess of Power (<i>ne ultra petitia</i>)	120
3. Procedural Irregularity	121
4. Lack of Arbitrability and Public Policy	121
B. Rules of Conduct in the Danish Arbitration Act	122
1. Due Process Requirements	122
2. The Principle of Party Presentation	123
3. <i>Iura Novit Arbiter</i> and a Fair Hearing	126
4. Applicable Rules of Law	127
5. Conduct of Proceedings	128
6. Default by Respondent.....	129
7. Competence of the Tribunal to Rule on its Jurisdiction.....	129
C. Rules of Danish Arbitral Institutions.....	131
IV. Conclusions.....	132
A. Decisions on the Merits.....	132
B. Decisions on Jurisdiction	133
Chapter 6	135
<i>Iura Novit Arbiter in England and Wales: The Exercise of Arbitral Discretion</i>	
<i>Loukas Mistelis and Metka Potocnik</i>	
I. Introduction.....	135
II. Definition of the Subject-matter	136
III. Legal Sources Relevant to <i>Iura Novit Arbiter</i>	140
A. Relevant Provisions in EAA.....	140
1. Arbitral Tribunal's General Powers and Duties.....	140

CONTENTS

2. Relevant Provisions on Challenge and Enforceability of Arbitral Awards	144
B. Relevant Provisions in LCIA Rules – The Arbitral Institution in London.....	145
IV. Arbitrators' Powers and Discretion – The Application in Practice	147
A. Arbitrators' Decision Making Powers – The Power to Make Independent Investigation as to Fact or Law	147
B. Mandatory Rules – Arbitrators' Duty to Investigate?	158
C. Arbitrators' Jurisdictional Powers – The Power to Interpret, Construe, Supplement or Correct Contracts	160
1. Arbitrator's Duty to Know Precedent.....	160
2. Interpretation of Commercial Contracts – “Gap-Filling” and Correction of Commercial Bargains	162
3. The Power to Award Remedies	163
V. <i>Iura Novit Arbiter</i> as Applied by Different Actors	163
A. The Role of Other Sources	163
B. Practices Developed as the Result of English Sources of Law.....	164
VI. Conclusion	165
Chapter 7	169
<i>Jura Novit Arbiter in France</i>	
<i>Gilles Cuniberti and Nicolina Bordian</i>	
I. Express Law Provisions Relevant to <i>Jura Novit Curia</i>	169
A. 1958 New York Convention.....	169
B. French Arbitration Law	169
1. French Code of Civil Procedure	169
a) Excess of power	170
b) Due process	171
C. Rules on the Conduct of the Proceedings.....	176
1. The Principle that Each Party Carries the Burden to Prove Its Own Allegations	176
2. The AT's Power to Request Additional Information	177
3. The Principle that the AT Shall Be Impartial	177

CONTENTS

4. The AT's Position in Case of Default by One Party	177
D. Arbitration Rules of Arbitral Institutions	178
1. The Arbitration Rules of Two French Arbitral Institutions Include Provisions Relevant to the Principle <i>Jura Novit Curia</i>	178
a) Arbitration Rules of the Chambre Arbitrale Maritime de Paris	178
b) Arbitration Rules of the (French) Association for Arbitration	181
II. The Law as Applied by the Different Actors.....	183
A. Sources Used for Gap Filling or Guidance in Application	183
1. Case Law	185
2. Other Sources.....	185
B. Consistent Behavior when Dealing with Legal Sources	186
Chapter 8	187
<i>Jura Novit Curia</i> in International Commercial Arbitration – The German Perspective	
<i>Burkhard Hess and Leon Marcel Kahl</i>	
I. Introduction.....	187
A. Background and Purpose.....	187
B. Structure and Method	187
II. Definition of the Subject Matter for Comparative Purposes	189
III. Express Law Provisions Relevant to <i>Jura Novit Curia</i>	190
A. Refusing Recognition and Enforcement of the Award under Article V of the 1958 New York Convention	190
1. Fair Hearing, NYC Article V(1)(b) and ZPO Section 1059(2) No. 1(b)	191
a) The ordinary-law standard for German courts under ZPO section 139	192
b) The constitutional standard for arbitral tribunals under Basic Law article 103(1)	193
i To discuss the legal issues of the case with the parties is dispensable except where the arbitral tribunal misdirected them through prior statements.....	193

CONTENTS

ii. The arbitral tribunal must not, without prior notification, focus on legal considerations not to be expected.....	195
2. Procedural Irregularity, NYC Article V(1)(d) and ZPO Section 1059(2) No. 1(d).....	197
a) The burden of proof.....	197
b) The arbitral tribunal's power to request additional information.....	199
c) The impartiality of the arbitral tribunal.....	199
d) The arbitral tribunal's position in case of default ..	202
e) Other rules impacting on the arbitral tribunal's power to develop its own reasoning	203
3. Excess of Power, NYC Article V(1)(c) and ZPO Section 1059(2) No. 1(c)	204
B. Setting Aside an Award under ZPO Section 1059(2)	205
C. Rules on the Conduct of the Proceedings in German Arbitration Law	205
D. The Impact of Arbitration Rules by German Institutions.....	206
1. The Burden of Proof	206
2. The Arbitral Tribunal's Power to Request Additional Information	207
3. The Impartiality of the Arbitral Tribunal.....	208
4. The Arbitral Tribunal's Position in Case of Default	208
5. Other Rules Impacting on the Arbitral Tribunal's Power to Develop its Own Reasoning	209
6. The Influence of Institutional Arbitration Rules Beyond Their Scope of Application	210
a) Court cases	210
b) Arbitration cases.....	211
IV. The Law as Applied by the Different Actors.....	211
A. Additional Sources Used for Gap Filling or Guidance in Application.....	211
1. Court Cases	211
2. Arbitration Cases	212
B. Survey on Consistent Behavior when Dealing with Legal Sources	213
1. The Courts' Behavior	213
2. Different Pleading Techniques	214

CONTENTS

3. Inclination of Arbitral Tribunals to be Guided by Certain Legal Sources Dependent on the Nature of Arbitration Proceedings (Domestic or International).....	214
4. Inclination of Arbitral Tribunals to be Guided by Certain Legal Sources Dependent on the Composition of the Arbitral Tribunal	215
V. Conclusion	215
VI. Annex – Answers to the Survey on Consistent Behavior when Dealing with Legal Sources.....	217
A. Do Lawyers Apply Different Pleading Techniques, Depending on Whether They Are Specialized in International Arbitration or Plead Mainly before Their National Courts?	217
B. Are Arbitral Tribunals More Inclined to be Guided by the Civil Procedure or Private International Law of the Seat of Arbitration When Deciding on Domestic Rather than International Disputes?	220
C. Are Arbitral Tribunals More Inclined to be Guided by International Sources when the AT Consists of More Than One Member with Different Nationalities?.....	222
Chapter 9	225
<i>Iura Novit Curia in Hong Kong Arbitration Law</i>	
Z.J. Jennifer Lim & Nathaniel J. Lai	
I. Introduction.....	225
II. Hong Kong’s Approach to <i>Iura Novit Curia</i> in Arbitration	226
A. The Tribunal’s Inquisitorial Powers.....	227
B. The Requirement of Reasonable, Not Full, Opportunity to Present Cases	228
III. Limits to the Use of <i>Iura Novit Curia</i> in Hong Kong Arbitration.....	230
A. Due Process	231
1. <i>Paklito Investment Limited v. Klockner East Asia Limited</i>	232
2. <i>Apex Tech Investment Ltd. v. Chuang’s Development (China) Ltd.</i>	233
3. <i>Brunswick Bowling & Billiards Corp. v. Shanghai Zhonglu Industrial Co. Ltd.</i>	233

CONTENTS

4. <i>Grand Pacific Holdings Ltd. v. Pacific China Holdings Ltd. (in liq) (No 1)</i>	235
5. <i>Pang Wai Hak v. Hua Yunjian</i>	238
6. <i>X Chartering v. Y</i>	239
7. <i>China Solar Power (Holdings) Ltd. v. ULVAC Inc.</i> ...	240
8. <i>China Property Development (Holdings) Ltd. v. Mandecly Ltd.</i>	242
B. Public Policy	242
C. Excess of Power	243
D. Towards a Coherent Outer Limit on <i>Iura Novit Curia</i> in Hong Kong?	245
IV. Other Rules Relevant to <i>Iura Novit Curia</i> in Hong Kong Arbitration	246
A. General Principles of Hong Kong Civil Procedure	246
B. 2013 HKIAC Administered Arbitration Rules.....	247
1. Evidentiary Issues.....	247
2. Legal Bases for Decision.....	248
V. Conclusion	248
Chapter 10	251
<i>Iura Novit Arbiter in Russian Arbitration Law</i>	
<i>Natalia Gaidenko Schaer, Nalytia Doronina and Natalia Semilyutina</i>	
I. Introduction.....	251
II. Arbitration in Russia: Laws and Institutions after the Reform of 2015.....	252
III. <i>Iura Novit Arbiter</i> in Russian Arbitration Law.....	257
A. Express Law Provisions Relevant to <i>Iura Novit Arbiter</i> ...	257
1. <i>Iura Novit Arbiter</i> and Fair Hearing	257
2. Procedural Irregularity	263
3. Excess of Power.....	266
4. Lack of Arbitrability and Public Policy	271
B. Other Provisions Relevant to <i>Iura Novit Arbiter</i>	274
1. Each Party Carries the Burden to Prove Its Allegations	274
2. The Power of Arbitral Tribunal to Request Additional Information	275
3. Impartiality of the Arbitral Tribunal	276
4. Default by the Defendant.....	278

CONTENTS

C. Rules of Institutional Arbitrations – ICAC Rules (2017).....	280
1. The Principle that Each Party Carries the Burden to Prove Its Own Allegations in ICAC Rules (2017)	280
2. The Arbitral Tribunal’s Power to Request Additional Information in ICAC Rules (2017).....	283
3. Principle of Impartiality of Arbitrators in ICAC Rules (2017)	283
4. The Arbitral Tribunal’s Position in Case of Default by One Party in ICAC Rules (2017)	284
5. The Influence of Arbitral Rules on the Application of Law	285
D. Sources of Law Applied by the Different Actors to Fill the Gaps or to Guide Application of the Law in the Matter of <i>Iura Novit Arbiter</i>	285
IV. Conclusions.....	295
A. Power to Decide on the Merits	295
B. Decisions on the Competence of the Arbitral Tribunal....	296
 Chapter 11	 297
The Incidence of <i>Iura Novit Arbiter</i> in Singapore Arbitration Law	
<i>Koh Swee Yen and Kenny Lau</i>	
I. Introduction.....	297
II. Sources of Arbitration Law in Singapore	298
A. Domestic Legislation.....	298
B. International Conventions	299
III. <i>Iura Novit Arbiter</i> under Singapore Arbitration Law	300
A. Grounds for Setting Aside and Refusing Enforcement of an Arbitral Award	300
1. Fair Hearing/Breach of Natural Justice	301
2. Excess of Jurisdiction/Authority.....	307
3. Procedural Irregularity	310
B. Conduct of the Arbitral Proceedings	312
1. Burden of Proof/Pleadings	312
2. Default by Respondent.....	314
3. General Case Management Powers of the Tribunal	315
4. Rules of the SIAC.....	316
IV. Conclusion	318

CONTENTS

Chapter 12	319
<i>Iura Novit Curia and Commercial Arbitration in Spain</i>	
<i>Pedro A. De Miguel Asensio</i>	
I. Introduction.....	319
II. Legal Framework.....	320
A. International Conventions	320
B. National Statutes	321
1. Arbitration.....	321
2. Civil Procedure	324
3. Application of Foreign Law.....	325
C. Arbitration Rules	327
III. <i>Iura Novit Curia</i> in Civil Proceedings before Ordinary Courts	327
IV. Judicial Review of the Powers of Arbitrators With Regard to Parties' Pleadings: General Trends	330
A. Applicability of <i>Iura Novit Curia</i> to Arbitration.....	330
B. Arbitrators' Power to Determine the Applicable Rules	332
V. Validity and Enforcement of Awards	334
A. Fair Hearing.....	334
B. Procedural Irregularity	339
C. Excess of Power	341
VI. Conduct of Arbitral Proceedings.....	346
A. Burden of Proof.....	346
B. Impartiality	348
C. Default Awards	349
VII. Application of the Law by the Actors Involved.....	350
VIII. Conclusion.....	354
Chapter 13	355
<i>Jura Novit Arbiter in Swedish Arbitration Law</i>	
<i>James Hope and Elisabet Hallberg</i>	
I. Introduction.....	355
II. Arbitration in Sweden: Sources and Institutions	356
A. Some History.....	356
B. Current Swedish Arbitration Legislation	356
C. Arbitral Institutions in Sweden.....	358
III. <i>Jura Novit Arbiter</i> under Swedish Arbitration Law.....	359
A. Grounds for Setting Aside and Refusing Enforcement of an Arbitral Award	359

CONTENTS

B.	Excess of Mandate	362
1.	The Arbitrators' Power to Make Their Own Legal Inferences from the Facts Invoked by the Parties	363
(a)	Arbitrators cannot go beyond the “immediately relevant facts” invoked by the parties	363
(b)	Arbitrators may draw legal inferences from the facts invoked	366
2.	The Arbitrators' Power to Apply the Governing Law to Interpret, Construe, Supplement or Correct the Contract.....	367
3.	The Arbitrators' Power to Apply the Legal Sources That They Deem Applicable, Even if Not Designated or Pleaded by the Parties.....	368
4.	The Arbitrators' Power to Order, Independently From the Parties' Pleadings, Remedies Following from the Sources of Law the Arbitral Tribunal Deems Applicable.....	368
C.	Procedural Irregularity	369
D.	Lack of Arbitrability and Public Policy	370
E.	Rules of Due Process under the Swedish Arbitration Act	371
F.	<i>Jura Novit Arbiter</i> and the Requirement for a Fair Hearing	372
G.	Applicable Rules of Law	372
H.	Default by Respondent	373
I.	Competence of the Arbitral Tribunal to Rule on its Jurisdiction	373
IV.	Conclusions.....	374
A.	Decisions on the Merits.....	374
B.	Decisions on Jurisdiction	375
Chapter 14	377	
<i>Iura Novit Arbiter</i> in Swiss Arbitration Law		
Andrea Bonomi and David Bochatay		
I.	Introduction.....	377
II.	The Principle <i>Iura Novit Arbiter</i> under Swiss Law	378
A.	<i>Iura Novit Arbiter</i> in Swiss Arbitration Law.....	378
B.	Legal Basis	378
1.	Absence of an Express Legal Basis	378

CONTENTS

a) Swiss arbitration law	378
b) Arbitration rules	380
2. The Implicit <i>Iura Novit Arbiter</i> Principle	380
a) <i>Iura novit curia</i> in Swiss Court Proceedings.....	381
b) Analogy to state court proceedings	382
C. The Meaning of <i>Iura Novit Arbiter</i>	382
1. The Powers of the Arbitral Tribunal.....	382
a) Legal qualification of the facts.....	382
b) Construction of the contract	384
c) Choice-of-law.....	384
d) Remedies not pleaded by the parties	386
2. A Duty of the Arbitral Tribunal?	386
a) Is the arbitral tribunal under a duty to apply the applicable law <i>ex officio</i> ?	386
b) Does the alleged duty belong to procedural public policy?	387
III. Limits to <i>Iura Novit Arbiter</i>	387
A. Grounds for Setting Aside an Arbitral Award.....	388
1. The Right to Be Heard	388
2. <i>Ne Eat Judex Ultra Petita Partium</i>	393
3. Equal Treatment.....	394
4. Lack of Jurisdiction	394
B. Grounds for Refusing Recognition and Enforcement of a Foreign Arbitral Award.....	395
1. Fair Hearing (Article V(1)(b) of the NYC).....	395
2. Procedural Irregularity (Article V(1)(d) of the NYC)	396
3. Excess of Power (Article V(1)(c) of the NYC)	397
C. Rules on the Conduct of Proceedings.....	397
1. The Right of the Parties to Agree on the Conduct of Proceedings	397
2. The Power of the Arbitral Tribunal to Rule on the Conduct of Proceedings	397
3. Rules on the Burden of Proof	398
4. The Arbitral Tribunal's Power to Request Additional Information	398
5. Default	399
6. Law Applicable to the Merits	400
IV. Conclusion	401

CONTENTS

Chapter 15	403
<i>Jura Novit Arbiter in the United States</i>	
Aaron D. Simowitz	
I. Introduction.....	403
II. <i>Jura Novit Curia</i> and U.S. Courts.....	404
III. <i>Jura Novit Arbiter</i> and the New York Convention.....	409
A. Fair Hearing (Article V(1)(b)).....	409
B. Excess of Power (Article V(1)(c)).....	411
C. Procedural Irregularity (Article V(1)(d))	417
IV. <i>Jura Novit Arbiter</i> and U.S. Arbitration Law	419
A. The Federal Arbitration Act	419
B. The Arbitration Laws of the United States.....	419
V. <i>Jura Novit Arbiter</i> and Impartiality under U.S. Law	421
VI. <i>Jura Novit Arbiter</i> and Institutional Rules.....	422
VII. Conclusion	423
Chapter 16	425
<i>Iura Novit Curia in International Law</i>	
Friedrich Rosenfeld	
I. Introduction.....	425
II. A Broad Range of International Adjudicators Have Applied the Principle <i>Iura Novit Curia</i>	428
III. <i>Iura Novit Curia</i> Has Multiple Uses.....	433
A. Identification of Relevant Sources of Law.....	433
B. The Interpretation of the Law.....	437
C. The Establishment of the Relevant Facts as Submitted by the Parties	440
D. The Application of the Law to the Facts	441
IV. <i>Iura Novit Curia</i> Is Subject to Limitations	446
A. Limitations Concerning the Sources of Law	446
1. Municipal Law.....	446
2. Customary International Law	449
B. Procedural Limitations	450
1. The Parties' Right to Be Heard.....	451
2. <i>Ne Ultra Petita</i>	453
V. Normative Assessment	456
A. Party-centric Paradigm of International Adjudication	456

CONTENTS

B. Polycentric Paradigm of Adjudication	459
C. Conclusion.....	461
Chapter 17	463
General Report on <i>Jura Novit Arbitrator</i>	
<i>Giuditta Cordero-Moss</i>	
I. Introduction.....	463
II. The Framework.....	465
III. The Questionnaire.....	467
IV. Analysis of the Reports.....	472
V. Comments	474
VI. Conclusion	480
QUESTIONNAIRE	481
INDEX	489