

# Kluwer Arbitration Blog

## Recent Updates by the ICCA Handbook: A Throwback to 2023

Lise Bosman (International Council for Commercial Arbitration) · Friday, December 22nd, 2023

2023 was a bustling year for the [International Council for Commercial Arbitration \(ICCA\)](#) and the field of international arbitration worldwide, marked by significant legal developments and institutional reforms. Reflecting on these strides, today's post provides a retrospective of some of the most relevant updates from the [2023 ICCA Handbook](#) – a multi-jurisdictional collection of commentary and legislation on arbitration, mediation and ISDS.

These updates, which serve as a testament to the evolving nature of international arbitration, are readily accessible for legal professionals, scholars, and enthusiasts through the [Kluwer Arbitration database](#).

### **India: Framework Revisions Underway**

Fali S. Nariman's National Report for [India](#) provides an insightful overview of recent amendments to the Arbitration and Conciliation Act. These changes significantly influence the process of accrediting arbitrators and the enforcement of arbitral awards. The Report also highlights the Indian Council of Arbitration's introduction of new rules in 2022 and discusses the 2023 initiative towards reforming the Indian international arbitration framework. This initiative, particularly aimed at minimizing court involvement in arbitration proceedings, marks a notable step towards streamlining the arbitration process in India.

### **Pakistan: New Laws and Centers**

In her comprehensive report on [Pakistan](#), Nudrat Piracha casts a spotlight on the recent advancements in the field of alternative dispute resolution. The Report delves into the introduction of new arbitration laws at the regional level, the establishment of dedicated arbitration centers, and a draft bill that seeks alignment with the standards of the UN Model Law. Additionally, Piracha's analysis covers strides made in mediation, particularly emphasizing the establishment of new mediation centers, reflecting Pakistan's commitment to enhancing its dispute resolution infrastructure.

### **Australia: A Pro-Arbitration Shift**

Dr. Michael Pryles' National Report for [Australia](#) presents a thorough analysis of the 2021 amendments to the ACICA arbitration rules. It examines recent case law, focusing on the interpretation and validity of arbitration clauses, court referrals to arbitration, the arbitrability of claims, and anti-suit injunctions. The Report also delves into how impartiality and independence are determined for arbitrators. A key highlight is the exploration of a 'constrained, pro-arbitration approach' in recent decisions, particularly regarding interim measures, enforcement of arbitral

awards, and foreign state immunity. Additionally, it touches upon the significant shifts in Australia's ISDS practices, signaling an evolution in the nation's approach to arbitration.

### **Bulgaria: Advances and Prospects**

The [Bulgarian](#) National Report, authored by Assen Alexiev, covers recent case law and outlines the substantial 2023 amendments to the Law on Mediation, set to be effective from 1 July 2024. Alexiev highlights several positive legal developments, notably in arbitration practice. He points out that Bulgarian courts have relaxed the requirements for concluding an arbitration agreement within a contract, eliminating the necessity for an explicit power of attorney. Furthermore, there is a growing judicial inclination to consider the assignee of receivables as a party to the arbitration agreement, reflecting a more flexible approach in Bulgarian arbitration law.

### **Egypt: Strides in Arbitration and Investment Protection**

In their report on [Egypt](#), Prof Mohamed Abdel Wahab and Noha Khaled provide an in-depth analysis of recent case law developments, particularly focusing on the independence and impartiality of arbitrators, with reference to the IBA Guidelines on Conflict of Interest in International Arbitration. They also discuss the increasing use of online hearings and the timely rendering of arbitral awards, along with the criteria for setting aside these awards. The report highlights the CRCICA's adoption of its inaugural Dispute Board Rules and examines recent changes in national investment protection laws. Additionally, it points to potential future amendments in Egyptian arbitration legislation, currently under review by a government commission established in March 2022. The authors emphasize the significance of these developments for both Egypt and the broader MENA region, acknowledging the influential role of Egyptian law and practice in the area.

### **United States: Key Decisions and Transition in Dispute Resolution**

The updated [United States](#) National Report by Catherine Amirfar, Natalie Reid, and Ina Popova includes a critical 2022 U.S. Supreme Court decision that delineates the boundaries of U.S.-style discovery in international arbitration cases. The report also provides a comprehensive guide on the transition in dispute resolution mechanisms from the North American Free Trade Agreement (NAFTA) to the newly established United States-Mexico-Canada Agreement (USMCA).

The 2023 ICCA Handbook updates and additions underscore the ongoing global efforts to refine and enhance dispute resolution mechanisms.


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