




NATIONAL LAW UNIVERSITY, JODHPUR

THE 2ND GARY B. BORN ESSAY COMPETITION ON INTERNATIONAL ARBITRATION, 2017

THEMES:

- I. DUE PROCESS 'PARANOIA' IN INTERNATIONAL ARBITRATION
- II. REFORMING ICSID ARBITRATION: CHALLENGES AND THE WAY FORWARD
- III. INTERNATIONALLY MANDATORY RULES AND THE ENFORCEMENT OF ARBITRATION AGREEMENTS

Organised by:

 **IJAL**
Indian Journal *of* Arbitration Law

and



CENTRE FOR ADVANCED RESEARCH
& TRAINING IN **ARBITRATION LAW**

ABOUT NATIONAL LAW UNIVERSITY, JODHPUR

National Law University, Jodhpur ('NLUJ') is one of India's premier law schools, situated in the vibrant and colourful city of Jodhpur, Rajasthan. It was established in 1999 as part of a vision of excellence in legal education through innovative methods of learning and focus on interdisciplinary studies.

The University offers two unique five year integrated undergraduate programs, B.B.A., LL.B.(Hons.) and B.A., LL.B.(Hons.). These integrated programs include highly demanding honors courses in various facets of law such as Constitutional Law, Business Law, International Trade Law, Criminal Law, and Intellectual Property Rights Law. The University also offers one year LL.M. programs in Corporate Laws, IPR and Technology Laws, International Trade Laws, Banking and Finance, and Cyber Law and LL.D., and Ph.D. programs.

The diverse student body consists of some of the most meritorious students from the country, selected on the basis of a competitive entrance examination. The teaching faculty comprises both young and experienced academicians who have received their education at leading universities in India and have contributed to India's growing body of legal academia. In addition, scholars from leading international universities consistently visit the University on research and teaching assignments.

ABOUT IJAL

The Indian Journal of Arbitration Law ('IJAL') is a bi-annual, open-access, student-run journal published by the Centre for Advanced Research and Training in Arbitration Law (CARTAL). IJAL is widely recognized as the leading Indian dispute resolution journal and an excellent source of reference in the field. IJAL's Board of Advisers consists of some of the preeminent authorities in international arbitration including Mr. Alexis Mourre, Prof. Emmanuel Gaillard, Prof. Gabrielle Kaufmann-Kohler, Mr. Gary B. Born, Prof. Martin Hunter, and Prof. W. Michael Reisman.

While the 'Indian' in the name of the journal indicates the source of publication, the journal itself has consistently focussed on topics of global interest and relevance. Each issue of IJAL endeavours to cover a wide range of transnational debates and developments in international commercial arbitration and investment treaty arbitration. IJAL has successfully published five volumes and continues to host contributions from globally renowned experts. To promote free dissemination of

knowledge and empowerment, the journal follows an open-access policy. All the articles from the journal's archives can be accessed [here](#). At the same time, IJAL is available on widely-used online legal databases such as Kluwer Arbitration, HeinOnline and Westlaw.

ABOUT CARTAL

The Centre for Advanced Research & Training in Arbitration Law (CARTAL) is one of the various centres set up by National Law University, Jodhpur to promote research and scholarship in specialized fields of law. CARTAL seeks to empower students with a theoretical and practical understanding of arbitration.

The Centre provides a platform for academicians, professionals and students to interact and discuss contemporary issues in arbitration law. The mandate of the Centre is achieved by the organization of workshops, conferences and guest lectures to facilitate the understanding of such issues.

In October 2016, CARTAL, in association with Baker McKenzie, organised the 1st CARTAL Conference on International Arbitration. The Conference was institutionally supported by ICC, SIAC, HKIAC, MCIA and CI Arb. The Society of Indian Law Firms was the principal sponsor. This conference addressed themes including developments in international investment arbitration, transparency and confidentiality concerns in arbitration, institutional arbitration in India and the overhaul of India's arbitration law. CARTAL has also organised several lectures, workshops and round table discussions in the past and continues to do so with regular frequency. Further details regarding CARTAL and its activities are available [here](#).

ABOUT THE ESSAY COMPETITION

The essay competition has been conceived to encourage law students to explore forward-looking issues in international arbitration. In 2016, CARTAL successfully conducted the 1st edition of the Gary B. Born Essay Competition on the themes of prospects of a bilateral arbitration treaty, desirability of arbitration of public law claims, and a ten year review of the UNCITRAL Model Law on International Arbitration. The themes of the second edition of the competition aim to foster research on some of the contemporary developments in international arbitration.

Due process 'paranoia' is now emerging as a significant concern among scholars in international arbitration. Under this theme, participants may examine issues including but not limited to, the use

and misuse of due process, the blurring of the line between procedure and the excessive notions of due process, and potential implications of this excessive attention to process.

In the context of the fourth rules amendment process initiated by ICSID in October 2016, the second theme facilitates a study of the issues and challenges in the ISDS mechanism under the Convention to prepare a roadmap for future development. The participants are encouraged to explore these issues keeping in mind the developments of over fifty years of the Convention and sub-themes such as the functionality of the mechanism, conflicting interpretations of its provisions, and recognition and enforcement of ICSID arbitral awards. The participants may choose to highlight any particular deficiency and suggest reforms, explore a range of possible reforms, or study alternatives to the ISDS system under the ICSID.

Internationally mandatory rules affect the enforcement of arbitration agreements and can create conflicts between state and party interests. Under the third theme, participants may consider issues including public policy concerns that underlie international mandatory rules, the impact of these rules on party autonomy, and the effects of internationally mandatory rules on the growing scope of arbitrability. Participants may also explore the effects of these rules on the enforcement of arbitral awards.

The competition has the gracious support and patronage of Mr. Gary B. Born, who is the chair of the International Arbitration Practice Group of WilmerHale. Mr. Born is also the President of the Singapore International Arbitration Centre's Court of Arbitration and is widely regarded as the world's preeminent authority on international arbitration. He has participated in more than six hundred international arbitrations, including four of the largest ICC arbitrations and several of the most significant ad hoc arbitrations in recent history.

RULES OF THE COMPETITION

- There is no registration fee for the competition.
- The competition is open to all students enrolled in an undergraduate or post graduate programme in law (B.C.L., J.D., LL.B., LL.M. or their local equivalent) in any recognised university across the world. Students who have completed an above mentioned programme or their equivalent in 2017, and post graduate students who are selected for, and will be enrolled in any such programme for 2017-2018 are also eligible to participate.

- To participate in the competition, interested students must e-mail a copy of their completed essays to editors@ijal.in by **2359 hours on August 31, 2017** (Indian Standard Time, GMT+5:30). Late submissions shall not be accepted under any circumstances whatsoever.
- No part of the essay should contain any form of identification of the participant, and any such information, if detected, would lead to disqualification.

SUBMISSION GUIDELINES

- The essay must be submitted in Microsoft Word document format (.doc/.docx).
- The essay must contain an Abstract, not exceeding 250 words. The abstract must indicate the theme chosen.
- A participant can submit an entry for one theme only.
- Co-authorship is not permitted.
- The word limit is 4500 – 6500 words including footnotes. Essays exceeding the maximum word limit will be penalised.
- The essay must be accompanied by a separate document containing the following information about the participant:
 - Full name of the participant
 - Theme chosen
 - Participant’s current year of study and name of the degree pursued
 - Name and full address of the participant’s university
 - Name and full postal address of the participant
 - Phone number of the participant
 - E-mail ID of the participant
- The essay must be original and bona fide work of the participant.
- By entering the competition, the participants agree to indemnify the organisers from and against all claims, suits and damages based on any claim of copyright infringement or plagiarism or unauthorised use.
- The essay shall be considered to be property of NLUJ, which reserves the right of publication of the same in any book, journal, or in any other manner as it may deem appropriate, without providing any royalty or compensation.

- The essay should not be submitted for any other competition and/or for any other purposes. Any further publication after declaration of results shall only be pursued after express permission from the organisers.
- The essay must be written in English.
- Footnotes must follow *The Bluebook: A Uniform System of Citation* (Harvard, 20th Edition).

PRIZES

- First Prize**
- Cash prize of USD 250,
 - Letter of Appreciation from Mr. Gary B. Born,
 - Signed copy of a book authored by Mr. Born, and
 - An opportunity of publication in the next issue of IJAL.
- Second Prize**
- Cash prize of USD 125,
 - Letter of Appreciation from Mr. Gary B. Born, and
 - An opportunity of publication in the next issue of IJAL.
- Third Prize**
- Cash prize of USD 75,
 - Letter of Appreciation from Mr. Gary B. Born, and
 - An opportunity of publication in the next issue of IJAL.

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