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International Arbitration Discourse and Practices in Asia. Bhatia, V. (Ed.), Gotti, M. (Ed.), Hashim, A. (Ed.), Koh, P. (Ed.), Rajoo, S. (Ed.). (2018).

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International business exchanges between and with Asian countries have increased enormously over the last few years. As a natural consequence, this has brought about an increasing number of trade disputes that are being resolved through arbitration as an effective alternative to more expensive litigation. This volume offers a variety of perspectives on this important international dispute resolution practice in Asia. Essentially interdisciplinary in approach, it brings together specialists in law, international commercial arbitration and discourse analysis. The contributing authors include practitioners as well as academics. Together they explore the interrelations between discourses and practices in the field of arbitration in Asia. The work also investigates the extent to which the integrity of arbitration principles, typical of international commercial arbitration practice, is maintained in various Asian contexts. The

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authors focus particularly on arbitration norms and practices as they are influenced by local juridical, cultural and linguistic factors. The book will be a valuable resource for academics and practitioners working in the areas of arbitration and dispute resolution, as well as researchers with an interest in language, communication and discourse analysis.

It is increasingly held that international commercial arbitration is becoming colonized by litigation. This book addresses, in a range of ways and from various locations and sites, those aspects of arbitration practice that are considered crucial for its integrity as an institution and its independence as a professional practice. The chapters offer multiple perspectives on the major issues in play, highlighting challenges facing the institution of arbitration, and identifying opportunities available for its development as an institution. The evidence of arbitration practice presented is set against the background of practitioner perceptions and experience from more than 20 countries. The volume will serve as a useful resource for all scholars and practitioners interested in the institution of arbitration and its professional practices.

This volume focuses on arbitration awards as a discursive genre and draws on the results of research on the discourses of international commercial arbitration conducted within the framework of an international project ("International Commercial Arbitration Practices: A Discourse Analytical Study") setting out to explore the hypothesis that, as suggested in recent times by various scholars, arbitration practice, procedures and discourses are being increasingly contaminated by litigation, thus compromising the integrity of arbitration principles. The genre investigated is especially interesting in this respect, as arbitration awards represent the final textual outcome of arbitration proceedings. The various chapters of the book, based on the analysis of different international corpora of arbitration awards in various languages (English, French, Italian, Spanish and Chinese), attack the same theme, investigating different aspects of the discursive construction of awards, with a view to identifying any elements of interdiscursivity that may provide evidence for or against the main hypothesis. The discussion of these issues also has theoretical relevance, as it provides interesting insights into the mechanisms that preside over the contamination and hybridization among genres in professional practice.

This book fills a gap in legal academic study and practice in International Commercial Arbitration (ICA) by offering an in-depth analysis on legal discourse and interpretation. Written by a specialist in international business law, arbitration and legal theory, it examines the discursive framework of arbitral proceedings, through an exploration of the unique status of arbitration as a legal and semiotic phenomenon. Historical and contemporary aspects of legal discourse and interpretation are considered, as well as developments in the field of discourse analysis in ICA. A section is devoted to institutional and structural determinants of legal discourse in ICA in which ad hoc and institutional forms are examined. The book also deals with functional aspects of legal interpretation in arbitral discourse, focusing on interpretative standards, methods and considerations in decision-making in ICA. The comparative examinations of existing legal framework and case law reflect the international nature of the subject and the book will be of value to both academic and professional readers.

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This volume provides descriptive and interpretive insights into the 'living' usage of language and other semiotic modes in building and performing the law across academic, professional and institutional contexts, where issues arise from the meaning and function of legal texts, discourse and genre in constituting and enabling conventions, albeit dynamically, and account for the socially and (inter)culturally influenced forms of discursive actions and practices. The twenty contributions included here weave significant contexts and situations for legal discourse and practice into a tight thread, and justify selected topic areas through a variety of approaches, frameworks, methodologies, and procedures. As such, this publication is multidimensional and multiperspectival in its design and implementation of key issues confronting discursive actions and practices of the law, and provides an invaluable resource for academics in a wider range of disciplines, including linguistics, applied linguistics and communication studies. It will also be of interest to students of interdisciplinary discourse analysis.

This volume presents some of the findings from a project on various aspects of Alternative Dispute Resolution (ADR), including conciliation, mediation, and arbitration. To study the discursive practices of ADR today, an international initiative has been undertaken by a group of specialists in discourse analysis, law, and arbitration from more than twenty countries. The chapters in this volume draw on discourse-based data (narrative, documentary and interactional) to investigate the extent to which the 'integrity' of ADR principles is maintained in practice, and to what extent there is an increasing level of influence from litigative processes and procedures. The primary evidence for such practices comes from textual and discourse-based studies, ethnographic observations, and narratives of experience on the part of experts in the field, as well as on the part of some of the major corporate stakeholders drawn from commercial sectors.

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