

D O S S I E R S
ICC Institute of World Business Law

Addressing Issues of Corruption In Commercial and Investment Arbitration

Contents

Foreword	
Yves Derains.....	5
Introduction: Definitions and Scope of the Topic	
Domitille Baizeau	9
Introduction: Définitions et portée des enjeux	
Domitille Baizeau	13
Chapter	
1 Yas Banifatemi	
The Impact of Corruption on “Gateway Issues” of Arbitrability, Jurisdiction, Admissibility and Procedural Issues	16
2 Aloysius P. Llamzon	
On Corruption’s Peremptory Treatment in International Arbitration	32
3 Hiroyuki Tezuka	
Corruption Issues in the Jurisdictional Phase of Investment Arbitrations	51
4 Vladimir Khvalei	
Standards of Proof for Allegations of Corruption in International Arbitration ..	69
5 Andrea J. Menaker and Brody K. Greenwald	
Proving Corruption in International Arbitration	77
6 Sébastien Besson	
Corruption and Arbitration.....	103
7 Nassib G. Ziadé	
Addressing Allegations and Findings of Corruption	114
8 Thomas K. Sprange QC	
Corruption in Arbitration.....	134
9 Edoardo Marcenaro	
Arbitrators’ Investigative and Reporting Rights and Duties on Corruption	141
10 Matthew Gearing QC and Roanna Kwong	
The Common Law Consequences and Effects of Allegations or a Positive Finding of Corruption	158
11 Juan Fernández-Armesto	
The Effects of a Positive Finding of Corruption	167
12 Sophie Nappert	
Raising Corruption as a Defence in Investment Arbitration.....	175
13 Carita Wallgren-Lindholm	
Consequences and Effects of Allegations or of a Positive Finding of Corruption	184

Concluding Remarks: Corruption and International Arbitration
Richard Kreindler 187

Contributors..... 194

Index 203

Cases..... 209

The ICC Institute of World Business Law..... 214

ICC Dispute Resolution Publications..... 215

ICC at a glance..... 219