

FOREWORD

DELOS GUIDE TO ARBITRATION PLACES (GAP)

FOREWORD

It is a great pleasure to write the foreword to the DELOS Guide to Arbitration Places (GAP). The GAP is a comprehensive, comparative study on arbitration places around the globe: developed as a user-friendly guide providing in-house counsel, corporate lawyers, and arbitration practitioners with practical and effective insight into selecting arbitral seats and conducting arbitral proceedings.

Each of the 54 chapters in the GAP provides an in-depth analysis into a different jurisdiction, including all major arbitral seats throughout the world. The analytical framework for this ambitious study, which is described in more detail in the [methodology section](#), consists of two steps. First, leading law firms in the various jurisdictions dedicated their time to researching and drafting chapters on their respective jurisdictions. Second, after the initial drafting process, “experienced young practitioners” (EYPs) provided editorial review of the chapters to ensure the accuracy of the material reported, and also a neutral and objective outlook on the assessment provided.

Each chapter is divided into three sections which familiarize different GAP users with the legal framework of each jurisdiction. The first section presents in-house and corporate counsel with key features of the jurisdiction, including: applicable confidentiality standards, local counsel requirements, attitudes toward present party employee witness testimony, key venues, and costs. The second and third sections are directed towards arbitration practitioners. The second section summarizes the idiosyncrasies of the jurisdiction, providing practitioners with insight into crucial features such as: existence of specialized courts, availability of *ex parte* pre-arbitration interim measures, and the local courts’ attitude towards fundamental arbitral principles. The third section provides in-depth analyses on key issues affecting the arbitration regime of the jurisdiction, including the relevant arbitration law and recent developments.

The GAP also advances the innovative concept of a “DELOS safe seat.” The goal of the safe seat designation is to assist corporate counsel and arbitration practitioners in selecting fair, efficient, and cost-effective places of arbitration. Whether a jurisdiction qualifies as a safe seat is based on six criteria including its (i) domestic legislation, (ii) judiciary, (iii) legal expertise, (iv) rights of representation, (v) accessibility and safety, and (vi) ethics. In a carefully designed process that is detailed in the [methodology section](#), the participating law firms and EYPs designated traffic lights to each criterion. A “green” traffic light represents a positive review and a “yellow” traffic light indicates caution, while a “red” traffic light denotes an area with major difficulties. These designations highlighting each jurisdiction’s advantages and disadvantages, along with the GAP’s list of safe seats, serve as a practical and useful reference for users of arbitration.

The GAP was produced to further the overall objective of DELOS to create a more time and cost effective international arbitration community and to provide arbitration practitioners, in-house counsel, and corporate lawyers with further insight into the practice of arbitration.

In seeing the GAP published, I would also like to express my deep gratitude to the late David D. Caron with whom I had the honor to co-chair this guide. His thought leadership, innovative ideas, and second-to-none knowledge in the field have shaped the GAP in many important ways.

Maxi Scherer
June 2018