



**NATIONAL LAW UNIVERSITY, JODHPUR**

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**THE GARY B. BORN  
NATIONAL ESSAY WRITING COMPETITION ON INTERNATIONAL  
ARBITRATION, 2016**

**THEMES:**

- a. THE “BORN” BILATERAL ARBITRATION TREATY PROPOSAL: THE WAY FORWARD.
- b. PRIVATISATION OF “JUSTICE DELIVERY”: DESIRABILITY AND PROPRIETY OF ARBITRATING PUBLIC LAW CLAIMS.
- c. THE UNCITRAL MODEL LAW : SUGGESTIONS FOR A SECOND AMENDMENT / 10 YEAR REVIEW OF THE UNCITRAL MODEL LAW.

**ORGANIZED BY:**



**Indian Journal *of* Arbitration Law**



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

## ABOUT NATIONAL LAW UNIVERSITY, JODHPUR

National Law University, Jodhpur [“NLUJ”] is one of India’s leading law schools. The University is a bold experiment in the sense that it is truly multidisciplinary. It endeavors to make a holistic effort to develop legal professional skills par excellence. Since its establishment, the University has endeavored to produce exceptional lawyers, and has aimed at challenging and pushing the existing boundaries of knowledge.

Keeping this objective of multidisciplinary holistic education in view and the growing needs of legal profession in the global context, various undergraduate, postgraduate, training courses and research programs have been designed in the University. The University takes the Bar Council directed mandatory subjects as the base and designs courses suitable for two undergraduate streams, namely: arts (B.A.) and business administration (B.B.A.).The University has designed its teaching method on various methodologies of teaching & learning process including co-operative teaching, case studies, lecture demonstration, group discussions, and self-conducted research.

Not only has the University excelled in traditional legal education, it also inculcates an innovative, hands-on approach to the study of emerging fields of legal discourse. One of the premier law universities of India, National Law University, Jodhpur, has undertaken consistent efforts to promote thinking, research and writing in the field of arbitration and its development, in both the international as well as Indian sphere.

### 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 advisory Board of the Centre is headed by Honorary Chairperson Prof. Martin Hunter, and includes Alexis Mourre, Emmanuel Gaillard, Fali S. Nariman, Gabrielle Kaufmann-Kohler, Gary B. Born, Lakshmi Jambholkar, Loukas Mistelis, Promod Nair, S.K. Dholakia and W. Michael Reisman.

The Centre provides a platform for academicians, professionals and students to interact and discuss contemporary issues of 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 the past, these initiatives have allowed students to interact with experienced persons in the field, such as Professor

Martin Hunter and Professor Mark Wu, among others. These lectures covered a wide range of topics related to international commercial arbitration, investment treaty arbitration, as well as the domestic laws governing arbitration. The Centre also publishes the Indian Journal of Arbitration Law (“IJAL”), which is a bi-annual, open-access student-run journal. IJAL strives to combine theoretical aspects of arbitration with their practical relevance. This is achieved by including contributions from individuals with varied expertise in arbitration, whilst giving due importance to the work of academicians and students, who contribute innovative academic research. The journal endeavours to cover a wide range of contemporary issues in the field of arbitration. At the same time, the journal has also had theme-specific issues in the past, to explore the developments in a particular area in depth; such issues have focussed on investment treaty arbitration, development of Asian centres of arbitration and revisiting the Model Law

### **ABOUT THE ESSAY COMPETITION**

With the increasing use of arbitration, especially in the sphere of commercial dispute resolution, it is but only apt and timely to encourage research and study in this area. As a wholly consensual dispute resolution mechanism, distinct from the public justice system embodied by national courts and most often shrouded by confidentiality, arbitration is has been rightly described as a privatised system of law. Therefore, its use in addressing claims arising from investment disputes, that with more often not, necessarily involve public law issues, has been continually seen with suspicion. However, this suspicion has not marred its popularity and in fact, it is this that led to Mr. Born and his team at Wilmer Cutler Pickering Hale and Dorr LLP, proposing the Bilateral Arbitration Treaty - “BAT”. The focus of this proposal is on bilateral treaties which would provide for international arbitration, under the UNCITRAL Rules, as a default mechanism for resolution of international commercial disputes between corporate parties.

This competition seeks to encourage law students to study the feasibility of the BAT Model, and address continuing concerns of the desirability of arbitration of public law claims, and whether the UNCITRAL Model Law can thereby be re-amended, keeping in mind the developments of the last decade. The competition has the gracious support and patronage of Mr. Gary B. Born himself, who is currently also the President of the Singapore International Arbitration Centre’s Court of Arbitration and an expert in international arbitration in his own right, having participated in more than 600 international arbitrations, including four of the largest ICC arbitrations and several of the most significant ad hoc arbitrations in recent history. He is consistently ranked as one of the leading practitioners in the field. He is also one of the only three lawyers in the world to hold the global “starred” status in Chambers’ rankings.

## RULES OF THE COMPETITION

- There is no registration fee for the competition.
- The competition is only open for students enrolled in a 5 year integrated undergraduate law degree programme or a 3 year LL.B. degree programme, recognized by the Bar Council of India.
- To participate in the competition, interested students shall submit a soft copy of their completed essay **on or before July 31, 2016, 23:55hrs** at [editors@ijal.in](mailto:editors@ijal.in). Late submissions shall not be accepted under any circumstances whatsoever.
- No hard copy submissions are required.
- No part of the essay should contain any form of identification of the participant, and any such information if found would lead to disqualification.

## SUBMISSION GUIDELINES

- The essay must be submitted in MS Word format **only**.
- The essay must contain an Abstract, not exceeding the limit of 250 words, wherein the keywords are mentioned and the tentative conclusions are set out. It must also clearly indicate the theme chosen for the essay.
- One participant can submit an entry for **one theme only**.
- Co-authorship is **not permitted**.
- The essays must not exceed a total of 7000 words (Excluding footnotes. However descriptive footnotes and substantive text in the footnotes is **not permitted**).
- The essay must be sent along with a **separate document (as a separate MS Word document)** containing the following information about the author:
  - Full Name
  - Theme chosen
  - Current year of study
  - Name and Full Address of Law School/University
  - Name and Full Postal Address of Author

- Phone Number of University
  - Phone Number of Author
  - E-mail id of Author
- All submissions must be original and *bona fide* work of the participants.
  - The contestants by entering in the competition 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.
  - All entries shall be considered to be the property of NLUJ for, which NLUJ also 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 has been sought from the organisers.
  - Font type should be **Times New Roman** and Font Size should be **12 pt.** for the text and **10pt.** for the footnotes.
  - Line spacing should be **1.5** for the main text and **1.0** for the footnotes.
  - Footnotes must follow *The Bluebook: A Uniform System of Citation* (Harvard, 19th Edition) throughout.

### ESSAY JUDGEMENT

- The essay shall be judged by a panel of two experts, via a blind review mechanism.
- The decision of the panel with regards to evaluation of the essay shall be final.
- The essay shall be marked on the following criteria:

Criterion	Marks
Originality of idea in content	20
Quality of research	25
Argumentation	35
Use of Authorities and Conformity with Citation style	10
Overall Presentation	10
Total	100

- In case of exceeded word limit there will be a penalty of 2 marks [-2]. The scheme that shall be followed will be thus:
- For the first 50 words : -2
  - For the next 50 words: - 4
  - For the following 50 words: - 6
- [...and so on and so forth]

### **PRIZES**

The top three essays shall be conferred with, ‘Cash Prizes’, ‘Letter of Appreciation from Mr. Born’ and ‘an opportunity of publication in the next IJAL Issue’. All the participants will be awarded “Certificate of Participation”. The details of prizes are mentioned herein below:

1.	First Prize	Rs. 10000/-, opportunity of publication in the next IJAL Issue , Letter of Appreciation from Mr. Gary B. Born and a copy of the latest book authored by Mr. Born.
2.	Second Prize	Rs. 7500/- , opportunity of publication in the next IJAL Issue and a Letter of Appreciation from Mr. Gary B. Born.
3.	Third Prize	Rs. 5000/- , opportunity of publication in the next IJAL Issue and a Letter of Appreciation from Mr. Gary B. Born.

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