

# SETTLEMENT IN ARBITRATION: THE CHANGING ROLE OF ARBITRATORS

Patricia Shaughnessy

Selected materials referred to in the Delos Tagtime Webinar, June 2, 2021

Klaus Peter Berger and J. Ole Jensen, *The Arbitrator's Mandate To Facilitate Settlement*, 40 FORDHAM INT'L L.J. 887 (2017). Available at:  
<https://ir.lawnet.fordham.edu/ilj/vol40/iss3/7>

Gabrielle Kaufmann-Kohler, *When Arbitrators Facilitate Settlement: "Towards a Transnational Standard"*. Clayton Utz/University of Sydney International Arbitration Lecture', Vol 25, No. 2, Arbitration International, (2009).

Stefan Kröll, 'Promoting Settlement in Arbitration: The Role of the Arbitrator', 209, 210 – 214, in Patricia Shaughnessy and Sherlin Tung (ed), *The Powers and Duties of an Arbitrator, Liber Amicorum Pierre A. Karrer*, (Wolters Kluwer 2017).

Yarik Kryvoi, *Enforcement of Settlement Agreements Reached in Arbitration and Mediation*, Kluwer Arbitration Blog, November 25, 2015

Kryvoi, Yarik and Davydenko, Dmitry, *Consent Awards in International Arbitration: From Settlement to Enforcement* (November 7, 2015). Brooklyn Journal of International Law, Volume 40, pp. 827-868, 2015, Available at SSRN: <https://ssrn.com/abstract=2580572>

C. Newmark and R. Hill, 'Can a Mediated Settlement Become an Enforceable Arbitration Award?' *Arbitration International*, Vol. 16, Issue 1, pages 81 – 88, (2000).

Patricia Shaughnessy, *Turning Settlements into Consent Awards*, Cambridge Compendium on International Arbitration, (forthcoming in 2021).

*Albtelecom SHA v. UNIF Commc'ns, Inc.*, 2017 WL 2364365, (S.D.N.Y.)

*Transocean Offshore Gulf of Guinea VII Ltd. v. Erin Energy Corp.*, Docket No. H-17-2623, 2018 U.S. Dist. LEXIS 39494 (S.D. Tex. Mar. 12, 2018).

Castro v. Tri Marine Fish Company, LLC, 921 F.3<sup>rd</sup> 766, (9th Cir. 2019).

Slim Ben Mokhtar Ghenia v. Libya, (2019), Reported in IA Reporter, Damien Charlotin, *Revealed: Reasons Why Bit Tribunal Retracted 2016 Consent Award: Confusion Swirling Around Libya's True Government had Offered Opportunity for Investor to Strike What Tribunal Initially Viewed as a Respondent-Authorized Settlement*, (July 25, 2019).

Odebrecht v. Libya, ICC Case No. 20839/MCP/DDA, Reported in IA Reporter, Damien Charlotin, *Revealed: Tribunal majority in under-the-radar Odebrecht v. Libya arbitration decided to retract a consent award after finding it tainted by corruption*, (Dec. 7, 2020).

Judgment of 17<sup>th</sup> November 2020, *Etat de Lybie v. SA Société Orléanaise d'électricité et de chauffage électrique – Sorelec* (Paris Cour d'Appel)