

INTERNATIONAL ARBITRATION: DISTINGUISHING AND EXPANDING DISPUTE RESOLUTION OPTIONS

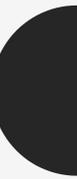
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Neutral (Arbitration and Mediation)

*DIFFERENCE
BETWEEN
MEDIATION &
ARBITRATION*



Mediation
vs.
Arbitration

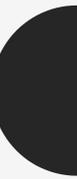
Mediation: Generally

- Not binding. No award. Potential agreement.
- Neutral as facilitator.
- Process/tone: less formal, closer to negotiation.

Arbitration: Generally

- Binding - award. Enforceable.
 - Neutral as decision maker.
 - Process/tone: more formal, closer to litigation.
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*TECHNICAL DEVICES
IN ARBITRATION
THAT BENEFIT
CULTURAL PROPERTY
DISPUTES*



Technical devices in arbitration that benefit cultural property disputes

Procedural peculiarities and flexibility



Prospect of achieving a mutually satisfactory outcome for all sides

*Technical
devices in
arbitration
that benefit
cultural
property
disputes*

- Contract: Tailored/flexible dispute resolution
 - Pre-dispute vs. Post-dispute
 - Step-ADR: Negotiation, mediation, arbitration
 - Scope of arbitration: Broad, narrow, split
 - Procedural: ADR institution/Ad hoc, rules, seat
 - Substantive law
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Technical devices in arbitration that benefit cultural property disputes

- Waiver of sovereign immunity
- Neutral expertise, number, neutrality
- Confidentiality
- Preliminary/interim measures
- Expediting/Discovery
- Language
- Type of award
- Relief

THANK YOU!

