

**EDITORIAL NOTE***Pratyush Nigam\**

It gives us immense pleasure to announce that Volume II, Issue 1 of the *NUJS Journal of Dispute Resolution* ('JODR') has been published. JODR was formed to provide comprehensive research material and help in enhancing the knowledge of Alternate Dispute Resolution ('ADR') framework. The Chief Justice of India, NV Ramana, recently, at the 4th edition of the international conference on "*Arbitration in the Era of Globalisation*" in Dubai observed that a crucial aspect of attracting investment is providing a stable and smooth dispute resolution mechanism. Arbitration can open new avenues of economic prosperity and the government of India is determined at making India an arbitration friendly nation, a testimony being the inauguration of the International Arbitration and Mediation Centre at Hyderabad.

ADR can also be helpful in augmenting high judicial pendency since in the quest for the advancement robust, prompt and inexpensive justice mechanism it also gives due regard to the elements of equity, fairness and impartiality. However, in the past we have seen some instances where Indian courts have given conflicting holdings with the international arbitral rules. In the quest for making India an arbitration friendly nation it is imperative to create a holistic framework where ADR friendly practices are acknowledged and enforced. Keeping these considerations in mind this issue has been crafted and the six manuscripts pertain to prevailing challenges in the field of dispute resolution. The authors have provided a well-equipped forum for constructive and critical discourse among researchers, industry professionals, and academic scholars on this subject.

*A Primer on the Good Cop/Bad Cop Routine in Negotiations* by Abeer Sharma deals with the psychological underpinnings, ethical considerations and strategic aspects of the Good Cop/Bad Cop routine connotation. The article begins by discussing the broad variations of the routine and their individual impact on the psychology of the target. Thereafter the author examines the occurrence of the psychological contrast effect by referring to three important studies conducted during the 1990s. The author describes this tactic as a powerful tool in negotiation and has also acknowledged the elements of subjectivism and ethical considerations which form a necessary facet of negotiations.

*Ensuring Enforcement of International Mediated Settlement Agreements A Spotlight on The Options*, by Mr. Angshuman Hazarika with the support of Geetanjali Sharma and Sri Hari Mangalam evaluates the possibility of the global enforcement of international mediated settlement agreements via the Singapore Convention. The article first examines the general issues in enforcing mediated agreements and covers certain provisions of the Singapore convention. Thereafter, the author discusses the Model Law on Commercial Mediation, 2018 and contrasts provisions from domestic mediation statutes. He compares three different approaches of ensuring enforceability of internationally mediated settlement agreements including Model laws on commercial mediation, domestic mediation provisions and the Singapore Convention

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*The Curious Case of Annulment of Jurisdictional Award in the UAE: Jurisdiction, Admissibility and Practical Considerations* by Harshal Morwale and Mohamed Elnaggar brings to the fore the challenge posed by a UAE law which allows automatic injunction. The authors have argued this law which envisages a right to object and seek an automatic injunction is liable to be misused since the clause which balances the said right is ineffective. Further, amidst a framework that envisages automatic stay on the arbitral awards it is vital to distinguish between jurisdiction and admissibility and courts must refrain from staying awards on jurisdictional aspects when the objection concerns itself with admissibility.

*It's an Emergency, Let's Arbitrate!* by Lakshana R and Swagata Ghosh concerns itself with the dispute between Future Group and Amazon. Amazon had secured an emergency award under SIAC rules, which restrained Future Group from amalgamating with Reliance. Although the Supreme Court upheld the emergency order, the authors opine the apex court could have clarified its stance on foreign seated arbitrations as well through this judgement. Likewise, the authors have argued that the applicability of this order must be clarified concerning foreign seated arbitrations.

*Oral Awards* by Régis Bonnan describes the intricacies involving the less discussed, oral awards in the field of dispute resolution. The author firstly explains the difference between oral awards, hybrid awards and speaking awards and thereafter discusses the conflicting rules about allowing oral awards. Thereafter the author discusses the factors which encourage the arbitrators to not pass oral awards. The author also discusses the practical implications of oral awards by referring to the secret diamond business industry and the Indian domestic oral awards. The author concludes by arguing that oral awards are inconsistent with the prevailing institutional arbitration mechanism.

In the final manuscript, Shanu Jain reviews the second edition of the book, *Take the Witness: Cross-Examination in International Arbitration* by Lawrence W. Newman and Timothy G. Nelson. The book is a compilation of essays on the facets of cross-examination of witnesses in international arbitration. In the opinion of the author, this book is a first of its kind of literature which focuses specifically on cross-examination in international arbitration which is different from cross-examination in national courts. The author has comprehensively analysed and discussed all the essays in the book and has concluded by describing it as the *best available* literature in the field.

This issue continues to maintain the high scholarship standards of JODR, and offers a curated collection of analytical articles that capture readers' attention and inspire them to pursue similar, additional, or comparative areas of research. Their scholarship can be instrumental in increasing engagement in areas where there are no obvious doctrinal answers and the only way ahead is via conversation and debate. To this aim, we are honoured to publish such excellent pieces. There are several people who have, along the way, played a tremendously important role in ensuring the success of this endeavour, and we would like to express our heartfelt gratitude to each of them. Above all, we must express our gratitude to our Vice-Chancellor Prof (Dr) NK Chakrabarty, our Board of Advisors and JODR's faculty advisor Mr. Atul Alexander. We are grateful to all the authors whose contributions appear in the following pages. We hope that you will find the contributions to this issue intellectually stimulating and insightful.