



Comparative International Commercial Arbitration

Julian D.M. Lew, Loukas A. Mistelis, Stefan Kröll

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International arbitration is the preferred method for the settlement of international business disputes. As a private, autonomous and international dispute resolution mechanism arbitration has become independent from national laws in practice.

This new and comprehensive treatise addresses all significant issues pertaining to international arbitration. The perspective is international and comparative and reference is made to all major international treaties and instruments, arbitration rules and national laws.

The authors trace the realities of international arbitration practice, i.e. what parties and arbitrators do, how arbitration is conducted, and the principles pertaining to the arbitration agreement, the formation, role and functions of the arbitration tribunal, and the importance and effect of the arbitration award. These are illustrated by published awards, international instruments and arbitration rules, and national court decisions recognising and giving effect to these autonomous international arbitration practices.

At every stage of the arbitration process there remains a conceptual legal conflict between the inherent international and autonomous character of arbitration and the national laws of the parties, the place of arbitration, and the place where the award is to be enforced. These issues are reviewed with particular reference to national constitutional and regulatory systems, the effect of mandatory laws of connected states, and European and international law including international human rights instruments. The book describes participation in international arbitration of states and state entities, and the interaction between commercial and investment arbitrations.

No two international arbitrations are the same. This book analyses the various structures, practical arrangements, procedures and legal implications for arbitrations wherever the arbitration takes place. It also provides a guide for lawyers involved in the international arbitration process whatever the nationality of the parties and the composition of the tribunal.

The book is an indispensable tool for practising and academic lawyers concerned with international trade law, international litigation and commercial arbitration. It is also an essential guide for those seeking to understand a particular issue in international arbitration

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