

Enforcement and Recognition of Foreign Arbitral Awards

Abstract

This thesis focuses on the issue of recognition and enforcement of foreign arbitral awards. The aim of the thesis is in particular the analysis of sources of law related to the recognition and enforcement of foreign arbitral awards and the related issue of denial of recognition and enforcement of foreign arbitral awards, in particular the NY Convention and the Private International Law Act.

The author of the thesis uses mainly the comparative method and the descriptive method in order to achieve her objective. The thesis is divided into five chapters. In the introduction, the author of the thesis introduces the reader to the issues, methodology and systematics of this thesis. Within the next chapter, the author of the thesis introduces the reader to the terminology of arbitration, introduces the concepts of arbitration and the basic attributes of arbitration. Subsequently, the author of the thesis describes the institutes of recognition and enforcement of foreign arbitral awards, explains the different approaches of different sources of law, as well as the approaches of some states. The conclusion of the thesis provides the reader with answers to the research questions.

The research questions, i.e. "*is the domestic approach to the recognition and enforcement of foreign arbitral awards consistent with the obligations?*" and "*is the domestic approach to the recognition and enforcement of foreign arbitral awards comparably attractive among other states?*" can be answered by stating that, in the opinion of the author of the thesis, the domestic approach to the recognition and enforcement of foreign arbitral awards is clearly not in line with the Czech Republic's obligations under international law, and that the attractiveness of the Czech Republic as a state potentially destined for the enforcement and recognition of foreign arbitral awards is significantly affected by this and it is now up to the courts to decide whether they will allow the institutions of recognition and enforcement of foreign arbitral awards to flourish.

Key words: arbitration proceedings, arbitral award, recognition and enforcement, refusal of recognition and enforcement