

Abstract - Institutional Arbitration

Arbitration in its today's dimension is a phenomenon that represents an alternative system to a state organized litigation. Arbitration is way of settling disputes among subjects in various fields of economic activities. There is commercial arbitration which is the most spread and used in the world, sport arbitration, mixed arbitration and others. This thesis, also due to the fact that it has been assigned by The Department of Commercial law - International Private Law, is devoted to international commercial arbitration.

Arbitration is a private system of litigation in which private neutrals are called by parties to resolve their dispute. Arbitration held by individual neutrals chosen particularly for determinate cause is called *ad hoc* arbitration. In response to a stabilization of arbitration procedure, the arbitration institutions were established to provide arbitral services and other dispute resolution services. Arbitration administrated by such institutions is in theory called institutional arbitral, which is the subject of present work.

The thesis is deemed to report on actual arbitral and other dispute resolution services offered by major world institutions. These services include the arbitration proceedings itself which is the most important and other dispute resolution services such as mediation and its derivations like med-aloa, med-arb etc., expert determination, mini-trials even some most recent like DOCDEX, but not only these. What makes arbitration "institutional" are other services which support the arbitration proceedings, makes it easier and ensure that the final decision will be made without party having to make efforts organizing it, unlike it is in *ad hoc* arbitration.

The first and wider part of the thesis is dedicated to general legal basements of arbitration in general. The second part is dedicated to a comparison between selected world leading arbitral institutions. First chapter describes the ways of disputes resolutions and defines the place of arbitration among them, also comparing it with state litigation. It also presents types and forms of arbitration. Second chapter documents the conditions of arbitral proceedings such as arbitral agreement and its modalities and also the question of arbitrability. Third chapter reports on regulation of arbitration on various levels, such as international treaties, international practice, national laws, arbitral rules issued by arbitration institutions and agreement among parties. The fourth chapter analyses legal position of arbitral institutions illustrated in particular on current situation in Czech Republic. Since sixth chapter is dealing with comparison of arbitration rules of five chosen arbitral institutions, the fifth chapter is introducing them and presenting their history, organization and

provided services. For the comparison I chose these institutions: Czech Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic – the most important Czech arbitral institution, International Court of Arbitration of International Chamber of Commerce, The London Court of International Arbitration, American Arbitration Association and WIPO Arbitration and Mediation Center. The comparison in sixth chapter is going through all the arbitral proceedings comparing institutes in single stages of the proceedings. The method of comparing used in chapter six gives a general view of the single institute (e.g. Preliminary measures) which is common for all selected institutions and then pointing out significant differences offered by each institution. Whole thesis is concluded by chapter seven which points out advantages and disadvantages of arbitration in general compared to litigation and pros and cons of institutional arbitration in contrast with ad hoc arbitration.

Klíčová slova:

institucionální rozhodčí řízení
mezinárodní obchodní arbitráž
alternativní způsoby řešení sporů

Key words:

institutional arbitration
international arbitration
alternative dispute resolution