

Abstract

Legal Regulation of International Arbitration Procedure in the Czech Republic and Argentina

The purpose of my thesis is to describe the legal regulations of international arbitration in the Czech Republic and Argentina, find the differences between them and draw appropriate conclusions.

The thesis begins with an introduction, where I outline the reasons why I chose this topic, the method used and the outcome that I plan to reach. Following the introduction, the thesis is divided into six chapters.

The first chapter provides the reader with a general overview of basic concepts of arbitration. The chapter begins with an attempt to define what arbitration is by putting it in a historical context and then placing it within (or beyond) the scope of alternative dispute resolution. Next, the four main theoretical concepts, which are crucial for the understanding of arbitration, are outlined. The last part of the chapter contains the advantages and disadvantages of arbitration, which explain the popularity of (international) arbitration.

The next chapter deals with the legal regulation of international arbitration in the Czech Republic. It opens with a brief description of development of arbitration throughout Czech history and then is divided into sub-chapters dealing with specific elements of international arbitration under Czech law – legal sources, international element, arbitration agreement, types of arbitration, arbitrability, arbitrators, arbitration proceeding, arbitral award and recognition and enforcement of arbitral awards. Throughout the text, reference is made to relevant and interesting jurisprudence of both Czech and international courts, European law and international agreements. The following chapter on legal regulation in Argentina mirrors the structure of the preceding chapter and includes references to Argentine jurisprudence and relevant regional and international agreements.

The fourth chapter focuses on international legal regulations. The first sub-chapter enumerates some of the most well-known and well-established foreign arbitration courts. The second one is focused solely on the development within MERCOSUR, the economic and political union that Argentina is a part of, describing

dispute resolution between member states, member states and private persons, protection of investments and cooperation in procedural matters.

The pen-ultimate chapter is dedicated to investment protection, a very relevant topic in both countries and offers an introduction to bilateral investment treaties in general, then specifically with regard to the Czech Republic and Argentina and the investment disputes that have ensued, providing examples for both countries.

The final concluding chapter includes a comparison of the countries' respective legal regulations of international arbitration and offers suggestions *de lege ferenda*, where the author thinks exists a need to amend the law.