

## **Abstract**

This diploma thesis concentrates on the issue of the legal position of arbitrator in international commercial arbitration proceedings.

In chapter one of the first part the author concentrates on the origins and history of arbitration proceedings and international arbitration proceedings in Greek and Roman Antiquity, in the Middle Ages, in the modern age until now. Within the historical development the thesis also describes individual international agreements which govern international commercial arbitration as such. In this chapter the author also asks fundamental questions concerning the principles of the functioning of arbitration proceedings.

In its second chapter the thesis first concentrates on defining ADR and arbitration proceedings with an emphasis given on the finding of nodal points between ADR and arbitration proceedings. The author tends to the opinion that the arbitration proceedings are part of ADR. In the following part of this chapter the thesis concentrates on an analysis of the international element in contractual obligations and the elementary difference between the international arbitration proceedings and the in-country arbitration proceedings.

In the first chapter of the second part the author proceeds to the analysis of fundamental requirements for the person of arbitrator. The analysis deals with the issue of whether a legal entity can be an arbitrator and, if an arbitrator is a natural person, what conditions he or she must comply with. The author mainly deals with the issues of the arbitrator's legal education, language knowledge, availability, reputation and flexibility.

The second chapter of the second part then analyzes the arbitrator appointment procedure. Further, it treats the competent procedure of a party if it should appoint one arbitrator and how it should proceed if it should appoint three arbitrators. Further, it discusses the role of the appointing authority and the activity of a national court in case the previous procedures purported to appoint an arbitrator fail.

In the third chapter of the third part the author deals with a more detailed analysis of the arbitrator's impartiality, and independence requirements first in the positive law and then in various works of technical literature.

**KLÍČOVÁ SLOVA:**

mezinárodní obchodní arbitráž, rozhodce, nestrannost a nezávislost

**KEY WORDS:**

international commercial arbitration, arbitrator, impartiality and independence