

ABSTRACT (ENG)

Refusal to recognize and enforce arbitral award under Article V, paragraph 2 (b) of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958

Public policy exception is a deeply rooted instrument used in international documents governing the recognition and enforcement of foreign dispute resolution decisions. It was included in the New York Convention on Recognition and Enforcement of Foreign Arbitral Awards of 1958 since its very first draft, which actually aimed to reform the system of recognition and enforcement of foreign arbitral awards at the time governed by Geneva Protocol and Geneva Convention. Article V section 2 b) of the New York Convention which embodies the public policy exception is quite commonly described as the weakest and the most problematic part of the Convention. In the thesis at hand, the author analyses this provision and conducts a research to find out whether and why the provision is problematic in the practice of the courts.

In the first part of the thesis, the author describes the legislative process of the scrutinized provision. In the second part, author describes and analyses interpretation and application difficulties of the scrutinized provision using mainly various court decisions rendered by the relevant states' courts. In the last third part of the thesis, the author provides a critical analysis of the decisions of Czech courts that applied the scrutinized provision and compares the practice of Czech courts with the common practice among other foreign Courts.