Abstract in English

In the past several decades, arbitration has become very popular method of settlement of international business disputes. One of the key factors behind this success is the possibility to choose the arbitrator. Nevertheless, the right of a party to select an arbitrator is subject to limitations as it may clash with some basic legal maxims such as the right to a fair trial. The specific definition of the right to a fair trial varies from one jurisdiction to another, but its essentials remain the same. In the context of selection of arbitrators, the right to a fair trial manifests itself in a form of the principle that all arbitrators must be and remain independent and impartial. That means that a person deciding a dispute must not be influenced by matters outside of the proceedings which would result in a bias towards or against either of the parties. In order to achieve this, rules applicable to arbitration contain a procedure to remove an arbitrator who fails to meet these requirements from the tribunal. One of the types of bias which impairs impartiality of an arbitrator is the so-called "issue conflict." This term refers to a relationship between an arbitrator and the subject matter of a case with a potential to cause prejudgment on certain issues. Various authorities, however, recommend that the parties nominate arbitrators who are predisposed in favour of the position they hold in the case. This forms a dilemma for the parties as the borderline between predisposition and bias is very thin. This thesis compares selected provisions for challenge of an arbitrator and finds common elements. These findings are subsequently applied to examination of the issue conflict. By assessing sample scenarios and comparing them with relevant case law and commentaries, this thesis attempts to find a pattern which could help parties resolve this dilemma.