

Abstract

This thesis is focused on the characteristics of arbitration in China. The aim of the thesis is to characterize arbitration both in terms of historical and cultural analysis, as well as the terms of contemporary arbitral practice. These characteristics are compared with other Asian countries – with both the Special Administrative Region of Hong Kong and with Singapore. The methods used in the thesis are mainly legal-analytical, descriptive, and comparative.

Besides the introduction and the conclusion, the thesis is structured into seven chapters, which are further divided into parts. The first chapter contains the general characteristics of arbitration, the fundamental definition of the term itself and definition of the nature of arbitration within the scope of the fundamental theories. The issue of differentiation between domestic arbitration and international arbitration as well as related issues of an international element are also described. The chapter further specifies the different types of arbitration, and at the end discusses the advantages and disadvantages of arbitration as an alternative to other forms of dispute resolution.

The second chapter discusses the cultural and historic context in which arbitration is based in China, especially the impact of traditional Chinese teachings. Subsequently it discusses the current sources of arbitration. Afterwards the chapter outlines the characteristics of arbitration in Hong Kong and Singapore. These are eventually compared with the Chinese arbitral environment.

Analysis of the individual specifics of arbitration in China is contained in chapter three. Specifically, chapter three discusses the types of arbitration and the so-called “dual track system” of Chinese arbitration. It also approaches another typical form of dispute resolution – the “med-arb”.

The fourth chapter discusses the issue of international arbitration and arbitration *ad hoc* and related specifics of Chinese arbitration. Subsequently, in chapter five, I consider the important arbitral institutions in China, Hong Kong and Singapore and briefly compare these institutions.

The next chapter, chapter six, is devoted to the arbitral practice itself. Initially the base of the arbitral practice is discussed – the arbitration agreement and then the applicable law and jurisdiction of the arbitral tribunal to decide the dispute. Furthermore, I discuss the

appointment of the arbitrators and the establishment of the panel of arbitrators. Additionally, this chapter examines the issue of interim measures.

The final chapter deals with the recognition and enforcement of domestic arbitration awards, foreign arbitration awards and foreign-related arbitration awards. Lastly, the special provisions of the recognition and enforcement of arbitral awards in Hong Kong, Macau and Taiwan is discussed.