

International arbitration

The purpose of the thesis is to determine the role of international arbitration in the system of domestic law, discuss the basic aspects of its character and show its relation to the decision-making practice of the European Court of Human Rights and to the Czech law. The methods used in the thesis are mainly legal-analytical, descriptive and comparative.

Besides the introduction and conclusion, this work is divided into four main sections, which are further divided into subsections. The first chapter is devoted to alternative dispute resolution and its relation to the arbitration. There we find an explanation of the concept itself, the list of reasons for the exclusion or inclusion of arbitration into this system, and last but not least, the advantages and disadvantages of this method of dispute resolution, which are described for better clarity on the most frequently used method of alternative dispute resolution in Czech Republic, i.e. mediation.

The following chapter focuses on the general specifics of the arbitration proceedings, which are common to the national and international arbitration. First part of this chapter is devoted to the European Convention on Human rights and its Article 6 paragraph 1, which guarantees the right to a fair trial, and to its application on the arbitration, where at the same time I point out the expert opinions whether this Article should be applied or not. Furthermore, in this chapter, I am dealing with different concepts and thoughts that are used between the state and the arbitration law, where I also simultaneously express an opinion on the doctrine applied by the Czech law.

The third chapter deals with the international arbitration itself, where I gradually describe its sources, the definition of an international element, arbitration agreement as a basic condition during international arbitration and, ultimately, the law applicable to the merits of the dispute.

The last chapter is devoted to the process and the organization of international arbitration. This process is described at the ICC International Court of Arbitration.