

1. Record Nr.	UNINA9910438060603321
Autore	Synkova Sandra
Titolo	Courts' inquiry into arbitral jurisdiction at the pre-award stage : a comparative analysis of the English, German and Swiss legal order // Sandra Synkova
Pubbl/distr/stampa	Cham, : Springer, 2013
ISBN	3-319-00134-5
Descrizione fisica	1 online resource (320 p.)
Disciplina	347.409
Soggetti	Arbitration and award Arbitration (International law)
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di contenuto	Introduction -- Functional Equivalents for Comparison -- Theoretical Underpinnings of Arbitral Jurisdiction -- Competence-Competence -- The New York Convention and the Obligation to Recognise and Enforce Arbitration Agreements -- The Application of Section 9 of the Arbitration Act 1996 (England) -- The Application of § 1032(1) of the German Code of Civil Procedure (Germany) -- The Application of Article 7 of the Swiss Private International Law Act (Switzerland) -- Conclusion, Evaluation and Future Perspectives.
Sommario/riassunto	International arbitration has become the favored method of resolving disputes between business partners in almost every aspect of international trade, commerce, and investment. The resolution of a dispute by means of international arbitration provides the parties with an opportunity to resolve their disputes in a private, confidential, cost and time efficient manner before a neutral tribunal of their choice. However, challenges to arbitral jurisdiction have become a common practice in the field. Resolution of such challenges may significantly delay the resolution of the parties' primary substantive dispute, increase overall dispute resolution costs and even whittle down the benefits of the parties' bargain to arbitrate. Accordingly, adopting a proper approach to the resolution of such disputes becomes crucial to the efficacy of international arbitration as a system of dispute resolution. The present book provides a comparative analysis of the

practice of three carefully selected legal orders: the English, German and Swiss and outlines possible ways forward. As the work strikes a balance between theory and practice, it will appeal to practitioners, researchers, but also students looking to develop their understanding of the international arbitration field.
