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Anne-Sophie Papeil -- The law applicable to the assignment of claims subject to an arbitration agreement / Daniel Girsberger -- The laws governing interim measures in international arbitration / Christopher Boog.

Sommario/riassunto

Irrespective of the increasing harmonization of law at the transnational level, every arbitration raises a number of conflict of laws problems relating to procedural questions as well as to issues concerning the merits of the case. Unlike a state court judge, the arbitrator has no "lex fori" in the proper sense providing the relevant conflict rules to determine the applicable law. This raises the question of what conflict of laws rules to apply and, consequently, of the extent of the freedom the arbitrator enjoys in dealing with this and related issues. The best example of the importance of conflict of laws questions in arbitration is the Vivendi-Elektrim saga where the outcome of the various proceedings depended on the question of characterization. This very beneficial book is dealing with- the arbitration agreement,- the jurisdiction of the arbitral tribunal,- the law applicable to the merits and- the arbitration procedure.
