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INTRODUCTION

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This treatise aspires to provide a comprehensive description and analysis of the contemporary constitutional structure, law, practice and policy of international commercial arbitration. It also endeavors to identify prescriptive solutions for the conceptual and practical challenges that confront the international arbitral process. In so doing, the treatise focuses on the law and practice of international commercial arbitration in the world's leading arbitral centers and on the constitutional principles and legal frameworks established by the world's leading international arbitration conventions, legislation and institutional rules.

International arbitration warrants attention, if for nothing else, because of its historic, contemporary and future practical importance, particularly in business affairs. For centuries, arbitration has been a preferred means for resolving transnational commercial disputes, as well as other important categories of international disputes.[1] The preference which businesses have demonstrated for arbitration, as a means for resolving their international disputes, has become even more pronounced in the past several decades, as international trade and investment have burgeoned. As international commerce has expanded and become more complex, so too has its primary dispute resolution mechanism – international arbitration.[2] The practical importance of international commercial arbitration is one reason that the subject warrants study by companies, lawyers, arbitrators, judges and legislators.

At a more fundamental level, international commercial arbitration merits study because it illustrates the complexities and uncertainties of contemporary international society – legal, commercial and cultural – while providing a highly sophisticated and effective means of dealing with those complexities. Beyond its immediate practical importance, international arbitration is worthy of attention because it operates within a framework of international legal rules and institutions which – with remarkable and enduring success – provide a fair, neutral, expert and efficient means of resolving difficult and contentious transnational problems. That framework enables private and public actors from diverse jurisdictions to cooperatively resolve deep-seated and complex international disputes in a neutral, durable and satisfactory manner. At their best, the analyses and mechanisms which have been developed in the context of international commercial arbitration offer models, insights and promise for other aspects of international affairs.

The legal rules and institutions relevant to international commercial arbitration have evolved over time, in multiple and diverse countries and settings. As a rule, where totalitarian regimes or tyrants have held sway, arbitration – like other expressions of private autonomy and association – has been repressed or prohibited; where societies are free, both politically and economically, arbitration has flourished.

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1 The history of international arbitration is summarized below. *See* §1.01.

2 The popularity of international commercial arbitration as a means of dispute resolution is discussed below. *See* §1.03.