Main reason for choice of venue in international arbitration

- Legal Considerations: 36%
- Neutrality: 21%
- Convenience: 30%
- Proximity: 6%
- Other: 7%

Preferred Arbitration Venues

- England: 127
- Switzerland: 74
- France: 63
- USA: 58
- Japan: 12
- Other: 4
Important Elements of Venue / Seat

- Local Law
- Local Courts
- Local legal infrastructure
- Local general infrastructure
- Other?

How do major European seats compare?

- Major European Seats:
  - London
  - Paris
  - Switzerland
  - Sweden
  - Collective disapproval of UNCITRAL Model Law?

How do major European seats compared?

- Relevance of local law
  - To the extent necessary, if at all, in France and Switzerland
  - Ss 1, 2, 4, schedule 1 in England
- Relevance of local courts
  - Where provided
  - Apparently wider in England
- Review of awards
How do major European seats compare?

- Review of award
  - English “peculiarities” are to a great extent result of unified system, i.e. no different laws for domestic and international arbitration
- Historical context
  - Mandatory as regards sections 67 and 68 but not 69
- Practice?

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<th>Refused</th>
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Challenge of awards in England

Comparison with major European seats

- Overall significantly fewer challenges in France, Switzerland, and Sweden
- No challenges on a point of law
The way forward

- It seems that majority of users wishes to have the current system retained
- No “wrong” cases yet, but recognition of potential for delay in the enforcement, uncertainty relating to final and binding nature of the award
- Corrections in the system are necessary.

Thank you

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