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ARBITRABILITY INTERNATIONAL AND COMPARATIVE PERSPECTIVES

In the ordinary sense, arbitrability involves the issue of whether specific category of disputes can be barred from arbitration or whether it belongs exclusively to the domain of state courts. 2 If the subject matter of the dispute is non-arbitrable, the parties cannot confer jurisdiction upon the Arbitral Tribunal vide an arbitration agreement or otherwise. 3 In recent times, the trend towards expansion of arbitrability along with a host of other favourable factors have played a crucial ...

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Arbitrability. Arbitrability refers to the question of whether a particular dispute may or may not be settled through arbitration. As explained by Professor Loukas A Mistelis, the issue of arbitrability 'involves the simple question of what types of issues can and cannot be submitted to arbitration and whether specific classes of disputes are exempt from arbitration proceedings'. [2]

Arbitrability and Public Policy Challenges

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