

New Article on Monism and Dualism in International Commercial Arbitration

If you are in need of some holiday reading, Professor Stacie I. Strong has an interesting new piece out entitled “Monism and Dualism in International Commercial Arbitration: Overcoming Barrier to Consistent Application of Principles of Public International Law.” Here is the abstract:

“Although monism and dualism are central tenets of public international law, these two principles are seldom, if ever, considered in the context of international commercial arbitration. This oversight is likely due to the longstanding assumption that international commercial arbitration belongs primarily, if not exclusively, to the realm of private international law. However, international commercial arbitration relies heavily on the effective and consistent application of the New York Convention and other international treaties, and must therefore be considered as a type of public international law.

This chapter considers the principles of monism and dualism in international commercial arbitration and identifies a number of ways in which international commercial arbitration can overcome some of the practical and theoretical problems associated with improper or ineffective incorporation of international law into the domestic realm. In so doing, this chapter provides some useful insights not only regarding the operation of the international arbitral regime but also regarding other areas of public international law.”

Happy Holidays and Happy New Year to all our readers!