

《国际商事仲裁》

图书基本信息

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前言

国际商事仲裁是国际商事争议解决中的重要制度之一，以其具有的最终约束力、便利性、保密性、专业性等特点而受到国际商业界人士的青睐与支持，一直以来就是解决国际商事争议的重要方式。在经济全球化的今天，国际商事仲裁的作用和地位都在加强，了解和掌握相关的法律知识对于我国企业界和法律界来说变得必不可少。这不仅要求知识上的掌握，还要求在语言上能够通过原文来了解和操作国际商事仲裁，这就要求尽可能地以英文来进行。因此，国际商事仲裁的学习有必要以英文作为学习的主要工具，惟此才能使学习者在将来的工作中尽快熟悉和掌握国际商事仲裁的相关实务和理论问题，尽早地跨越语言障碍和知识障碍。

《国际商事仲裁》（英文版）是为培养复合型涉外法律专门人才而编写的法学双语教材。在广泛收集资料、重视国外学者相关论述的基础上，本教材采用了英文为主、中文为辅相结合的方式，对国际商事仲裁中的重要问题进行了叙述。本教材共分为十章，内容包括国际商事仲裁简介、国际商事仲裁机构、仲裁协议、仲裁准据法、仲裁机构、仲裁程序、仲裁临时措施、仲裁裁决对仲裁裁决的异议，国际仲裁裁决的承认与执行等，涉及到了国际商事仲裁的主要理论与实践问题，做到了语言地道、论述清晰、重点突出、难度适当，全面、深入、系统地阐述了国际商事仲裁法律制度的主要内容。本教材注重理论与实践的结合，不仅做到知识上的覆盖，更强调若干实务问题，做到了背景、知识、理论与案例的有机统一。为此，本教材内容皆精选自相关国外权威著作对国际商事仲裁的论述，又根据我国读者的需要做了适当编著，做到了内容新颖、语言地道、表达简练，学术性与实务性结合紧密，适合中国学生学习之用。为了方便学习，本书特意对一些重点内容以汉语做了相关注释，并提供了一些基本的背景性知识介绍，以帮助理解。从实用性角度来看，本书既可以作为高等学校法学、国际贸易、国际企业管理等专业学生的教材，也可以为国家机关、企（事）业单位中从事法律、经济和贸易的相关人员提供有意义参考。

本书第1~5章由李纪恩负责编写，第6-10章由王秉乾负责编写，全书由王秉乾最后统稿并定稿。本书是对外经济贸易大学211工程第三期（国际建设工程争端解决机制研究，项目号73400036）的子成果之一。编著者特此向对外经济贸易大学出版社提供的帮助与支持表示衷心感谢。

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内容概要

《国际商事仲裁》（英文版）是为培养复合型涉外法律专门人才而编写的法学双语教材。在广泛收集资料、重视国外学者相关论述的基础上，本教材采用了英文为主、中文为辅相结合的方式，对国际商事仲裁中的重要问题进行了叙述。本教材共分为十章，内容包括国际商事仲裁简介、国际商事仲裁机构、仲裁协议、仲裁准据法、仲裁机构、仲裁程序、仲裁临时措施、仲裁裁决对仲裁裁决的异议，国际仲裁裁决的承认与执行等，涉及到了国际商事仲裁的主要理论与实践问题，做到了语言地道、论述清晰、重点突出、难度适当，全面、深入、系统地阐述了国际商事仲裁法律制度的主要内容。本教材注重理论与实践的相结合，不仅做到知识上的覆盖，更强调若干实务问题，做到了背景、知识、理论与案例的有机统一。为此，本教材内容皆精选自相关国外权威著作对国际商事仲裁的论述，又根据我国读者的需要做了适当编著，做到了内容新颖、语言地道、表达简练，学术性与实务性结合紧密，适合中国学生学习之用。

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章节摘录

The CIETAC has its headquarters in Beijing and three sub-commissions in Shanghai : Shenzhen : and Tianjin : respectively known as the CIETAC Shanghai Sub-Commission : the CIETAC South China Sub-Commission and the CIETAC Financial Arbitration Center in Tianjin. In order to meet the needs of the development of its arbitration practices : the CIETAC also successively established 21 liaison offices in different regions and specific business sectors to provide parties with convenient arbitration advice. To meet the demands of the parties : the CIETAC took the initiative to introduce its arbitration practice into dispute resolution services in specific business sectors : such as grain : commerce : construction : finance : leather and wool transactions. Moreover : CIETAC provides online dispute resolution service to the parties and is strongly engaged in research on the online resolution of e-commerce disputes so as to further develop an arbitration-centered multi-solution system that meets the demands of the parties. Throughout the past 50 years : CIETAC has made prominent contributions to the legislation of the Chinese Arbitration Law and the development of the arbitration practice in China : has maintained positive relations and cooperation with all the major arbitration institutions across the world and gained the reputation at home and abroad as an independent : impartial and efficient arbitration institution. It must be mentioned that in the arbitral proceeding : the CIETAC combines conciliation with arbitration together : and has received good results. Its approach includes : firstly : where the parties have reached a settlement agreement by themselves through negotiation or conciliation without involving the CIETAC : either party may : based on an arbitration agreement concluded between them that provides for arbitration by the CIETAC and the settlement agreement : request the CIETAC to constitute an arbitral tribunal to render an arbitral award in accordance with the terms of the settlement agreement. Unless the parties agree otherwise.

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